

No. 10-9646

In The
Supreme Court of the United States

—◆—
EVAN MILLER,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

—◆—
**On Writ Of Certiorari To The
Alabama Court Of Criminal Appeals**

—◆—
BRIEF FOR PETITIONER

—◆—
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QUESTIONS PRESENTED

1. Does imposition of a life-without-parole sentence on a 14-year-old child convicted of homicide violate the Eighth and Fourteenth Amendments' prohibition against cruel and unusual punishments?
2. Does such a sentence violate the Eighth and Fourteenth Amendments when it is imposed upon a 14-year-old child as a result of a mandatory sentencing scheme that categorically precludes consideration of the offender's young age or any other mitigating circumstances?

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OPINIONS BELOW

The opinion of the Alabama Court of Criminal Appeals is reported at 63 So. 3d 676 and appears in the Joint Appendix at J.A. 131-90. That opinion withdrew the court's previous opinion, substituted a new opinion, and overruled petitioner Evan Miller's application for rehearing. The order of the Alabama Supreme Court denying a petition for a writ of certiorari to review the judgment of the Alabama Court of Criminal Appeals is unreported and is reproduced at J.A. 191-92.



JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a). The initial judgment of the Alabama Court of Criminal Appeals was issued on June 25, 2010. On August 27, 2010, that court overruled a timely application for rehearing, withdrew its opinion, and substituted a new opinion. The Alabama Supreme Court denied Evan's timely petition for certiorari to the Alabama Court of Criminal Appeals on October 22, 2010. On January 13, 2011, Justice Thomas extended the time for filing a petition for certiorari until March 21, 2011. The petition was filed on that date.



RELEVANT CONSTITUTIONAL PROVISIONS

The Eighth Amendment to the United States Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

It bears upon the States through the Due Process Clause of the Fourteenth Amendment.



INTRODUCTORY STATEMENT

Petitioner Evan Miller's case will be heard by this Court in tandem with *Jackson v. Hobbs*, No. 10-9647. The petitioners' briefs in the two cases have been drafted with a view to sparing the Court redundant reading insofar as possible. The central constitutional arguments for both petitioners are most fully developed in the *Jackson* brief. The present brief summarily reprises those arguments and adds material specifically relevant to Evan Miller's circumstances. Counsel respectfully suggest that the briefs will be best understood if the Brief for Petitioner in *Jackson* [hereinafter "the *Jackson* brief"] is read before this one.¹



¹ Petitioner Evan Miller incorporates all of the arguments in the *Jackson* brief except those in Part H of the *Jackson* Argument section, which are unique to the *Jackson* record.

STATEMENT OF THE CASE

A. The Course of Proceedings and Presentation of the Constitutional Issues in the Courts Below

Evan Miller was arrested in 2003 at the age of 14 and transferred to the Lawrence County, Alabama, Circuit Court (*Ex parte E.J.M.*, 928 So. 2d 1081 (Ala. 2005)), where he was indicted for two counts of capital murder of Mr. Cole Cannon. J.A. 1; C. 10-11.² Before trial, defense counsel moved for a declaration that Alabama's mandatory life-without-parole sentence could not constitutionally be applied to a 14-year-old charged with capital murder. J.A. 20-21. The motion was denied. J.A. 22.

Following a jury trial, Evan was convicted of capital murder in the course of an arson but acquitted of capital murder in the course of a robbery. J.A. 70, 77; C. 93. On the same day and without further proceedings, he was sentenced to life imprisonment without parole. J.A. 70-72. Counsel filed a new-trial motion arguing that a sentence of life imprisonment without the possibility of parole imposed upon a young adolescent violates the Eighth and Fourteenth Amendments (J.A. 80-87) and presenting uncontroverted evidence of the rarity of such sentences (J.A. 127-30). The motion also challenged the imposition of a mandatory life-without-parole sentence on a

² "C." refers to the clerk's record in the appellate record below. "R." refers to the trial transcript.

14-year-old without consideration of his youth or other mitigating circumstances. J.A. 87-92. The Circuit Court denied the motion. J.A. 100. Evan was sent to state prison. J.A. 4, 78.

Evan's counsel appealed to the Alabama Court of Criminal Appeals, raising both a categorical challenge to the constitutionality of a life-without-parole sentence for a 14-year-old and a challenge to the imposition of a mandatory life-without-parole sentence on a child of that age. Brief of Appellant at 7-29, *Miller v. State*, No. CR-06-0741 (Ala. Crim. App. June 6, 2007). The Alabama Court of Criminal Appeals affirmed, ruling that "Miller's sentence of life in prison without the possibility of parole – the second harshest sentence – for capital murder does not violate the Eighth Amendment." J.A. 151; *Miller v. State*, 63 So. 3d 676, 691 (Ala. Crim. App. 2010). The court concluded that the seriousness of the offense of capital murder supported a life-without-parole sentence regardless of the offender's age. J.A. 148-51; *Miller*, 63 So. 3d at 689-91. It further held that Evan's challenge to the mandatory nature of his sentence was foreclosed by *Harmelin v. Michigan*, 501 U.S. 957, 995-96 (1996); its opinion did not address the impact of his age on this aspect of the case. J.A. 151-52; *Miller*, 63 So. 3d at 691.

Evan's timely application for rehearing was denied after the court substituted a new opinion making alterations not presently relevant. J.A. 7, 190. The Alabama Supreme Court denied Evan's timely petition for certiorari. J.A. 191-92. On March 21, 2011, a

petition for certiorari was filed with this Court. On November 7, 2011, the Court granted it and directed that the case be argued in tandem with *Jackson v. Hobbs*, 10-9647. J.A. 193.

B. Evan's Background, Offense, and Arrest

Evan grew up under conditions of violent physical abuse, extreme neglect, and severe poverty. Both his parents were alcoholics and his mother was also addicted to illegal drugs. J.A. 26. The family moved so often that, at trial, his mother could not recall all the schools Evan had attended. J.A. 66-67.

Evan's father frequently beat Evan, his mother, and his siblings severely. J.A. 26, 61-63. After one such incident, Evan attempted to hang himself in order to escape his father's violence. J.A. 28, 63. Evan was five years old at this time. J.A. 63. He went on to attempt suicide five more times during his childhood. J.A. 63-64. At age six he began receiving mental health treatment (J.A. 29) and was then treated intermittently by several local mental health centers (J.A. 60). He also attempted to escape his brutalizing environment by drinking and using drugs, beginning as early as age eight. J.A. 27; *see also* J.A. 64-65.

When Evan was ten, state authorities finally responded to his father's abuse by removing Evan and his siblings from their home and placing them in foster care. J.A. 26, 61. His parents divorced at that time. J.A. 44. After he was returned to the custody of his drug-addicted mother a few years later, she

continued to fail to provide him with the most basic necessities or even minimal supervision. J.A. 33, 62-63, 67, 68; R. 1251. With no guidance or support, Evan followed his parents' models: his own drug addiction continued to escalate, ultimately leading to daily off-label ingestion of prescription medications in addition to frequent use of marijuana and crystal methamphetamines. J.A. 27.

In this environment, late at night on July 15, 2003, Evan's 52-year-old neighbor, Cole Cannon, interrupted Evan, his family, and his friend Colby Smith as they prepared to go to bed. J.A. 132; R. 710. Evan was then 14 years old; Colby Smith was 16. R. 1022. Mr. Cannon, who was visibly intoxicated (J.A. 132), made a drug deal with Evan's mother within earshot of the two boys. R. 1004. Later, when Mr. Cannon returned to his own home, the two boys accompanied him. Mr. Cannon gave them alcohol and asked the boys to go buy some marijuana with money that he provided. R. 710, 1008, 1012. The three of them smoked the marijuana and played drinking games. J.A. 132-33. Evan was highly intoxicated after consuming almost a fifth of whiskey and two Klonopin³ pills in addition to the marijuana. J.A. 45, 138. Colby Smith testified at Evan's trial that the

³ Klonopin is a psychiatric drug used to treat anxiety which, when taken with alcohol, enhances alcohol's disinhibiting and judgment-impairing effects. R. 1170-73.

boys planned to steal Mr. Cannon's wallet. J.A. 132; R. 981.⁴

At some point while the boys were at Mr. Cannon's home, an altercation began. The cause of the altercation was disputed, but both boys agreed that Mr. Cannon initiated the physical aggression by grabbing Evan's throat. J.A. 133; R. 710-11, 984. Colby Smith admitted at trial that he reacted by beating Mr. Cannon in the head with a baseball bat. J.A. 133. Colby Smith testified that Evan later hit Mr. Cannon with the bat (J.A. 133), although Evan himself told police that he had hit Mr. Cannon with his fists (R. 711). Colby Smith also testified that Evan then put a sheet over his head and said, "I am God, I've come to take your life." J.A. 133. Both boys started fires in Mr. Cannon's home. J.A. 133. As they were doing so, Mr. Cannon asked Colby, "[W]hy are y'all doing this to me?" J.A. 133-34. The boys left. R. 991. Mr. Cannon died later that morning of smoke inhalation. J.A. 137.

A week later, Evan was brought to the police station and interrogated regarding Mr. Cannon's death. R. 699-701. After two hours of questioning by adults (R. 656), he signed an inculpatory statement written

⁴ In exchange for testifying against Evan, 16-year-old Colby Smith was permitted to plead guilty to felony murder and was sentenced to life *with* parole eligibility. R. 1037.

by the investigating officer (R. 773) and was then arrested (R. 714).



SUMMARY OF ARGUMENT

The constitutional logic of *Roper v. Simmons* and *Graham v. Florida* requires the invalidation of a mandatory sentence of life imprisonment without parole imposed on a 14-year-old child.

As a class, children 14 and younger are inherently characterized by internal attributes and external circumstances which preclude a finding of the degree of culpability that would make their consignment to life-long incarceration with no hope of release constitutionally permissible under Eighth Amendment excessiveness analysis. This is no less true in murder cases than in other cases of violent crimes by young teens. The Summary of Argument at pages 5-6 in the *Jackson* brief outlines this submission.

The mandatory nature of the life-without-parole sentence imposed on Evan Miller provides an independently sufficient ground for its invalidation. The cornerstone of the Eighth Amendment analysis which informed this Court's *Roper* and *Graham* decisions is that youth and its attendant features have a critical role to play in determining an adolescent's culpability. To wholly disregard a 14-year-old offender's age and age-related characteristics in sentencing him to be

imprisoned for the remainder of his existence makes a mockery of this fundamental precept.



ARGUMENT

THE CONSTITUTIONAL LOGIC OF *ROPER V. SIMMONS* AND *GRAHAM V. FLORIDA* CONTROLS THIS CASE.

The *Jackson* brief painstakingly examines this Court's decisions in *Roper v. Simmons*, 543 U.S. 551 (2005), and *Graham v. Florida*, 130 S. Ct. 2011 (2010).⁵ To avoid tedious repetition here, a very brief summary of the Court's reasoning in those cases is in order:

A. The Eighth Amendment Reasoning of *Roper* and *Graham*

The cases start from the settled premise that the Eighth Amendment prohibits punishments which are excessive in relation to the moral culpability of the offender. *Roper*, 543 U.S. at 560; *Graham*, 130 S. Ct. at 2021. Both opinions explain and document in meticulous detail why the moral culpability of adolescent children cannot be judged in the same way as that of adults.

⁵ See the opening of the Argument section and Part A of the Argument (pp. 6-15) in the *Jackson* brief.

Adolescents are unfinished products, works-in-progress toward the adult character they have not yet formed. They are flooded by the hormonal surges of puberty; their underdeveloped brain structure and their lack of experience with the world leave them inadequately equipped to cope with the sensation-seeking, risk-taking impulses that they experience. The physiological growth and social acculturation which underlie adult behavioral controls are incomplete in them. They are uniquely subject to peer pressure and bad external influences. Economic and cultural realities and a phalanx of laws enacted to “protect” them combine to limit their ability to modify their surroundings or to move out of settings that provide unwholesome conditions of upbringing. These handicaps of immaturity and limitations of coping capability come to them through no fault of their own: In their early teens, they have not yet had a chance to take charge of their own lives and destinies. But that will change. Precisely because their signature characteristics are transitory, these children themselves are bound to change as they mature. Predicting what they will become is chancy, speculative, unreliable.

For all of these reasons, it is constitutionally impermissible to make a final, irrevocable judgment that a young teenager will forever be unsuited for life in free society and must be consigned to “die in prison without any meaningful opportunity to obtain release, no matter what he might do to demonstrate that the bad acts he committed as a teenager are not representative of his true character, even if he spends

the next half century attempting to atone for his crimes and learn from his mistakes,” *Graham*, 130 S. Ct. at 2033.

The core holding in *Graham* is that the Eighth Amendment forbids juvenile sentences that provide “no chance for fulfillment outside prison walls, no chance for reconciliation with society, no hope.” 130 S. Ct. at 2032. Of course, that holding was rendered in the context of a nonhomicide crime. Respecting the settled practice of the Court “never to anticipate a question of constitutional law in advance of the necessity of deciding it,”⁶ *Graham* forbore to address the question of whether its prohibition of lifelong incarceration of juvenile nonhomicide offenders applies to juvenile homicide offenders as well. But *Roper* did consider juvenile homicide offenders, and *Roper*’s reasons for holding that they could not be sentenced to die even for the crime of murder do not differ in any appreciable regard from *Graham*’s explicit rationale. Logically, *Graham* and *Roper* together establish an analytic framework which compels the conclusion that a life-without-parole murder sentence imposed on a 14-year-old child like Evan Miller violates the Eighth Amendment.

⁶ *Liverpool, New York & Philadelphia S.S. Co. v. Commissioners of Emigration*, 113 U.S. 33, 39 (1885), *quoted in, e.g., Communist Party v. Subversive Activities Control Bd.*, 367 U.S. 1, 71-72 (1961), and *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 341, 346-47 (1936) (Brandeis, J., concurring).

B. The Sources of Information About Adolescence Recognized by *Roper* and *Graham* and Their Teaching Regarding the Relevant Characteristics of Young Teens in Particular

The reasoning common to *Graham* and *Roper* is also instructive regarding the sources to be consulted for insight into the features of adolescence which bear upon the culpability of young teens who commit murder. In assessing the moral culpability of juvenile offenders convicted of aggravated homicides, the Court in *Roper* noted that “scientific and sociological studies” of child development confirm what “any parent knows” about the frailties and vulnerability of adolescents. 543 U.S. at 569. *Graham* looked to “developments in psychology and brain science [that] continue to show fundamental differences between juvenile and adult minds.” 130 S. Ct. at 2026. The *Roper* opinion collected (in its Appendices B, C, and D, 543 U.S. at 581-88) a multitude of state laws that, by denying adolescents the right to make important judgments reserved for adults, recognize the “comparative immaturity and irresponsibility of juveniles.” *Id.* at 569.

All of these sources of information are canvassed in the *Jackson* brief.⁷ Here we advert to them again only briefly, to emphasize their bearing on young

⁷ See the Subparts B.1 through C.2 of the Argument (pp. 16-34) in that brief.

teens specifically and to add a few details particular to young teens.

1. The Scientific Consensus Regarding the Relative Developmental Immaturity of Younger Teens

The factors which *Roper* and *Graham* recognized as critical for Eighth Amendment analysis in the case of adolescents – biologically based volatility and impetuosity,⁸ underdeveloped self-control systems, inexperience resulting in deficient judgment, susceptibility to pressure from peers to engage in risky, antisocial, acting-out behavior, inability to structure their own environment or leave it even when it is destructive – are at their peak in young teens. Fourteen-year-olds find themselves in an especially precarious period of heightened vulnerability to impulsive, venturesome experimentation because they are trapped in “[t]he temporal gap between the arousal of the socioemotional system, which is an early adolescent development, and the full maturation of the cognitive control system, which occurs later.”⁹

⁸ See, e.g., Laurence Steinberg, *Risk Taking in Adolescence: New Perspectives from Brain and Behavioral Science*, 16 *Current Directions Psychol. Sci.* 55, 56-58 (2007).

⁹ Laurence Steinberg, *Adolescent Development and Juvenile Justice*, 5 *Ann. Rev. Clinical Psychol.* 47, 54 (2009).

This is largely a matter of immature psychological and neurological development¹⁰ and of having had too little time to learn ways of adjusting to their own drives and to the frustrations of the world around them without battling it. Middle-schoolers of 13 and 14 lack even the limited resources of reflectiveness, sense of self (including self-worth and future orientation), and ability to say “no” to peers that older teens and adults eventually acquire.¹¹ They have limited foresight of consequences¹² and are drawn to take risks rather than to avoid them.¹³ Perhaps most important from the standpoint of the *Graham-Roper* analysis, they are just on the threshold of a period of growth and change that will radically remake them. “[A]dolescence is second only to the neonatal period in terms of both rapid biopsychosocial growth as well as changing environmental characteristics and

¹⁰ See, e.g., B. Luna, *The Maturation of Cognitive Control and the Adolescent Brain*, in *From Attention to Goal-Directed Behavior* 249, 252-57 (F. Aboitiz & D. Cosmelli eds., 2009).

¹¹ Laurence Steinberg & Susan B. Silverberg, *The Vicissitudes of Autonomy in Early Adolescence*, 57 *Child Dev.* 841, 846 (1986) (autonomy in the face of peer pressure has been shown to decline during early adolescence, “especially for boys, and especially when the pressure is to do something wrong”).

¹² See, e.g., Jari-Erik Nurmi, *How Do Adolescents See Their Future? A Review of the Development of Future Orientation and Planning*, 11 *Dev. Rev.* 1, 12 (1991); Bonnie L. Halpern-Felsher & Elizabeth Cauffman, *Costs and Benefits of a Decision: Decision-Making Competence in Adolescents and Adults*, 22 *J. Applied Dev. Psychol.* 257, 268 (2001).

¹³ See, e.g., Laurence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 *Dev. Rev.* 78, 83 (2008).

demands. . . .” L.P. Spear, *The Adolescent Brain and Age-Related Behavioral Manifestations*, 24 *Neurosci. & Biobehav. Rev.* 417, 428 (2000). For most teens, the extensive maturation that occurs progressively throughout middle and late adolescence¹⁴ will alter their character and greatly increase their ability to regulate impulses and resist external forces that can predispose them to criminal behavior.¹⁵

¹⁴ See, e.g., Leon Mann et al., *Adolescent Decision-Making: The Development of Competence*, 12 *J. Adolescence* 265, 267-70 (1989) (noting that 13-year-olds show less knowledge, have lower self-esteem as decision-makers, envision fewer choice options, and are less inclined to consider consequences than 15-year-olds); Laurence Steinberg, Sandra Graham et al., *Age Differences in Future Orientation and Delay Discounting*, 80 *Child Dev.* 28, 36 (2009) (reporting “significantly lower planning scores among adolescents between 12 and 15 than among younger or older individuals”); Elizabeth Cauffman & Laurence Steinberg, *(Im)maturity of Judgment in Adolescence: Why Adolescents May be Less Culpable than Adults*, 18 *Behav. Sci. & L.* 741, 756 (2000) (noting the significant gains in psychosocial maturity that take place after age 16); Laurence Steinberg & Kathryn C. Monahan, *Age Differences in Resistance to Peer Influence*, 43 *Dev. Psychol.* 1531, 1538-41 (2007) (documenting that “resistance to peer influence increases linearly over the course of adolescence, especially between ages 14 and 18”); and see generally Laurence Steinberg, *Risk Taking in Adolescence: What Changes and Why*, 1021 *Annals N.Y. Acad. Sci.* 51, 55 (2004).

¹⁵ See, e.g., Steinberg, *supra* note 9, at 66; L.P. Spear, *The Adolescent Brain and Age-Related Behavioral Manifestations*, 24 *Neurosci. & Biobehav. Rev.* 417, 421 (2000) (adolescent experimentation in risk-taking is transient for most individuals).

2. The Legislative Recognition That Children in Their Early Teens Are Unready for Full Responsibility

“The law has historically reflected the same assumption that children characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them.” *J.D.B. v. North Carolina*, 131 S. Ct. 2394, 2403 (2011). The peculiar need of younger teenagers for insulation from the harms that they can suffer through their own limited comprehension and poor judgment, no less than from exploitation by other individuals and institutions, is recognized by a wide array of state and federal statutes that distinguish between older adolescents and younger ones in the degrees of protection they afford and of self-autonomy they permit. *See infra* Appendix A. Several dozen such enactments can be found in Alabama alone.¹⁶

¹⁶ *See, e.g.*, Ala. Code § 13A-6-70 (child 15 or younger is incapable of consent to sexual activity). *Id.* §§ 30-1-4, 30-1-5 (child 15 or younger is incapable of contracting for marriage; child 16 or 17 may do so only with parental consent). *Id.* § 8-17-222 (sale of fireworks to child 15 or younger is prohibited unless the child is accompanied by an adult). *Id.* § 26-1-3.1 (child 15 or younger is not permitted to donate blood; 16-year-old may donate blood, but only with parental consent). *Id.* § 22-19-163 (child 15 or younger is not permitted to donate organs). *Id.* § 32-5A-282 (child 15 or younger is required to wear a helmet when riding a bicycle). *Id.* §§ 32-6-7, 32-6-8, 32-5-64 (child 14 or younger cannot drive; 15-year-olds are eligible for a learner’s permit only). *Id.* §§ 16-28-3, 16-28-3.1 (child aged 7 to 16 must attend school, 17-year-old may withdraw under certain circumstances). *Id.* § 25-8-33 (child 15 or younger cannot be employed, with exceptions for certain agricultural work and limited

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From marriage¹⁷ and sex¹⁸ to tattoos,¹⁹ a ubiquitous nationwide legal regulation of dealings by and with

work for 14- or 15-year-olds outside school hours); *see also id.* § 25-8-36 (limiting hours 14- and 15-year-olds are permitted to work). *Id.* §§ 34-5-5, 34-7A-22, 34-13-130 (child 15 or younger is ineligible to be licensed as a barber, cosmetology, or embalmer’s apprentice). *Id.* §§ 27-14-5, 27-34-21 (child 14 or younger is incapable of contracting for insurance or joining a fraternal benefit society). *Id.* § 13A-6-69 (child 15 or younger is protected from enticement for immoral purposes). *Id.* §§ 13A-6-62 to 13A-6-67 (child between 12 and 15 is protected from sexual contact with older persons; these statutory provisions specify several crimes punishing such contact regardless of consent). *Id.* § 13A-6-40 (child 15 or younger is given special protection from kidnapping by providing that restraint is “without consent” even if the child acquiesces, unless a parent or guardian has given consent). *Id.* §§ 13A-6-120 to 13A-6-127 (child 15 or younger is protected while using the Internet; these statutory provisions create several felonies relating to use of computers to entice or lure children). *Id.* § 13A-13-6 (making it a crime to cause a child 15 or younger to engage in an occupation with substantial risk to life or health). *Id.* § 15-3-5 (no statute of limitations for sex offense against child 15 or younger). *Id.* §§ 15-25-2, 15-25-3 (child 15 or younger who is a victim of a sex crime is protected by provisions authorizing his or her videotaped deposition or closed-circuit testimony in a criminal prosecution for a sexual offense). *Id.* § 32-5-222 (penalizing the driver of a vehicle when a child 14 or younger does not wear a seat belt).

¹⁷ *See* note 30 at page 30 of the *Jackson* brief and *infra* Appendix A.

¹⁸ *See* notes 31 and 37 at pages 30 and 32 of the *Jackson* brief and *infra* Appendix A. *See also* 25 C.F.R. § 11.407 (sexual relations with a child under 16 is sexual assault under the code governing Indian reservations).

¹⁹ *See, e.g.*, Idaho Code Ann. § 18-1523 (child 14 to 17 can be tattooed only with parental consent); *see also, e.g.*, Cal. Penal Code § 653 (misdemeanor to tattoo or offer to tattoo child 17 or younger); Wis. Stat. Ann. §§ 948.01, 948.70 (16 or younger may

(Continued on following page)

children demonstrates a broad consensus that those in the early years of adolescence differ markedly from adults and even older teens with regard to the responsibilities they can be expected to exercise. *See* Part C of the Argument (pages [24]-[28]) in the *Jackson Brief*.

Child-labor laws²⁰ and compulsory education laws²¹ commonly differentiate younger from older teens. In the past 15 years, 49 states and the District of Columbia have enacted driver's licensing schemes that place heightened restrictions on the youngest drivers – requirements of adult supervision, limits on night-time driving and carrying passengers, and so forth – which relax as drivers get older.²² The overwhelming

not be tattooed except for medical reasons); S.C. Code Ann. § 44-34-60 (child 17 or younger cannot be tattooed; child 17 or younger who is given tattoo can bring action against tattoo artist for actual and punitive damages).

²⁰ *See* note 41 at page 33 of the *Jackson* brief and *infra* Appendix A.

²¹ *See* note 40 at page 33 of the *Jackson* brief and *infra* Appendix A.

²² *See* note 14 at page 22 of the *Jackson* brief. These graduated licensing laws followed federal government and industry studies showing that teenage drivers' immaturity, inexperience, and propensity for risk-taking makes them the most likely drivers to be involved in a fatal crash. *See* U.S. Gov't Accountability Office, GAO-10-544, *Teen Driver Safety, Report to the Committee on Transportation and Infrastructure and its Subcommittee on Highways and Transit*, House of Representatives 3 (2010); *see also* National Highway Traffic Safety Administration, *Teen Driver Crashes: A Report to Congress* 1-7 (2008); Insurance Institute for Highway Safety, *Young Driver Licensing Systems in*

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majority of states (41) do not allow 14-year-olds to drive under any circumstances; and all but five of the 43 states that permit 15-year-olds to drive require adult supervision.²³ Laws in 45 states restrict the number of passengers that teen drivers can carry.²⁴

3. The Particular Unreliability and Harshness of a Life-Without-Parole Sentence for Younger Teens

Graham noted that “the features that distinguish juveniles from adults also put them at a significant disadvantage in criminal proceedings.” 130 S. Ct. at 2032. And in the setting of an adversarial procedure for determining guilt and the degree of an offender’s

the U.S. (2011), <http://www.iihs.org/laws/GraduatedLicenseCompare.aspx>. In fact, “[t]he fatal crash rate per million miles for 16-year-old drivers is more than 7 times the rate for drivers aged 30 to 59 years.” Li-Hui Chen et al., *Carrying Passengers as a Risk Factor for Crashes Fatal to 16- and 17-Year-Old Drivers*, 283 J. Am. Med. Assn. 1578, 1578 (2000).

²³ See Insurance Institute for Highway Safety, *supra* note 22; see also National Highway Traffic Safety Administration, *supra* note 22, at 3-7.

²⁴ Insurance Institute for Highway Safety, *supra* note 22. Studies show that the incidence of fatal motor vehicle crashes involving 16- and 17-year-old drivers increases with the number of passengers, especially teenage passengers. Driving after drinking alcohol or using drugs, speeding, swerving, crossing the center line, purposely skidding, and running a red light were strongly associated with the presence of peers. Li-Hui Chen et al., *supra* note 22, at 1581.

guilt, disadvantage entails the danger of unreliability. *Graham's* observation that “[j]uveniles mistrust adults and have limited understandings of the criminal justice system and the roles of the institutional actors within it” (*id.*) is especially cogent in the case of younger teens.²⁵ They are peculiarly at risk of erroneous convictions and offense-degree determinations²⁶ and they are at even greater risk of erroneous predictions of culpability and incorrigibility.²⁷

Graham further recognized that a life-without-parole sentence “alters the offender’s life by a forfeiture that is irrevocable” (130 S. Ct. at 2027) and that the severity of the forfeiture is greater in proportion

²⁵ See notes 45-48 and accompanying text at pages 38-39 of the *Jackson* brief; see also Daniel Seagrave & Thomas Grisso, *Adolescent Development and the Measurement of Juvenile Psychopathy*, 26 *Law & Human Behav.* 219, 226 (2002) (adolescence is time of dramatic changes in identity, during which an adolescent may present an “insincere and seemingly choreographed social facade, either by attempting to manage peers’ impressions or because they are ‘trying on’ a not yet established personality style, which can be misinterpreted as the manipulative, false, and shallow features of the psychopathic offender”).

²⁶ See, e.g., Thomas Grisso et al., *Juveniles’ Competence to Stand Trial*, 27 *Law & Hum. Behav.* 333, 356 (2003) (finding that one of every three 11- to 13-year-olds and one of every five 14- to 15-year-olds showed impairments in competency that would result in a mentally ill adult being found incompetent to stand trial).

²⁷ See notes 14-15 *supra* and the text accompanying and preceding them.

to the youth of the offender who suffers it.²⁸ Not only is a young teen deprived of more years than an older one, but these years are years of special importance. As *Graham* pointed out, “it is the policy in some prisons to withhold counseling, education, and rehabilitation programs for those who are ineligible for parole consideration.” *Id.* at 2033. For young teens, the deprivation of these supports at the formative stage of life which they are just entering – a period that “is second only to the neonatal period in . . . rapid biopsychosocial growth as well as changing environmental characteristics and demands”²⁹ – is cruelly calculated to cripple their “potential to attain a mature understanding of . . . [their] own humanity” (*Roper*, 543 U.S. at 574).

C. The Singularly Problematic Status of Mandatory Life-Without-Parole Sentences for Young Teens Under *Roper* and *Graham*

There is no mistaking the central perception which underlies the Eighth Amendment rulings and reasoning in *Roper* and *Graham*. Juveniles are categorically different than adults because they have not reached the stage of development at which a

²⁸ “Under this sentence, a juvenile offender will on average serve more years and a greater percentage of his life in prison than an adult offender.” *Id.* at 2028. For this reason, “[a] 16-year-old and a 75-year-old each sentenced to life without parole receive the same punishment in name only.” *Id.*

²⁹ See the text at pages 14-15 *supra*, between notes 13 and 14.

definitive judgment can reliably or fairly be made that their incorrigibility or degree of culpability warrants their permanent, irrevocable expulsion from society. If that was true of older adolescents like Christopher Simmons and Terrance Graham, it is true *a fortiori* of 14-year-olds like Evan Miller and Kuntrell Jackson. So, even had the life-without-parole sentences of these young teens been imposed after thorough-going consideration of their individual crimes, characters, and life circumstances – as the sentences of Christopher Simmons and Terrance Graham were – they would be starkly at odds with the *Roper* and *Graham* decisions.

That is not, however, the factual or constitutional worst of it. For Evan Miller and Kuntrell Jackson were sentenced to life without parole as a mandatory consequence of their convictions for murder, with no consideration of their individual crimes, characters, life circumstances, or even of their young age. *Mandatory* life-without-parole sentencing of young teens introduces added Eighth Amendment difficulties of two kinds:

- 1. Mandatory Sentences Are Especially Problematic as a Measure of the Acceptability of Life Without Parole as a Proper Punishment in Light of Contemporary Standards of Decency.**

Graham reaffirmed the well-established principle that “[a]ctual sentencing practices are an important

part of the Court’s inquiry into consensus.” 130 S. Ct. at 2023. Their importance, as the Court explained in *Enmund v. Florida*, 458 U.S. 782 (1982), arises from the consideration that “the jury . . . is a significant and reliable objective index of contemporary values because it is so directly involved” in the individualized sentencing determinations required in death penalty cases. *Id.* at 794 (quoting *Coker v. Georgia*, 433 U.S. 584, 596 (1977), quoting *Gregg v. Georgia*, 428 U.S. 153, 181 (1976)); and see *Thompson v. Oklahoma*, 487 U.S. 815, 831-33 (1988) (observing that the Court has examined the behavior of juries “in determining the acceptability of capital punishment to the American sensibility”).

Case-by-case sentencing decisions are a reliable measure of consensus about the appropriateness of capital punishment because “[a] central feature of death penalty sentencing is a particular assessment of the circumstances of the crime and the characteristics of the offender. The system is designed to consider both aggravating and mitigating circumstances, including youth, in every case.” *Roper*, 543 U.S. at 572. In the aggregate, the number of death sentences imposed (and carried out) is a significant indicator of society’s acceptance of capital punishment for entire categories of defendants because that number reflects choices made by sentencing juries and judges who were obliged to consider and give effect to all relevant circumstances, including youth, which bear upon the fit between culpability and sentence. See *Lockett v. Ohio*, 438 U.S. 586, 604 (1978). In contrast,

mandatory life-without-parole sentences, imposed automatically upon conviction without consideration of the offender's age or any other mitigating circumstances, do not reflect the considered determination of a sentencing jury or judge about the appropriateness of the sentence.

It is therefore informative to consider the procedures through which the present population of offenders serving sentences of life without parole for murder at age 14 or younger received those sentences. As noted in the *Jackson* brief, that total population, accumulated over the 40 years since 1971, is approximately 79.³⁰ Only eight of the 79 were sentenced to life imprisonment without parole under discretionary sentencing schemes.³¹ The remainder,

³⁰ See the Subpart E.3 of the Argument (pp. 47-50) in the *Jackson* brief.

³¹ John Ponder and John McNeely were sentenced for first degree murder pursuant to Ark. Code Ann. §§ 5-4-401(a)(1), 5-10-102, see http://adc.arkansas.gov/inmate_info/index.php (search last name Ponder, first name John; and last name McNeely, first name John), see also *Ponder v. State*, 953 S.W.2d 555 (Ark. 1997); Jack Jewitt was sentenced for first degree murder pursuant to Ariz. Rev. Stat. §§ 13-703, 13-1105 (1993), see *State v. Trostle*, 951 P.2d 869, 875 (Ariz. 1997); Aundra Akins was sentenced for attempted first degree murder and second degree murder pursuant to Fla. Stat. Ann. §§ 777.04, 782.04(1), and Demetrius Carey was sentenced for second degree murder pursuant to Fla. Stat. Ann. § 782.04(2), (3), see <http://www.dc.state.fl.us/ActiveInmates/> (search last name Akins, first name Aundra; and last name Carey, first name Demetrius); John Colasurdo was sentenced for first degree murder pursuant to Ill. Stat. Ann. Ch. 38 §§ 9-1, 1005-8-1 (1990), see *Colasurdo Sentenced to Life*,
(Continued on following page)

90% of the individuals sentenced to life without parole in the past four decades, were given those sentences automatically upon conviction, under mandatory sentencing regimes. Only two of the eight non-mandatory life-without-parole sentences were imposed within the past ten years.³² Plainly, where sentencers have had discretion to consider a lesser sentence, they have almost always chosen it as the fitting punishment for murder committed by a young teen.

2. Mandatory Life-Without-Parole Sentencing Denies Juveniles Any Consideration of the Mitigating Force of Youth, in Stark Disregard of the Recognition in *Roper* and *Graham* That Youth Is a Factor of Critical Importance in Proportioning Punishment to an Adolescent’s Offense.

Roper and *Graham* hold that the special characteristics of youth require consideration in determining whether a sentence which “alters the offender’s life by a forfeiture that is irrevocable” (*Graham*, 130 S. Ct. at 2027) is constitutionally excessive. No sense

Kankakee Daily J., July 2, 2008, at A1, http://www.daily-journal.com/print_archive/a01-DJ_07022008-CMYK.pdf; Jason Bryant was sentenced for first degree murder pursuant to Tenn. Code Ann. § 39-13-202, see *State v. Howell*, 34 S.W.3d 484, 490-91 (Tenn. Crim. App. 2000); and Omer Ninham was sentenced for first degree intentional homicide pursuant to Wis. Stat. Ann. §§ 939.50, 940.01, 973.014, see *State v. Ninham*, 797 N.W.2d 451,455 (Wis. 2011).

³² *Id.* (Demetrius Carey & John Colasurdo).

at all can be made of these precedents if they do not stand for that basic proposition at the least. Imposition of a mandatory life-without-parole sentence on an adolescent – such as Evan Miller has received – denies the adolescent any consideration of his age or of the relevance of its special, signature characteristics before he is excluded from normal human society for the rest of his lifetime. It is impossible to square that denial with the deepest, most indisputable, and most rudimentary understanding of *Roper* and *Graham*.

Thus, the court below was incorrect in believing that *Harmelin v. Michigan*, 501 U.S. 957 (1991), resolves the Eighth Amendment issue presented by Evan Miller’s mandatory sentence of life imprisonment without the possibility of parole. Mandatory life-without-parole sentencing of *children* is different from mandatory long-term sentencing of *adults* in precisely the same way, and for precisely the same reason, that *Roper* and *Graham* held children are constitutionally different from adults. What is wrong with mandatory life-without-parole sentencing of children is what it removes from the process of proportioning punishment to culpability. It removes any consideration of the special features of childhood which *Roper* and *Graham* found constitutionally compelling. It flouts *Graham*’s instruction that “[a]n offender’s age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take

defendants' youthfulness into account at all would be flawed." 130 S. Ct. at 2031.³³

Evan Miller's case concretely illustrates this failure. His crime was committed under circumstances that mirror those which *Roper* and *Graham* recognized as prototypical for young adolescents and as diminishing their culpability. Evan was with a peer, an older teen. They were sought out at bedtime by the victim, an adult, who gave them alcohol and induced them to procure marijuana which he then shared with them in his home. An altercation ensued for reasons that are unclear. It was initiated when the victim grabbed Evan by the throat. By this time Evan was full of intoxicants, and he responded violently. He and his companion began beating the victim with a bat. They then set fires in the victim's house. The result was horrible: 52-year-old Cole Cannon died of smoke inhalation. There can be no disputing the ugly aspects of this crime. Under a discretionary sentencing procedure, those aspects could have been proper for consideration by his sentencer. But the sentencer would also have had to ask whether they were explained or mitigated to some extent by Evan's young age and upbringing in a household of abuse, neglect, and instability, with no

³³ Chief Justice Roberts, concurring in the *Graham* judgment, agreed that, in evaluating a sentence of life without parole imposed upon a juvenile, "[t]here is no reason why an offender's juvenile status should be excluded from the analysis," and, indeed, an offender's age should play a "central role." *Id.* at 2039.

real nurture and with nothing but the worst of adult role models. And the sentencer would also have been able to consider Evan's sincere expression of remorse for his participation in the crime, as well as the more lenient sentence received by his older, equally culpable co-defendant.³⁴

³⁴ A large number of the 79 cases in which children 14 or younger were sentenced to life without parole involved older co-defendants, and in many of these cases – as here and in Kuntrell Jackson's case – the older co-defendants received lesser sentences, despite facts demonstrating that the co-defendant was equally or more culpable. *See, e.g., Hodge v. State*, 970 So. 2d 923, 926 (Fla. Dist. Ct. App. 2008) (13-year-old convicted of first degree felony murder as principal but not shooter; court found that the jury was convinced by defense argument that defendant's confession, in which he admitted to being the shooter was untrue, yet four co-defendants, including a 17-year-old, were given only ten-year sentences pursuant to second degree murder convictions, *see* <http://www.dc.state.fl.us/ActiveInmates/> (search DC Numbers: C00385, K71179, K70983, K71014)); *State v. Tolliver*, 639 S.E.2d 673 (N.C. Ct. App. 2007) (14-year-old sentenced to LWOP while three 15-year-old co-defendants who were directly involved in robbery-beating death of victim each received 26-32 years); *Jordan v. State*, 917 S.W.2d 164, 167 (Ark. 1996) (14-year-old convicted of capital murder and sentenced to LWOP while 22-year-old co-defendant identified as the shooter but sentenced to 50 years; *see* <http://adc.arkansas.gov/visitors/Pages/inmateInformation.aspx> (search Cedric Harris, serving LWOP, and Alvis Jordan, not currently incarcerated)); *Commonwealth v. Olds*, 469 A.2d 1072 (Pa. Super. Ct. 1983) (14-year-old who was outside convenience store when 16-year-old co-defendant Roderick Todd Allen shot and killed store customer sentenced to LWOP while Allen not convicted of homicide, *see* <http://ujportal.pacourts.us/docketsheets/cp.aspx> (search: CP-02-CR-0007206-1979)).

As it was, none of these factors – mitigating *or* aggravating – entered into the determination of the appropriate sentence for Evan and his crime. He was simply sent off to prison for life-without-parole as an automatic consequence of his conviction for arson-murder. Such a judgment cannot be squared with this Court’s judgments in *Roper* and *Graham* that punishment must constitutionally be proportioned to culpability and that the youth and youthful frailties of an adolescent offender bear crucially on culpability.

◆

CONCLUSION

The judgment below should be reversed.

Respectfully submitted,
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APPENDIX A*

ALABAMA

Laws establishing minimum age for rights and responsibilities: Ala. Code § 13A-6-70 (West) (child 15 or younger incapable of consent to sexual activity). *Id.* §§ 30-1-4, 30-1-5 (child 15 or younger incapable of contracting for marriage; child 16 or 17 may do so only with parental consent). *Id.* § 8-17-222 (sale of fireworks to child 15 or younger prohibited unless accompanied by adult). *Id.* § 26-1-3.1 (child 15 or younger not permitted to donate blood; 16-year-old may donate blood, but only with parental consent). *Id.* § 22-19-163 (child 15 or younger may not donate organs unless emancipated). *Id.* § 32-5A-282 (child 15 or younger required to wear helmet when riding bicycle). *Id.* §§ 32-6-7, 32-6-7.2, 32-6-8 (child 14 or younger cannot drive; 15-year-old eligible for learner's permit only; 16-year-old eligible only for restricted license); *see also id.* § 32-5-65 (providing criminal penalties for adults who allow children 15 and younger to operate motor vehicles other than through authorized driver training programs). *Id.* §§ 16-28-3, 16-28-3.1 (child aged 7 to 16 must attend school, 17-year-old may withdraw under certain circumstances). *Id.* § 16-1-42 (child 15 or younger not eligible to obtain high school diploma on fast track program). *Id.* § 26-1-5 (child 16 or younger may not contract for

* All statutes are current per Westlaw as of January 9, 2012. This appendix provides examples of relevant statutes and is not an exhaustive listing.

educational loan). *Id.* § 31-2-2 (child 16 or younger not eligible to serve in Alabama National Guard). *Id.* § 25-8-33 (child 15 or younger may not be employed, with exceptions for certain agricultural work and limited work for 14- or 15-year-old outside school hours); *see also id.* § 25-8-36 (limiting hours 14- and 15-year-olds permitted to work). *Id.* §§ 34-5-5, 34-7A-22, 34-13-130 (child 15 or younger ineligible to be certified as apprentice in cosmetology or as barber or embalmer). *Id.* §§ 27-14-5, 27-34-21 (child 14 or younger incapable of contracting for insurance or joining fraternal benefit society). *Id.* §§ 9-11-44, 9-11-50, 9-11-53, 9-11-53.1 (child 15 or younger ineligible for hunting or fishing licenses).

Laws extending extra protection to young adolescents: Ala. Code § 13A-6-69 (children 15 and younger protected from enticement for immoral purposes). *Id.* §§ 13A-6-62, 13A-6-64, 13A-6-67 (children 13, 14, and 15 protected from sexual contact with persons 2 years older through the criminalizing of such contact regardless of consent). *Id.* § 13A-12-111 (children 15 or younger protected from prostitution). *Id.* § 13A-6-40 (children 15 and younger protected from kidnapping through provision stating that restraint is “without consent” even if child acquiesces, unless parent or guardian has given consent). *Id.* §§ 13A-6-120 to 13A-6-123 (children 15 and younger protected while using Internet by creation of several felonies relating to use of computers to entice or lure children); *see also id.* §§ 13A-6-124, 13A-6-125 (children 15 and younger protected by criminalization of

any travel preceding unlawful sexual act with child). *Id.* § 13A-13-6 (crime to direct or authorize child 15 or younger to engage in occupation involving substantial risk to life or health). *Id.* §§ 15-25-2, 15-25-3 (child 15 or younger who is victim of physical or sexual offense protected through provision authorizing victim's videotaped deposition or closed-circuit testimony in criminal prosecution of offense). *Id.* § 45-17-81.12 (prohibiting pretrial diversion if victim was a child of 14 or younger). *Id.* § 15-3-5 (no statute of limitations for sex offense against child 15 or younger). *Id.* § 14-1-8 (Board of Department of Corrections must notify protective services about children 15 and younger whose parents are incarcerated).

ALASKA

Laws establishing minimum age for rights and responsibilities: Alaska Stat. Ann. § 11.41.436 (West) (child 15 or younger cannot consent to sex, except that child 13 to 15 can consent with person less than 4 years older). *Id.* § 25.05.171 (child 14 or 15 may marry only with judicial and parental consent; child 16 or 17 may marry only with parental consent). *Id.* § 13.52.173 (child 15 or younger incapable of consenting to organ donation, unless emancipated); *cf. id.* § 09.55.590 (child 15 or younger ineligible for emancipation). *Id.* § 08.13.217 (minor may not receive tattoo, and may not receive body piercing without consent and presence of parent during procedure). *Id.* §§ 28.15.031, 28.15.051 (child 14 or 15 ineligible for driver's license and may only

receive learner's permit or special/temporary license). *Id.* § 14.30.010 (children 7 to 16 must attend school, with certain limited exemptions). *Id.* § 23.10.332 (children 16 or younger may not work without written authorization from commissioner, with limited exceptions); *see also id.* § 23.10.340 (limiting work hours for children 15 and younger); *id.* § 23.10.350 (child 15 or younger may not work in hazardous jobs; child 16 or 17 requires written exemption from state official to do so). *Id.* § 21.84.025 (child 14 or younger ineligible for adult membership in fraternal benefit society).

Laws extending extra protection to young adolescents: Alaska Stat. Ann. § 11.41.100 (homicide elevated to first-degree murder where death of child 15 or younger occurs during sex offense, kidnapping, or course of physical abuse on child). *Id.* § 11.41.110 (negligent homicide elevated to second-degree murder where victim is child 15 or younger and defendant previously convicted of felony against child of such age). *Id.* §§ 11.41.452 (protecting children 15 and younger from adult Internet predators by punishing persons 18 or older who use a computer to entice such children to engage in sexual conduct). *Id.* §§ 11.41.458, 11.41.460 (enhancing severity of crime for indecent exposure where done in presence of child 15 or younger). *Id.* § 11.41.260 (enhancing severity of crime for stalking where victim 15 or younger). *Id.* § 11.41.370 (for purposes of kidnapping, restraint is "without consent" even if child 15 or younger acquiesces, unless parent or guardian has given consent). *Id.* § 11.56.765 (protecting children 15 and younger by

making it crime for witness to fail to report kidnapping, murder, or certain sex crimes against such children). *Id.* § 12.45.046 (child 15 or younger who is victim or witness to crime protected from mental or emotional strain of open-court testimony in criminal prosecution by provision allowing testimony by closed-circuit television or through one-way mirror).

ARIZONA

Laws establishing minimum age for rights and responsibilities: Ariz. Rev. Stat. Ann. §§ 13-1405, 13-1407 (West) (child 14 or younger incapable of consenting to sex, with exception for marriage; child 15 to 17 capable of consent only with spouse, person under 19, or person less than 2 years older than child with whom child attends high school). *Id.* § 25-102 (child 15 or younger cannot marry without parental consent and judicial approval; child 16 or 17 requires parental consent). *Id.* § 44-134 (child 15 or younger incapable of consenting to donate blood; child 16 or 17 may not do so without parental consent). *Id.* § 28-3153 (child 14 or younger cannot drive; children 15 to 17 progressively eligible for learner's permits and restricted licenses). *Id.* § 36-843 (child too young to apply for driver's license cannot consent to organ donation, unless emancipated); *cf. id.* § 12-2451 (child 15 or younger ineligible for emancipation). *Id.* § 15-802 (children between ages 6 and 16 must attend school). Ariz. Const. art. 18, § 2 (child 15 or younger may not be employed in mines, hazardous occupations, or for more than 8 hours a day). Ariz. Rev. Stat.

Ann. § 32-322 (child 15 or younger ineligible for barber license). *Id.* § 20-1106 (child 14 or younger incompetent to contract for insurance). *Id.* § 20-865 (child 14 or younger ineligible for membership in fraternal benefit society). Ariz. R. Civ. P. 4.1 (summons for child 15 or younger must be served on child and parent or guardian). Ariz. Rev. Stat. Ann. § 36-881 (for purposes of regulating day care centers, child defined as person 14 or younger).

Laws extending extra protection to young adolescents: Ariz. Rev. Stat. Ann. § 13-705 (providing enhanced penalties for dangerous crimes committed by adults against children, including specific category of enhanced penalties where victim is child 12 to 14). *Id.* § 13-751 (enhanced mandatory minimum sentence for murder of child 14 or younger). *Id.* §§ 13-1402 to 13-1406, 13-1410, 13-1419, 13-3206 (enhancing culpability for various sexual offenses where victim is child 14 or younger). *Id.* § 13-3407.01 (separate crime to manufacture methamphetamine under circumstances causing physical injury to child 14 or younger). *Id.* § 28-1383 (enhanced penalty for driving while intoxicated when child 14 or younger in vehicle); *see also id.* § 5-396 (same for operation of watercraft). *Id.* § 28-909 (penalizing driver of vehicle when child 15 or younger fails to wear seat belt). *Id.* §§ 13-4251, 13-4253 (child 14 or younger who is victim of or witness to crime may be permitted to testify in criminal prosecution via closed-circuit television or videotape instead of in open court). Ariz. Const. art. 22, § 16 (children 17 or younger accused or

convicted of a crime may not be confined in the same section of any jail or prison as adult prisoners).

ARKANSAS

Laws establishing minimum age for rights and responsibilities: Ark. Code Ann. § 5-14-27 (West) (child 15 or younger cannot consent to sexual activity with person 20 or older, with exception for marriage). *Id.* §§ 9-11-102, 9-11-103, 9-11-105 (males 16 and younger and females 15 and younger cannot contract for marriage; child 17 and younger cannot do so without parental consent; exception allowed upon court order where couple has child or female is pregnant). *Id.* § 20-27-301 (child 15 or younger prohibited from donating blood; 16-year-old requires parental consent). *Id.* § 20-17-1204 (child 15 or younger incapable of consenting to organ donation, unless emancipated minor); *cf. id.* § 9-27-362 (child 16 or younger may not be emancipated). *Id.* § 27-16-604 (child 15 or younger ineligible for intermediate driver's license). *Id.* § 27-101-602 (child 15 or younger may not operate personal watercraft unaccompanied). *Id.* § 27-20-106 (children aged 14 and 15 may obtain license to operate motorcycles only with 250 cc or smaller engines); *see also id.* § 27-20-110 (child 15 or younger prohibited from carrying a passenger on motor-driven cycle or motorized bike). *Id.* § 6-18-201 (children aged 5 to 17 must attend school). *Id.* § 6-65-105 (child 14 or younger prohibited from enrolling in state agricultural colleges). *Id.* § 6-65-212 (child 14 or younger

prohibited from enrolling in Arkansas State University-Beebe). *Id.* § 6-51-202 (child 15 or younger not eligible to enroll in state vocational-technical and adult education schools of less than college grade). *Id.* §§ 11-6-105, 11-6-106 (children 15 and younger barred from employment in certain dangerous activities or where alcohol is sold). *Id.* § 11-6-108 (limiting hours and times when children 15 and younger may work). *Id.* § 11-6-109 (employers of children 15 and younger required to acquire employment certificates from Department of Labor). *Id.* § 11-12-104 (children 15 and younger may be employed in entertainment industry only if certain requirements met and conditions provided). *Id.* § 23-89-511 (child 15 or younger cannot operate amusement park ride). *Id.* § 17-26-304 (child 15 or younger cannot be licensed as cosmetologist, manicurist, or aesthetician); *see also id.* § 17-20-302 (child younger than 16 years 6 months cannot be licensed as barber). *Id.* § 23-74-201 (child 14 or younger cannot hold adult membership in fraternal benefit society). *Id.* § 23-35-502 (child 15 or younger cannot vote in member meetings, either personally or through parent or guardian, nor become a director or committee member, of any credit union). *Id.* § 9-26-104 (child 15 or younger may not transact business or buy or sell real estate, and court may not remove disability of minority for those children). *Id.* § 12-61-101 (children 16 and younger not eligible for state militia). *Id.* §§ 6-18-1102, 6-18-1104 (children 15 or younger may not solely accompany elementary school students selling fund-raising merchandise door-to-door). *Id.* § 16-55-114 (in civil cases, child 15

or younger not competent to receive service of notice for another person at child's residence). *Id.* §16-19-506 (for Justice of the Peace Courts, child 14 or younger not competent to receive service of process for another person residing at child's residence). *Id.* § 18-60-813 (child 15 or younger not competent to receive sheriff's order for recovery of personal property and for replevin). *Id.* § 28-1-112 (child 14 or younger not competent to receive notice for another person at same residence of child in probate court proceedings). *Id.* §§ 15-42-104, 15-42-106 (child 15 or younger ineligible for hunting or fishing licenses). *Id.* § 16-32-302 (children 15 and younger not included in initial list provided by Department of Finance and Administration to Secretary of State for compilation of state's enhanced prospective juror pool). *Id.* § 24-12-117 (children 15 and younger entitled to survivor benefits from state retirement and pension fund, if employee parent dies during performance of his or her duties or of natural causes, or dies when already retired and pensioned).

Laws extending extra protection to young adolescents: Ark. Code Ann. § 5-10-101 (homicide elevated to capital murder where victim 14 or younger and defendant 18 or older). *Id.* § 5-10-102 (homicide elevated to first-degree murder where victim 14 or younger). *Id.* § 5-14-110 (crime for person 18 or older to cause child 14 or younger to expose himself, or to solicit such child for sexual activity). *Id.* § 5-26-202 (children 15 and younger incapable of committing incest). *Id.* § 5-16-102 (enhanced penalty for voyeurism

where victim 16 or younger). *Id.* § 5-14-129 (children 15 and younger protected by provision prohibiting sex offenders from employment involving interaction with children). *Id.* § 12-12-913 (information regarding Level 2 sex offenders to be made public if victim was child 14 or younger and offender was 18 or older at time of offense). *Id.* § 12-29-404 (exempting sex offenders from eligibility for medical parole if victim was child 14 or younger). *Id.* §§ 9-27-303, 12-18-103 (defining sexual abuse as occurring when an adult 18 or older abuses a child 14 or younger, or adult 20 or older abuses a child 15 or younger). *Id.* §§ 5-27-601 to 5-27-608 (protecting children 16 and younger by criminalizing computer crimes against children). *Id.* § 5-27-306 (protecting children 15 and younger from Internet stalking). *Id.* §§ 5-4-701, 5-4-702 (protecting children 15 and younger by providing enhanced penalties for certain violent felonies committed in their presence). *Id.* § 5-65-111 (enhanced penalty for operating motor vehicle while intoxicated when child 15 or younger in car). *Id.* §§ 27-34-103, 27-34-104 (penalizing driver of vehicle when child 14 or younger fails to wear seat belt). *Id.* § 16-44-203 (child 16 or younger who is victim of sex offense protected through rule authorizing testimony of child by videotaped deposition in criminal prosecution). *Id.* § 9-27-510 (child 15 or younger cannot be transported to adult prison even when serving adult sentence); *see also id.* § 5-4-402 (child 15 or younger who is sentenced as adult to remain in custody of Division of Youth Services until 16th birthday). *Id.* § 16-90-601 (any child 15 or younger given a suspended sentence

for a felony and subsequently pardoned shall have his or her criminal record expunged). *Id.* § 27-50-907 (personal information of children 15 and younger found in their drivers' records not made available to Arkansas military recruiting coordinators). *Id.* §§ 12-12-1603 to 12-12-1610 (protecting children 15 and younger by allowing organizations serving children to request criminal background checks of any volunteers).

CALIFORNIA

Laws establishing minimum age for rights and responsibilities: Cal. Penal Code § 261.5 (West) (child 15 or younger incapable of consenting to sexual intercourse with person 21 years or older who is not the child's spouse). Cal. Fam. Code § 302 (child 17 or younger requires judicial and parental consent to marry). Cal. Health & Safety Code § 12689 (sale of "safe and sane" fireworks to child 15 or younger prohibited). *Id.* § 1607.5 (child 14 or younger incapable of donating blood; 15- or 16-year-old requires parental consent and physician authorization). *Id.* § 7150.15 (child 14 or younger incapable of consenting to organ donation, unless emancipated minor; child between 15 and 18 requires parental consent). Cal. Veh. Code §§ 12512-12514, 12814.6 (children under 17 ineligible for license to drive; 14-year-old eligible for junior permit under extraordinary circumstances; child 15 years 6 months eligible for instruction permit; 16- and 17-year-olds eligible for provisional license only). Cal. Harb. & Nav. Code § 658.5 (child 15

or younger prohibited from operating certain vessels). Cal. Educ. Code § 48200 (children aged 6 to 17 must attend school, with some exemptions). *Id.* § 48232 (children 14 or younger may not take leave of absence from school). Cal. Lab. Code §§ 1290, 1292, 1293, 1294, 1294.5, 1297 (children 15 or younger prohibited from employment in dangerous jobs or tasks). *Id.* § 1294.3 (children 14 or 15 allowed only limited employment). *Id.* § 1391 (limiting hours of employment for children 15 and younger). Cal. Bus. & Prof. Code §§ 2866, 7321, 7321.5, 7324, 7326 (child 16 or younger ineligible to be licensed as vocational nurse, cosmetologist, barber, aesthetician, manicurist). *Id.* § 22706 (children under 17 may not use ultraviolet tanning device). *Id.* § 18702 (child 15 or younger ineligible to be licensed as contestant in boxing, wrestling, or martial arts match). Cal. Ins. Code § 10112 (child 15 or younger requires parental consent to contract for insurance). *Id.* § 11023 (child 14 or younger ineligible for admission to fraternal benefit society).

Laws extending extra protection to young adolescents: Cal. Penal Code § 653j (protecting children 15 and younger from vulnerability to influence by making it a crime for person 18 or older to solicit, induce, or encourage child of such age to commit certain violent felonies). *Id.* § 288 (protecting children 14 and 15 from lewd and lascivious acts by persons at least 10 years older than child). *Id.* § 272 (crime for any person to contribute to the delinquency of child 17 or younger). *Id.* §§ 266h-266k (enhanced

penalties for pimping, pandering with, or procuring for purposes of prostitution child 15 or younger). *Id.* § 14205 (missing person report for child 15 or younger given special priority). *Id.* § 310 (crime to admit child 15 or younger to prizefight or cockfight). Cal. Lab. Code § 1308 (crime to cause child 15 or younger to engage in dangerous employment). *Id.* § 1219.5 (child 15 or younger protected by special procedures before court may impose contempt for refusal to testify or take oath). Cal. Penal Code § 1346 (child 15 or younger who is victim of sex crime protected from emotional trauma through provisions authorizing use of videotaped deposition of victim 15 or younger). Cal. Veh. Code § 27360.5 (penalizing driver of vehicle when child 15 or younger does not wear seat belt). Cal. Welf. & Inst. Code § 211 (children 15 and younger not to be housed in Department of Corrections facility).

COLORADO

Laws establishing minimum age for rights and responsibilities: Colo. Rev. Stat. Ann. § 18-3-402 (West) (child 14 or younger incapable of consent to sexual activity except with persons less than four years older; child 15 or 16 incapable of consent except with persons less than ten years older). *Id.* § 14-2-108 (child 15 or younger may not marry without parental and judicial consent). *Id.* § 12-28-102 (child 15 or younger prohibited from purchasing fireworks). *Id.* § 33-6-107 (child 15 or younger not allowed to hunt wildlife unless accompanied by adult). *Id.* § 13-22-104 (child 15 or younger incapable of donating

blood, organ, or tissue; child 16 or 17 may not do so without parental consent). *Id.* § 12-34-104 (child 15 or younger incapable of making anatomical gift decision unless emancipated); *cf. id.* § 19-1-103 (child 15 or younger unable to be emancipated); *see also* § 13-22-103 (child 14 or younger incapable of consent to organ or tissue donation or making decisions regarding personal medical care). *Id.* §§ 42-2-104, 42-2-106 (child 14 or younger cannot drive; 15-year-old eligible for instruction permit only). *Id.* § 22-33-104 (children between 6 and 16 years old must attend school). *Id.* § 8-12-105 (children 15 or younger prohibited from working during certain nighttime hours). *Id.* § 8-12-109 (child 15 or younger prohibited from employment involving operation of a motor vehicle). *Id.* § 12-8-114 (child 15 or younger ineligible to be licensed as barber or cosmetologist). *Id.* § 10-4-104 (child 15 or younger incapable of contracting for insurance). *Id.* § 10-14-201 (child 14 or younger incapable of joining fraternal benefit society). *Id.* § 27-65-103 (child 14 or younger may not consent to mental health services). *Id.* § 13-40-108 (child 14 or younger ineligible to accept service of notice to quit or demand for possession of real property).

Laws extending extra protection to young adolescents: Colo. Rev. Stat. Ann. § 18-3-305 (children 14 and younger protected from enticement). *Id.* § 18-3-306 (children 14 and younger protected from luring over Internet by persons more than four years older). *Id.* § 18-18-406 (imposing enhanced penalties selling or providing any amount of marijuana to a

child 14 or younger). *Id.* § 18-3-405 (children 14 and younger protected from sexual assault by persons at least four years older). *Id.* § 18-3-405.6 (enhanced penalty for invasion of privacy of children 14 or younger for sexual gratification by person four or more years older than child). *Id.* § 16-4-201.5 (protecting children 14 and younger by not granting bail to person convicted of sexual assault of such children). *Id.* § 18-3-413 (child 14 or younger who is the victim of sex crime protected through provision authorizing victim's videotaped deposition in criminal prosecution for sexual offense). *Id.* § 42-4-236 (making driver or operator of motor vehicle responsible for ensuring that children 15 or younger are properly restrained by a safety belt).

CONNECTICUT

Laws establishing minimum age for rights and responsibilities: Conn. Gen. Stat. Ann. § 53a-73a (West) (child 13, 14, or 15 incapable of consenting to sexual intercourse with person more than 3 years older). *Id.* § 46b-30 (child 15 or younger cannot marry without judicial consent; child 16 or 17 must have parental consent). *Id.* § 29-357 (child 15 or younger may not purchase, sell, possess, or use any fireworks). *Id.* § 19a-285a (child 16 or younger may not donate blood without parental consent). *Id.* § 14-286d (child 15 or younger prohibited from riding bicycle without helmet on public highway). *Id.* § 14-36 (child 15 or younger prohibited from driving motor vehicle, child aged 16 and 17 may drive with learner's

permit when accompanied by licensed adult over 20). *Id.* § 31-25 (child 15 or younger may not operate elevator). *Id.* §§ 31-23, 31-24 (children 15 or younger not permitted to work in hazardous employment and certain other industries). *Id.* § 19a-102a (child 15 or younger may not purchase turtle without parent or guardian authorization). *Id.* § 7-172 (child 15 or younger may not sell or promote sale of bazaar or raffle tickets).

Laws extending extra protection to young adolescents: Conn. Gen. Stat. Ann. § 53a-90a (child 15 or younger protected while using Internet through laws prohibiting enticement or luring via interactive computer service). *Id.* § 53a-86 (enhanced culpability for promoting prostitution where victim is 17 or younger). *Id.* § 14-100a (driver required to ensure all passengers 15 and younger wear seat belt); *see also id.* § 14-272a (penalizing driver who allows child 15 or younger to ride in open bed of truck without appropriate safety belt). *Id.* § 17a-201a (child 15 or younger may not be committed to community correctional center or almshouse).

DELAWARE

Laws establishing minimum age for rights and responsibilities: Del. Code. Ann. tit. 11, § 761 (West) (child 15 or younger incapable of consent to sexual act with person more than 4 years older). *Id.* tit. 13, § 709 (child 16 or younger may not donate blood without parental permission). *Id.* tit. 21, § 2710

(child 15 or younger cannot drive; 16-year-old eligible for learner's permit only). *Id.* tit. 21, § 4198O (child 15 and younger are required to wear bicycle helmets when operating personal assistive mobility devices). *Id.* tit. 14, § 2702 (child 15 and younger must attend school). *Id.* tit. 19, § 506 (child 15 and younger prohibited from certain hazardous occupations and hours of employment). *Id.* tit. 24, § 5107 (child 15 and younger prohibited from enrolling in any school of cosmetology, barbering, electrology, or nail technology). *Id.* tit. 18, § 2707 (child 14 and younger prohibited from contracting for annuities or insurance; child 15 and older may do so only with parental consent, unless emancipated).

Laws extending extra protection to young adolescents: Del. Code. Ann. tit. 11, § 783 (taking or enticing child 17 or younger from custody of parents punishable as kidnapping). *Id.* tit. 11, § 1112A (children 15 and younger protected from in-person sexual solicitation of a child). *Id.* tit. 11, §§ 764, 765 (enhanced penalty for indecent exposure when in presence of child 15 or younger). *Id.* tit. 11, § 1365 (making it a crime to give or sell obscene literature or visual material to a child 16 or younger). *Id.* tit. 21, § 4177 (enhanced penalties for driving under influence of alcohol or drugs when child 16 or younger in car). *Id.* tit. 21, § 4803 (penalizing driver of car when child 15 or younger does not wear seat belt). *Id.* tit. 24, § 1769B (children 15 and younger must have a third party adult present when undergoing a medical examination involving the breasts, genitalia, or

rectum, or when they are partially disrobed during the examination). *Id.* tit. 11, § 4204A (children 15 and younger protected from incarceration with adults).

DISTRICT OF COLUMBIA

Laws establishing minimum age for rights and responsibilities: D.C. Code §§ 22-3001, 22-3008, 22-3009 (West) (child 15 or younger incapable of consent to sexual activity, except with persons less than 4 years older). *Id.* §§ 46-403, 46-411 (child 15 or younger incapable of consenting to marriage; child 16 or 17 may do so only with parental consent). *Id.* § 7-1531.03 (child 15 or younger cannot consent to organ donation, unless emancipated). *Id.* § 2-1542, 2-1543 (children 16 and younger subject to mandatory curfew). *Id.* § 50-1605 (children 15 and younger required to wear bicycle helmets; parents may be fined for violation). *Id.* § 50-1401.01 (child 15 or younger cannot drive; 16-year-old eligible for learner's permit only), *amended in nonpertinent part by* 2011 D.C. Legis. Serv. 19-21 (Act 19-98, approved July 22, 2011, eff. Sept. 14, 2011). *Id.* § 32-202 (limiting hours that 14- or 15-year-olds may work, and to lesser extent, limiting hours that 16- and 17-year-olds may work); *id.* § 32-204 (children 15 and younger prohibited from employment in occupations involving power machinery).

Laws extending extra protection to young adolescents: D.C. Code §§ 22-3001, 22-3008 to 22-3011 (children 15 and younger protected from

sexual contact with persons at least 4 years older through various crimes criminalizing such contact regardless of consent). *Id.* § 22-1312 (crime to make obscene or indecent sexual proposal to child 17 or younger). *Id.* § 22-2201 (crime to provide children 16 and younger with offensive sexual material). *Id.* § 50-1802 (if vehicle has more passengers than seat belts, driver shall insure that children 15 and younger have preference to positions with seat belts).

FLORIDA

Laws establishing minimum age for rights and responsibilities: Fla. Stat. Ann. §§ 794.05, 800.04 (West) (child 15 or younger may not consent to sexual activity; unemancipated child 16 or 17 may not consent to sexual activity with a person 24 or older). *Id.* § 741.0405 (child 15 or younger may not get married, with limited exception that judge may issue license for child who is pregnant or has given birth; child 16 or 17 may not marry without written notarized parental consent, unless parents are deceased or child has been married previously). *Id.* § 743.06 (child 16 or younger not eligible to consent to donation of his blood or tissue without parental consent). *Id.* § 316.2065 (bicycle rider or passenger 15 or younger must wear helmet). *Id.* §§ 322.05, 322.16 (child 14 or younger prohibited from driving; 15-year-old eligible for learner's permit only; 16- or 17-year-old subject to limitations on hours and circumstances under which he or she may drive). *Id.* §§ 316.2068, 316.2074, 261.20, 316.211 (children 15

and younger required to wear helmets and other appropriate safety gear when riding on or operating all-terrain vehicle, off-highway vehicle, electric assistive mobility device, or moped). *Id.* § 316.2085 (child 15 or younger may not operate motorized bicycle or motorcycle with more than 150 cc engine and may not rent a motorcycle or moped). *Id.* § 1003.21 (children age 6 to 15 must attend school). *Id.* § 450.061 (child 15 or younger barred from working in wide range of occupations and industries, including meat packing, power-operated laundry, power-operated baking, dry cleaning, spray painting, alligator wrestling, door-to-door sales except for non-profit organization such as the Boy Scouts or Girl Scouts of America, elevator repair, working with meat and vegetable slicing machines, and working in meat freezers or coolers, with limited exceptions); *see also id.* § 450.081 (regulating and restricting work hours for children 15 and younger and, to lesser extent, children 16 and 17). *Id.* § 476.114 (child 15 or younger ineligible to be licensed as barber). *Id.* § 627.406 (child 14 or younger at nearest birthday not competent to contract for life, health, property, or other insurance). *Id.* § 48.031 (child 14 or younger not competent to receive service of process for another person residing at child's residence in that person's absence); *see also* Fla. R. Civ. P. Rule 1.080; Fla. R. Crim. P. Rule 3.030, Fla. R. Juv. P. Rule 8.085 (same). Fla. Stat. Ann. § 381.0075 (child 15 or younger may not undergo body piercing unless accompanied by parent or guardian; child 16 or 17 must have written notarized parental consent). *Id.* § 877.04 (body of child 17 or younger shall not be

tattooed without written notarized consent by parent or legal guardian). *Id.* § 548.069 (child 15 or younger may not attend professional boxing match or other pugilistic exhibition unless accompanied by adult).

Laws extending extra protection to young adolescents: Fla. Stat. Ann. § 784.048 (enhanced penalties for stalking or cyberstalking of child 15 or younger). *Id.* § 800.04 (protecting children 15 and younger from sexual contact with older persons through variety of restrictions on such contact). *Id.* § 794.05 (protecting children aged 16 and 17 from sexual activity with adults 24 and older, unless child has had disabilities of nonage removed). *Id.* § 810.145 (enhanced penalties for video voyeurism offense involving certain adult offenders where victim is child 15 or younger). *Id.* § 827.04 (person 21 or older who impregnates child 15 or younger commits act of child abuse regardless of consent and in addition to separately-charged offense under Fla. Stat. Ann. § 800.04). *Id.* § 742.107 (girl 15 or younger who gives birth to child must reveal identity of father and cooperate with paternity testing to facilitate criminal prosecution of individuals age 21 or older). *Id.* §§ 92.53, 92.54 (child witness or victim who is 15 years old or younger may provide videotaped testimony or testify via closed-circuit television in lieu of testifying in open court where there is a substantial likelihood that child would otherwise suffer at least moderate emotional or mental harm.) *Id.* §§ 92.55, 914.16, 918.16 (authorizing additional protections for child witnesses aged 15 or younger); *see also* Fla. R.

Crim P. 3.220, Fla. R. Juv. P. 8.060 (same). *Id.* § 918.0155 (special provision for expeditious handling of criminal cases involving allegations of child abuse or unlawful sexual contact with child 15 or younger). *Id.* § 316.614 (unlawful to operate motor vehicle unless passengers 17 and younger wear safety belt or child restraint device). *Id.* § 784.05 (felony offense for individual to negligently leave loaded firearm within reach or easy access of child 15 or younger, where child obtains firearm and uses it to inflict injury or death upon himself or another, with some limited exceptions). *Id.* § 847.013 (protecting children 17 and younger from motion pictures or similar presentations harmful to minors by imposing criminal liability on person who knowingly exhibits or rents to child 17 or younger a movie or videocassette depicting nudity or certain sexual conduct). *Id.* § 985.265 (children 17 or younger confined in an adult detention facility must be kept physically separated from adult detainees and may have no sight or sound contact with adult detainees).

GEORGIA

Laws establishing minimum age for rights and responsibilities: Ga. Code Ann. § 16-6-3 (West) (child 15 or younger incapable of consent to sexual activity). *Id.* § 19-3-2 (child 15 or younger may not marry; child 16 or 17 may not marry without parental consent). *Id.* § 44-5-89 (child 16 or younger ineligible to donate blood without parental consent). *Id.* § 44-5-142 (child 15 or younger ineligible to make anatomical

gift, unless emancipated); *cf. id.* §§ 15-11-200 to 15-11-202 (child 15 or younger ineligible for emancipation). *Id.* § 40-6-296 (child 15 or younger must wear helmet when riding bicycle). *Id.* § 40-5-24 (child 14 or younger may not drive; 15-year-old eligible for instruction permit only). *Id.* § 20-2-690.1 (children 15 and younger must attend school). *Id.* §§ 39-2-1, 39-2-2 (child 15 or younger prohibited from working in any mill, factory, laundry, manufacturing establishment, workshop, or any occupation designated hazardous by Commissioner of Labor as being dangerous to life and limb or injurious to health or morals of child); *see also id.* § 34-13-12 (child 15 or younger prohibited from operating carnival rides); *id.* §§ 39-2-3 to 39-2-6 (limiting work hours for children 15 and younger). *Id.* § 43-7-11 (child 15 or younger ineligible for license to practice barbering); *id.* §§ 43-10-9, 43-26-36 (child 16 or younger ineligible for cosmetology, hair design, practical nursing license). *Id.* § 33-24-5 (children 14 years 6 months or younger may not contract for insurance).

Laws extending extra protection to young adolescents: Ga. Code Ann. § 16-6-22.1 (enhanced penalty for sexual battery of child 15 or younger). *Id.* § 16-6-5 (protecting children 15 and younger from enticement for indecent purposes). *Id.* § 16-6-4 (protecting children 15 and younger from molestation, from exposure to indecent or immoral acts, and from images of such acts). *Id.* § 17-3-2.1 (for enumerated crimes against children 15 and younger, statute of limitations does not begin to run until child reaches age of 16 or offense is reported to the authorities, whichever is earlier). *Id.* § 17-8-54 (protecting

children 15 or younger in sex offense cases by clearing courtroom during child's testimony).

HAWAII

Laws establishing minimum age for rights and responsibilities: Haw. Rev. Stat. §§ 572-1, 572-2 (unlawful for child 14 or younger to marry under any circumstances; 15-year-old child may marry with approval from family court judge and parental consent; child 16 or 17 may do so with parental consent only). *Id.* § 334-60.1 (child 14 or younger may be admitted at psychiatric facility by parent or guardian without child's consent). *Id.* § 327-4 (child incapable of consenting to donate organs unless emancipated or old enough to apply for driver's license); *cf. id.* § 286-102.6 (child 16 or older may apply for provisional driver's license). *Id.* § 291C-150 (child 15 or younger required to wear helmet when riding bicycle). *Id.* §§ 286-102.6, 286-110 (child 14 or younger cannot drive; child 15 years 6 months eligible for instruction permit only; child 16 eligible for provisional license only). *Id.* §§ 291C-195, 200-37 (child 14 or younger prohibited from driving mopeds on public roads or operating thrill crafts). *Id.* § 134-5 (child 15 or younger may only hunt with a gun while accompanied by an adult). *Id.* § 302A-1132 (children 17 or younger must attend school). *Id.* § 390-2 (regulating employment and labor by all children 17 and younger with greater restrictions on children 14 and 15). *Id.* §§ 438-7, 439-12 (children 16 or younger ineligible for barber's license; children 15 or younger ineligible for cosmetology

license). *Id.* § 432:2-201 (child 14 or younger ineligible for membership in fraternal benefit societies). *Id.* § 121-1 (child 16 or younger prohibited from membership in state militia). *Id.* § 431:10-203 (children 14 years 6 months or younger prohibited from contracting for insurance).

Laws extending extra protection to young adolescents: Haw. Rev. Stat. §§ 707-730, 707-732 (children 15 and younger protected from sexual contact with older persons through various crimes criminalizing such contact because they are incapable of consent). Haw. R. Evid. 804 (statements of children 15 and younger regarding sexual abuse permitted as evidence if child is unavailable as witness). Haw. R. Evid. 616 (protecting child victim of sexual offense 17 or younger from emotional distress and impairment of ability to communicate by allowing child to testify in criminal prosecution via two-way closed-circuit television). Haw. Rev. Stat. § 291-11.6 (providing penalty for operating motor vehicle with child 8 to 14 not wearing seat belt). *Id.* § 291E-61 (enhancing penalty for operating a vehicle while intoxicated with child 14 or younger in vehicle). *Id.* § 577-18 (protecting children 15 or younger by punishing parent or guardian for allowing child to remain unaccompanied by adult in public between 10 p.m. and 4 a.m.). *Id.* § 134-10.5 (protecting children 15 or younger from firearms by prohibiting storage of firearm in location where child could gain access without parental permission).

IDAHO

Laws establishing minimum age for rights and responsibilities: Idaho Code Ann. § 18-1506 (West) (child 15 or younger incapable of consent to sexual activity with any person over 18). *Id.* § 18-1508A (child aged 16 or 17 incapable of consent to sexual activity with person 5 or more years older). *Id.* § 32-202 (child 15 or younger may not marry unless parents consent and judge satisfied that both parties are capable of assuming full marital duties; child 16 or 17 may not marry without parental consent). *Id.* § 39-3701 (child 16 or younger ineligible to donate blood without parental consent). *Id.* § 39-3404 (child 15 or younger incompetent to make decision to donate organs unless emancipated minor; child 15 to 17 may not make such decision without written parental consent). *Id.* § 18-1523 (child 14 to 17 may not obtain tattoo or body piercing without parental consent). *Id.* § 46-307 (child aged 14 and a half to 17 and a half eligible for training instruction and temporary driving permit); *see also id.* § 46-307A (child aged 14 or 15 eligible for limited school attendance driving permit only if no school bus service available). *Id.* § 33-202 (children between the ages of 7 and 15 must attend school). *Id.* § 44-1304 (no child 15 or younger may be employed for more than 9 hours in a day or 54 hours in a week, or before 6 a.m. or after 9 p.m.). *Id.* § 37-3102 (information concerning the drug treatment of any person aged 16 or older will not be disclosed to a parent or legal guardian without consent). *Id.* § 41-1807 (child 14 or younger not competent to contract

for life, health, or property insurance). *Id.* § 16-2428 (in the pursuance of mental health services, no person may disclose confidential statements made by a child over 14 to the child's parents or others without the child's written permission, unless such information is needed for a treatment plan or required by a court of law).

Laws extending extra protection to young adolescents: Idaho Code Ann. § 18-1508 (protecting children 15 and younger from subjection to lewd or lascivious conduct). *Id.* § 18-1508A (protecting children 16 and 17 from sexual contact with any person at least 5 years older). *Id.* § 18-1509 (protecting children 15 and younger from solicitation). *Id.* § 18-1509A (protecting children 15 and younger from solicitation over Internet). *Id.* § 6-1701 (tort action may be brought against any person who has committed lewd or lascivious acts on child 15 or younger). *Id.* § 18-3308 (crime to sell or give explosives, most types of ammunition, or firearms to any child 15 or younger without written parental consent).

ILLINOIS

Laws establishing minimum age for rights and responsibilities: 720 Ill. Comp. Stat. Ann. 5/12-15 (West) (child 16 or younger incapable of consent to sexual activity). 750 Ill. Comp. Stat. Ann. 5/203, 5/208 (child 15 or younger incapable of contracting for marriage; child 16 or 17 may do so only with parental consent). 210 Ill. Comp. Stat. Ann. 15/1 (child 15 or

younger incapable of donating blood; 16-year-old requires parental consent). 625 Ill. Comp. Stat. Ann. 5/6-103 (child 14 or younger cannot drive; 15-year-old eligible for instruction permit only). 625 Ill. Comp. Stat. Ann. 40/5-3 (child 15 or younger may not operate snowmobile on public highway without parental supervision; children aged 12 to 15 may only operate snowmobile when accompanied by parent or parental designee who is at least 16). 105 Ill. Comp. Stat. Ann. 5/26-1 (children between the ages of 7 and 17 must attend school). 820 Ill. Comp. Stat. Ann. 205/1, 205/13, 205/7 (limiting hours and occupations that 14- or 15-year-old permitted to work). 225 Ill. Comp. Stat. Ann. 85/9, 320/3, 410/2-2, 410/3-2, 410/3A-2, 410/3C-2 (child 15 or younger ineligible to be licensed as a pharmacy technician, plumber's apprentice, barber, cosmetologist, aesthetician, or nail technician). 215 Ill. Comp. Stat. Ann. 5/242, 5/287.1 (child 14 or younger incapable of contracting for insurance or joining fraternal benefit society).

Laws extending extra protection to young adolescents: 720 Ill. Comp. Stat. Ann. 5/10-5.1 (children 14 and under protected while using Internet by creation of felony relating to use of electronic communications to lure children). *Id.* 5/11-9.1 (children 16 and younger protected from criminal child exploitation). 625 Ill. Comp. Stat. Ann. 5/11-501 (enhanced penalty for driving while intoxicated when child 15 or younger in car). 720 Ill. Comp. Stat. Ann. 5/12-10 (children 17 and younger protected from tattoos outside the practice of medicine). 720 Ill.

Comp. Stat. Ann. 555/1 (child 16 or younger subject to curfew laws prohibiting presence in public places and establishments during nighttime hours). 730 Ill. Comp. Stat. Ann. 5/5-8-6 (children 16 and younger protected from placement in adult correctional facility); *see also* 705 Ill. Comp. Stat. Ann. 405/5-410 (children 16 or younger confined in an adult detention facility while awaiting adjudication must be kept physically separate from adult detainees and may have no sight or sound contact with adult detainees).

INDIANA

Laws establishing minimum age for rights and responsibilities: Ind. Code Ann. § 35-42-4-9 (West) (children 14 and 15 incapable of consent to sexual activity with persons 18 or older). *Id.* §§ 31-11-1-5, 31-11-1-6, 31-11-2-1 to 31-11-2-3 (child 16 or younger incapable of contracting for marriage, except with judicial consent in case of pregnancy when both male and female are at least 15; child aged 17 may not marry without parental consent). *Id.* § 22-11-14-8 (child 15 or younger may not sell fireworks). *Id.* § 16-36-1-3 (child 16 or younger may not donate blood). *Id.* § 29-2-16.1-3 (child 15 or younger incapable of making anatomical gift decision unless emancipated minor). *Id.* §§ 9-24-3-2.5, 9-24-7-1 (child 14 or younger cannot drive; child aged 15 eligible for learner's permit; child aged 16 and 180 days eligible for driver's license). *Id.* §§ 31-37-3-2, 31-37-3-3 (children 14 and younger subject to curfew; prohibited from being in a public place between 11 p.m. and 5 a.m. on any

day; children 15 to 17 also prohibited except that they may be in a public place until 1 a.m. on Saturday or Sunday). *Id.* § 20-33-3-31 (children 14 and younger cannot be employed, with exceptions for certain agricultural work and limited work outside school hours). *Id.* § 20-33-3-22 (limiting hours 14- and 15-year-olds are permitted to work). *Id.* § 25-8-12.1-3 (child 16 or younger ineligible to be licensed as a barber; person aged 17 must have graduated high school to obtain license). *Id.* § 25-28.5-1-18.1 (child 16 or younger ineligible to be registered as an apprentice plumber). *Id.* § 27-1-12-15 (child 15 or younger incapable of contracting for insurance). *Id.* § 27-11-3-1 (child 14 or younger incapable of joining fraternal benefit society). *Id.* § 25-8-15.4-15 (children 15 and younger must be accompanied by a parent when using a tanning device at a tanning facility). *Id.* § 22-15-7-8 (child 15 or younger cannot operate regulated amusement device). Ind. Const. art. 12, § 1 (children 16 and younger not included in state militia).

Laws extending extra protection to young adolescents: Ind. Code Ann. § 35-42-4-4 (elevating punishment for possession of child pornography when child depicted is 15 or younger). *Id.* § 35-42-4-5 (protecting children 15 or younger from vicarious sexual gratification). *Id.* § 35-42-4-6 (children 15 and younger protected from solicitation of sexual acts, with elevated punishments when solicited using a computer). *Id.* § 9-19-11-3.6 (failure of vehicle operator to restrain child 15 or younger but older than 8 constitutes traffic violation). *Id.* § 35-42-2-1

(enhancing penalties for domestic battery if committed in presence of child 15 or younger). *Id.* § 35-42-2-1.3 (enhancing penalty for domestic battery when committed in presence of child 15 or younger). *Id.* § 11-10-2-10 (delinquent child 16 or younger may not be transferred to adult facility). *Id.* § 11-13-3-4 (parole board may require released sex offender to avoid contact with children 15 and younger absent board approval or completion of specified treatment program).

IOWA

Laws establishing minimum age for rights and responsibilities: Iowa Code Ann. § 709.4 (West) (child 14 or 15 incapable of consent to sex, except with person less than 4 years older). *Id.* § 595.2 (child 15 or younger incapable of contracting for marriage; child 16 or 17 may do so only with parental consent and judicial approval), *invalidated in part on other grounds by Varnum v. Brien*, 763 N.W.2d 862 (Iowa 2009). *Id.* § 599.6 (child 15 or younger incapable of donating blood; 16-year-old may do so with parental consent). *Id.* §§ 321.177, 321.180B (children 16 and under ineligible for full driver's license); *see also id.* § 321G.9 (child 15 or younger must be under direct adult supervision to operate snowmobile on public highway). *Id.* § 299.1A (child 6 to 15 must attend school). *Id.* § 232.11 (child 15 or younger incompetent to waive right to counsel when questioned by peace officer or probation officer without written parental consent). *Id.* §§ 92.5, 92.6 (child 14 or 15 years old may only be employed in certain

occupations); *see also id.* § 92.7 (limiting hours child 15 or younger permitted to work). *Id.* § 15H.5 (child 15 or younger ineligible for Iowa summer youth corps project that uses AmeriCorps funding). *Id.* §§ 92.2, 92.10 (child aged 10 to 15 prohibited from street occupations or migratory labor without work permit). Iowa Admin. Code rr. 185-4.25, 185-17.5 (child 15 or younger may not sell beer or wine or serve liquor). *Id.* r. 441-109.6 (child 15 or younger may not work in day care center). *Id.* rr. 641-46.5, 875-62.18 (child 15 or younger not permitted to operate tanning bed or kiddie ride at amusement park). *Id.* r. 111-9.2 (child 15 or younger not eligible for enrollment in adult orientation and adjustment center for the blind). Iowa Code Ann. § 633.280 (child 15 or younger incompetent to be attesting witness to will). *Id.* § 512B.7 (child 14 or younger may not join fraternal benefit society). *Id.* § 533.309 (child 15 or younger may not vote at credit union member meetings).

Laws extending extra protection to young adolescents: Iowa Code Ann. § 205.9 (crime to sell any poison to child 15 or younger). *Id.* § 710.10 (child 15 or younger protected from crime of enticement). *Id.* § 356.16 (child 15 or younger may not be imprisoned at hard labor). *Id.* §§ 232.22, 356.3 (children 14 to 17 confined in an adult detention facility while awaiting trial must be kept entirely separate from adult detainees).

KANSAS

Laws establishing minimum age for rights and responsibilities: Kan. Stat. Ann. § 21-5507 (West) (child 15 or younger incapable of consent to sex except with spouse if married). *Id.* § 23-106 (child 14 or younger ineligible for marriage license; 15-year-old eligible for marriage license with judicial authorization only; child 16 or 17 eligible for marriage license only with parental consent). *Id.* § 38-123a (child 15 or younger may not donate blood without parental consent). *Id.* § 65-3223 (child 15 or younger incapable of consenting to donate organs, unless emancipated). *Id.* § 38-123b (child 15 or younger not authorized to consent to hospital, medical, or surgical treatment or procedures without parental consent). *Id.* § 8-237 (child 16 or younger ineligible for driver's license; children 15 and 16 may apply for instruction permit). *Id.* § 38-603 (limiting work hours for 14- and 15-year-olds); *id.* § 38-602 (prohibiting child 17 or younger from working in trade injurious to life, health, safety, morals, or welfare of the child). *Id.* § 72-1111 (child 17 or younger must attend school).

Laws extending extra protection to young adolescents: Kan. Stat. Ann. §§ 21-5504, 21-5506, 21-5508, 21-5509 (children 14 and 15 protected from sodomy, lewd touching, sexual intercourse, indecent solicitation, and electronic solicitation). *Id.* § 21-5510 (children 17 and younger protected from sexual exploitation). *Id.* § 21-5513 (enhancing penalty for lewd and lascivious behavior if committed in front of child 15 or younger). *Id.* § 21-5605 (children 15 and younger

protected from abandonment). *Id.* § 38-2366 (children 15 and younger convicted and sentenced as adults protected from placement in adult correctional facility).

KENTUCKY

Laws establishing minimum age for rights and responsibilities: Ky. Rev. Stat. Ann. § 510.020 (West) (child 15 or younger incapable of consent to sexual activity). *Id.* § 402.020 (child 15 or younger incapable of contracting for marriage except in case of pregnancy with judicial consent; child 16 or 17 may do so only with parental consent). *Id.* § 227.715 (no sale of fireworks to child 17 or younger). *Id.* § 214.468 (child 15 or younger incapable of donating blood; 16-year-old may do so only with parental consent). *Id.* §§ 186.450, 186.452, 186.454 (child 15 or younger cannot drive; 16-year-old eligible for learner's permit or intermediate license; 17-year-old eligible for full license). *Id.* § 159.010 (child 15 or younger must attend school). *Id.* § 339.230 (child 15 or younger may not be employed during regular school hours unless he or she has graduated from high school). *Id.* § 315.136 (child 15 or younger ineligible for registration as pharmacy technician). *Id.* §§ 304.14-070, 304.29-061 (child 14 or younger incapable of contracting for insurance or adult membership fraternal benefit society). *Id.* § 217.450 (children 14 or younger shall not be sold or given any poisonous medicine without parental consent). *Id.* § 645.030 (child 15 or younger cannot voluntarily admit self to hospital for

treatment of mental illness without parental consent).

Laws extending extra protection to young adolescents: Ky. Rev. Stat. Ann. §§ 510.110, 510.120, 510.060, 510.090 (children 15 and younger protected from sexual contact with older persons through various crimes criminalizing such contact). *Id.* § 509.010 (children 15 and younger protected from kidnapping through provision stating that restraint of such children is “without consent” even where child acquiesces). *Id.* § 454.050 (children 15 and younger excluded from courtroom in civil actions for slander, seduction, or breach of promise of marriage, unless witnesses in the case or next of kin to party); *see also* Ky. R. Crim. P. 9.50 (children 15 and younger may be excluded from courtroom in criminal prosecutions for rape and other sexual offenses, unless witnesses in the case or kin to party).

LOUISIANA

Laws establishing minimum age for rights and responsibilities: La. Rev. Stat. Ann. §§ 14:80, 14:80.1 (West) (child 16 or younger incapable of consenting to sex with person 17 or older, unless age difference less than two years). La. Child. Code Ann. art. 1545 (child 15 or younger may not marry without consent of both parents and judge; child 16 or 17 may not marry without consent of either parents or judge). La. Rev. Stat. Ann. § 51:654 (sale of fireworks to child 14 or younger prohibited). *Id.* § 40:1097 (children 16

and younger may not consent to blood donation without consent of parent or guardian). *Id.* § 32:405.1 (child 16 or younger cannot obtain driver's license). *Id.* § 32:402.1 (children 14 or younger cannot participate in any driver education course or driver training program). *Id.* § 23:163 (children 15 or younger are not permitted to work in connection with a billiard room, with power-driven machinery, with manufacturing, processing, or distribution of goods, or in close proximity to a place where alcoholic beverages are sold).

Laws extending extra protection to young adolescents: La. Rev. Stat. Ann. § 14:81.2 (protecting children 16 or younger from molestation by person more than 2 years older). *Id.* § 14:81 (protecting children 16 or younger on the Internet by punishing lewd and lascivious acts or electronic transmissions by persons more than 2 years older). *Id.* § 14:91.13 (penalizing the use or possession of illegal drugs by any adult in the presence of children 16 or younger). *Id.* §§ 14:93, 14:93.2.3 (protecting children 16 or younger from cruelty and criminal neglect). *Id.* § 15:469.1 (providing for closed chambers testimony by victim in criminal prosecution for certain sex offenses where victim is child 15 or younger).

MAINE

Laws establishing minimum age for rights and responsibilities: Me. Rev. Stat. Ann. tit. 17-A, § 254 (West) (child 14 or 15 may consent to sexual

activity only with persons less than 5 years older). *Id.* tit. 19-A, § 652 (child 15 or younger incapable of contracting for marriage without parental and judicial consent). *Id.* tit. 22, § 1502-A (child 16 or younger incapable of consenting to give blood). *Id.* § 2944 (child 15 or younger incapable of consent to donate organs, unless emancipated minor); *cf. id.* tit. 15, § 3506-A (child 15 or younger ineligible for emancipation). *Id.* tit. 29-A, § 2323 (child 15 or younger required to wear helmet when riding bicycle). *Id.* §§ 1251, 1256, 1304 (children 14 and younger cannot drive; 15-year-old eligible for learner's permit or restricted license only). *Id.* tit. 20-A, § 5001-A (child 16 or younger must attend school). *Id.* tit. 26, § 775 (child 15 or younger may not be employed without work permit signed by superintendent of school district); *see also id.* §§ 771, 774 (limiting work hours and permissible occupations for children 15 and younger). *Id.* tit. 32, §§ 1231-A, 14226 to 14229 (child 16 or younger ineligible to be registered as electrologist, cosmetologist, barber, aesthetician, or manicurist); *see also id.* § 14233 (child 15 or younger ineligible to be licensed as barbering or cosmetology student). *Id.* tit. 24-A, §§ 2407, 4110 (child 14 or younger incapable of contracting for life insurance or joining fraternal benefit society). *Id.* tit. 12, § 6505-A (child 14 or younger may not fish or take elvers). *Id.* tit. 17, § 319 (children 15 or younger prohibited from playing bingo).

Laws extending extra protection to young adolescents: Me. Rev. Stat. Ann. tit. 17-A, §§ 254,

255-A (children 15 and younger protected from sexual contact and abuse by older persons through various statutes criminalizing such contact regardless of consent). *Id.* tit. 22, § 1549 (smoking in vehicle prohibited when child 15 or younger present). *Id.* tit. 15, § 1205 (hearsay statement of child 15 or younger describing sexual contact admissible as evidence in criminal prosecution, if child would be harmed by testifying in open court and statement made in presence of judicial officer and subject to cross-examination). *Id.* tit. 17-A, § 8 (no statute of limitations for certain sex offenses against child 15 or younger).

MARYLAND

Laws establishing minimum age for rights and responsibilities: Md. Code Ann., Crim. Law §§ 3-307, 3-308 (West) (children 15 and younger cannot consent to sexual activity, except with persons less than 4 years older). Md. Code Ann., Fam. Law § 2-301 (child 14 or younger may not marry; child 16 or 17 may do so with either parental consent or medical certification of pregnancy; child 15 may do so only with parental consent and medical certification of pregnancy). Md. Code Ann., Pub. Safety § 10-112 (sale of sparklers or sparkling devices to child 15 or younger prohibited). Md. Code Ann., Health-Gen. § 20-101 (child 15 or younger may not donate blood; 16-year-old may do so only with parental consent). Md. Code Ann., Transp. § 21-1207.1 (children 15 and younger required to wear helmets when riding bicycles). *Id.* § 16-103 (child younger than 15 years 9

months cannot drive; child 15 years 9 months old eligible for learner's permit only; child 16 years 6 months old eligible for provisional license). Md. Code Ann., Educ. § 7-301 (children 15 and younger must attend school). Md. Code Ann., Lab. & Empl. § 3-211 (limiting hours 14- and 15-year-olds are permitted to work). *Id.* § 3-213 (child 14 or 15 prohibited from working in certain hazardous occupations).

Laws extending extra protection to young adolescents: Md. Code Ann., Crim. Law §§ 3-303, 3-305 (elevating maximum punishments for first degree rape and first degree sexual offense to life without parole if committed while kidnapping child 15 or younger). *Id.* § 3-503 (children 15 and younger protected from child kidnapping). *Id.* § 11-305 (children 15 or younger are protected from adults luring them from their homes or keeping them hidden from their parents for the purpose of committing sexual acts). Md. Code Ann., Transp. § 22-412.3 (penalizing driver of car when child 15 or younger does not wear seat belt). Md. Code Ann., Crim. Law §§ 11-303, 3-602, 1-101 (children 17 and younger who are victims of sexual abuse may testify by closed-circuit television upon a finding by the court). Md. Code Ann., Cts. & Jud. Proc. § 3-8A-22 (children 17 and younger who are not prosecuted as adults may not be housed in adult detention facilities).

MASSACHUSETTS

Laws establishing minimum age for rights and responsibilities: Mass. Gen. Laws Ann. ch.

265, § 23 (West) (child 15 or younger incapable of consenting to sexual intercourse); *cf. Commonwealth v. Smith*, 728 N.E.2d 272, 276 (Mass. 2000) (noting, despite possible ambiguity in statute, that lack of consent conclusively presumed by law for child of such age). Mass. Gen. Laws Ann. ch. 111, § 184C (child 15 or younger ineligible to donate blood; 16-year-old may not donate blood without parental consent). *Id.* ch. 113, § 8 (child 17 or younger incompetent to make decision to donate organs at death). *Id.* ch. 85, § 11B (child 16 or younger operating bicycle or being carried as passenger must wear helmet). *Id.* ch. 207, §§ 7, 24, 25 (child 17 or younger incapable of contracting for marriage without parental consent and judicial order). *Id.* ch. 90, §§ 8, 8B (child 15 or younger cannot drive; 16-year-old may apply for learner's permit; child 16 and a half but not yet 18 eligible for restricted junior operator's license upon meeting certain requirements). *Id.* ch. 23, § 11H (child 15 and younger ineligible to enter into apprenticeship agreement). *Id.* ch. 149, § 60 (no person shall employ child age 15 or younger, subject to limited exceptions). *Id.* ch. 176, § 9 (child 14 or younger not to be admitted into fraternal benefit society). *Id.* ch. 111, § 211 (children 14 to 17 may not use tanning device without written consent of parent).

Laws extending extra protection to young adolescents: Mass. Gen. Laws Ann. ch. 265, § 23 (protecting children 15 and younger from sexual intercourse or abuse). *Id.* ch. 265, § 23A (enhancing penalties for sexual abuse of a child aged 12 to 15

when offender is at least 10 years older). *Id.* ch. 265, § 24B (protecting children 15 and younger from assault with intent to commit rape). *Id.* ch. 265, § 26 (enhancing penalties for kidnapping when victim is child 15 or younger). *Id.* ch. 265, § 26C (protecting children 15 and younger from enticement). *Id.* ch. 90, § 24V (driving while intoxicated with child passenger 14 or younger constitutes child endangerment and grounds for revocation of license). *Id.* ch. 278, § 16D (child 14 or younger who is witness or victim in criminal case protected through provision authorizing child's videotaped testimony if found that child would suffer from trauma by testifying in live court), *amended in nonpertinent part by* 2011 Mass. Legis. Ch. 178 (H.B. 3808, approved Nov. 21, 2011).

MICHIGAN

Laws establishing minimum age for rights and responsibilities: Mich. Comp. Laws Ann. § 750.520d (West) (child 15 or younger incapable of consent to sexual activity). *Id.* § 551.51 (child 15 or younger incapable of contracting for marriage). *Id.* § 333.9122 (child 15 or younger may not donate blood, child 16 years old may donate with parental consent). *Id.* § 333.10104 (child 15 or younger may not make decision to donate organs unless emancipated). *Id.* § 333.13102 (child 17 or younger not permitted to obtain tattoo or body piercing without parental consent). *Id.* § 257.310e (child under 14 years 9 months cannot drive; child 16 or younger eligible only for graduated licenses). *Id.* § 380.1561 (children between

6 and 17 must attend school). *Id.* § 409.110 (limiting hours child 15 or younger permitted to work). *Id.* §§ 339.1108, 339.1207 (child 16 or younger ineligible to be licensed as barber or cosmetologist). *Id.* § 722.752 (establishing curfew for children 15 and younger). *Id.* § 500.2205 (child 15 or younger incapable of contracting for life insurance). *Id.* § 710.43 (child 14 or younger may be adopted without his or her consent).

Laws extending extra protection to young adolescents: Mich. Comp. Laws Ann. § 750.145a (children 15 and younger protected from immoral enticement and solicitation). *Id.* §§ 750.520b to 750.520e (children 13, 14, and 15 protected from sexual contact with older persons through various statutes criminalizing such contact regardless of consent). *Id.* § 257.625 (enhanced penalty for operation of motor vehicle under influence of alcohol or controlled substance when child 15 or younger in car). *Id.* § 600.2163a (child 15 or younger who is victim of abuse or sex crime protected through provision authorizing victim's videotaped deposition to be used for pretrial proceedings, impeachment purposes, sentence determination, or factual basis for a no contest plea or to supplement a guilty plea); *see also id.* (child witness may sit with designated "support person" during testimony). *Id.* § 764.27a (children 17 and younger confined in an adult detention facility while awaiting trial must be held physically separate from adult detainees).

MINNESOTA

Laws establishing minimum age for rights and responsibilities: Minn. Stat. Ann. §§ 609.342, 609.343, 609.345 (West) (child who is 13, 14, or 15 incapable of consenting to sexual activity with person more than 48 months older). *Id.* § 517.02 (child 15 or younger incapable of contracting for marriage; child who is 16 or 17 may marry only with parental consent and judicial approval). *Id.* § 624.20 (child 17 or younger prohibited from purchasing fireworks). *Id.* § 145.41 (child 15 or younger not eligible to donate blood; 16-year-old may donate blood only with parental consent). *Id.* § 525A.04 (child 15 or younger not permitted to donate organ unless child is emancipated). *Id.* § 609.2246 (child 17 or younger not permitted to obtain tattoo without parental consent). *Id.* § 171.05 (child 14 or younger may not drive or operate a motorized bicycle). *Id.* § 120A.22 (child 7 to 15 required to attend school). *Id.* § 181A.04 (child 15 or younger may work only for limited hours, child 17 or younger may not work in hazardous occupation).

Laws extending extra protection to young adolescents: Minn. Stat. Ann. §§ 609.342, 609.343, 609.345 (protecting children who are 13, 14, and 15 from sexual contact with older persons though criminalizing of such contact). *Id.* § 609.352 (children 15 and younger protected while using Internet by felonies related to use of computer to solicit or communicate for sexual purposes). *Id.* § 169A.03 (enhanced penalty for driving while impaired by alcohol when child 15 or younger was in vehicle at time of offense)

and driver was at least 36 months older than child). *Id.* § 169.686 (penalizing driver of car when child 14 or younger does not wear seat belt). *Id.* § 609.25 (protecting children 15 and younger from kidnapping through provision requiring parental consent for confinement and removal of child).

MISSISSIPPI

Laws establishing minimum age for rights and responsibilities: Miss. Code. Ann. §§ 97-3-65, 97-3-95 (West) (child 14 or 15 incapable of consent to sexual activity with person, not spouse, 36 months older than child). *Id.* § 93-1-5 (female child 14 or younger and male child 16 or younger incapable of obtaining marriage license, with exception for judicial approval). *Id.* § 41-41-15 (child 15 or younger incompetent to consent to donate blood; 16-year-old may not donate blood without parental consent). *Id.* § 63-1-9 (child 14 or younger not permitted to drive; 15-year-old eligible for temporary driving permit; 16-year-old eligible for intermediate license; child 16 years 6 months may receive driver's license if certain special conditions are met). *Id.* § 3-13-91 (children 6 to 16 must attend school). *Id.* § 37-49-5 (child 15 or younger may not contract for educational loan). *Id.* § 71-1-21 (child 14 or 15 employed in mill, cannery, workshop, factory, or manufacturing establishment may work only specified hours not to exceed weekly hour limit). *Id.* §§ 73-7-18, 73-7-53 (child 16 or younger ineligible to be licensed as a wig specialist or aesthetician). *Id.* § 83-29-5 (child 15 or younger prohibited

from having a voice or vote in management of fraternal societies). *Id.* § 33-5-1 (child 16 or younger ineligible for service in state militia). *Id.* § 83-7-19 (child 14 years 6 months or younger cannot contract for life, health, or accident insurance on his or her own life).

Laws extending extra protection to young adolescents: Miss. Code Ann. § 97-3-95 (protecting children 15 and younger from sexual exploitation by older persons and children 17 and younger from sexual exploitation by persons in position of trust or authority over child). *Id.* § 45-33-47 (offender 21 or older convicted of any sex offense where victim was 14 or younger shall be subject to lifetime registration and shall not be relieved of duty to register). *Id.* § 97-5-41 (children 14 through 17 protected from sexual acts with step-parent or adopted parent). *Id.* § 97-1-6 (protecting child 16 or younger from any person 17 or older who directs or causes such child to commit felony). *Id.* § 97-3-53 (protecting children 15 or younger from kidnapping or unlawful seizure). *Id.* § 73-61-1 (unlawful for any person to place tattoo upon body of child 17 or younger). *Id.* § 41-114-1 (smoking prohibited at organized public athletic event involving children 17 and younger). *Id.* § 13-1-407 (children 15 and younger protected from emotional trauma when testifying in child abuse case through provision allowing such testimony via videotaped deposition, with accused abuser required to watch through two-way mirror or other screening device, if substantial likelihood shown that child would suffer traumatic

emotional or mental distress if required to testify in open court).

MISSOURI

Laws establishing minimum age for rights and responsibilities: Mo. Ann. Stat. § 566.034 (West) (child 16 or younger incapable of consenting to sexual intercourse with individual 21 or older). *Id.* § 566.064 (child 16 or younger incapable of consenting to sodomy with individual 21 or older). *Id.* § 451.090 (child 14 or younger cannot obtain marriage license without judicial finding of good cause; child 15 to 17 may do so only with parental consent). *Id.* § 320.151 (child aged 15 or younger cannot sell fireworks or work in a facility where fireworks are sold). *Id.* § 431.068 (child 15 or younger not eligible to donate blood; 16-year-old requires parental consent). *Id.* § 194.220 (child 15 or younger incapable of making anatomical gift decision). *Id.* § 167.031 (mandatory school attendance for children between ages of 7 and 16 unless emancipated). *Id.* § 324.520 (prohibiting tattooing or body piercing of child 17 or younger without parental consent). *Id.* §§ 302.060, 302.130 (child 14 or younger cannot drive; 15-year-old eligible for temporary instruction permit only). *Id.* §§ 294.011, 294.024, 294.030 (child 15 or younger may only work limited hours; children between 14 and 16 may only work during school term pursuant to work permit). *Id.* § 294.040 (child 15 or younger prohibited from being employed in certain hazardous occupations). *Id.* §§ 328.075, 329.050 (child 16 or younger

ineligible to be licensed as barber, cosmetologist, or manicurist). *Id.* § 431.056 (child 15 or younger incompetent to enter into contracts).

Laws extending extra protection to young adolescents: Mo. Ann. Stat. § 566.151 (child 14 or younger protected from enticement for purpose of engaging in sexual conduct by persons 21 or older). *Id.* § 566.083 (child 14 or younger protected from sexual misconduct). *Id.* § 566.068 (child 16 or younger protected from sexual contact). *Id.* §§ 565.149, 565.156 (children 16 and younger protected from child abduction). *Id.* § 568.045 (children 16 and younger protected from endangerment, including manufacturing of methamphetamine in presence of child). *Id.* § 195.212 (child 16 or younger protected from distribution of controlled substance by someone over two years older than child). *Id.* § 573.090 (prohibiting rental or sale of videos that depict morbid violence to children 16 or younger). *Id.* § 307.179 (penalizing driver of car when child 15 or younger does not wear seat belt). *Id.* §§ 491.678, 491.680 (child victim 16 or younger protected by provision authorizing admissibility of child's in-camera videotaped deposition in lieu of live testimony in certain criminal prosecutions). *Id.* § 217.345 (incarcerated children 16 and younger must be kept physically separated from older inmates).

MONTANA

Laws establishing minimum age for rights and responsibilities: Mont. Code Ann. § 45-5-501 (West) (child 15 or younger incapable of consent to sexual activity). *Id.* §§ 40-1-202, 40-1-213 (child 15 or younger incapable of contracting for marriage; child 16 or 17 may do so only with parental consent and judicial approval). *Id.* § 72-17-201 (child 14 or younger incapable of consenting to organ donation, unless emancipated); *cf. id.* § 41-1-501 (child 15 or younger ineligible for emancipation). *Id.* § 61-5-105 (child 14 or younger cannot receive full driver's license). *Id.* § 20-5-102 (child must attend school until at least his or her 16th birthday). *Id.* §§ 41-2-106 to 41-2-110 (children aged 14 and 15 restricted from occupational positions that require dangerous activities, including agricultural jobs handling poisonous chemicals or occupations related to the use of power-driven machinery; children 17 or younger restricted from employment in certain occupations, including logging, mining, roofing, and meatpacking).

Laws extending extra protection to young adolescents: Mont. Code Ann. §§ 45-5-502, 45-5-503, 45-5-507 (enhanced penalties for sexual offenses against children 15 or younger, subject to close-in-age exceptions). *Id.* § 45-5-627 (children 15 and younger protected from assault, aggravated assault, assault with a weapon, and sexual intercourse without consent committed for any ceremony, rite, or ritual). *Id.* § 45-5-622 (children 15 and younger protected by statute criminalizing endangering welfare of child).

Id. § 41-5-206 (child 15 or younger may not be incarcerated with adults).

NEBRASKA

Laws establishing minimum age for rights and responsibilities: Neb. Rev. Stat. § 28-319 (West) (child 12 to 15 incapable of consent to sexual activity with person 19 or older). *Id.* §§ 42-102, 42-105 (child 16 or younger incapable of contracting for marriage). *Id.* § 71-4808 (child 16 or younger incapable of consenting to donate blood). *Id.* § 71-4827 (child 15 or younger incapable of consenting to donate organs without parental consent unless emancipated; 16-year-old may consent if authorized to apply for a driver's license). *Id.* §§ 38-1008; 38-10,165 (children 17 and younger cannot obtain body art, defined to include tattoos and body piercings, without parental consent). *Id.* §§ 60-4,118.05, 60-4,120.01, 60-4,123, 60-4,123.01, 60-4,124 (child 16 and younger ineligible for driver's license; 14-year-old eligible for learner's permit or school permit only; 16-year-old eligible for provisional license). *Id.* § 37-1241.06 (child 15 or younger may not operate motorboat with individual in tow). *Id.* § 79-201 (all children under 18 must attend school, except that child 16 or older may unenroll in school with notarized parental permission); *see also id.* § 79-203 (superintendent of school district may issue permit for employment of child 14 or 15 who has completed 8th grade, where employment necessary for child's own support or support of dependents). *Id.* § 79-536 (child aged 6 to 15 may be

required to attend summer school). *Id.* § 48-302 (employment certificate required for children 15 or younger). *Id.* §§ 48-310 to 48-313 (child 15 or younger restricted from working certain hours and from working certain occupations). *Id.* §§ 71-204; 38-1062 (child 16 or younger ineligible to be licensed as barber, cosmetologist, electrologist, aesthetician, body art practitioner, or nail technician). *Id.* § 2-2636 (child 15 or younger may not use pesticides). *Id.* § 55-134 (child 16 or younger ineligible to join Nebraska National Guard).

Laws extending extra protection to young adolescents: Neb. Rev. Stat. § 28-320.01 (children 14 and younger protected from sexual contact with adults). *Id.* § 28-320.02 (children 16 and younger protected from sexual offenses over Internet). *Id.* § 28-311.04 (enhanced penalty for stalking if victim 15 or younger). *Id.* § 28-831 (enhanced penalty for trafficking children 14 or younger). *Id.* § 28-1254 (enhanced penalty for DUI or possession when children 15 or younger are present in the car). *Id.* §§ 29-1925, 29-1926 (child victim or witness to any felony protected through provision authorizing videotaped depositions rather than live testimony in criminal prosecution). *Id.* § 28-728 (requiring videotaped interviews for children 16 or younger who allege sexual or serious physical abuse). *Id.* § 43-250 (children 15 or younger confined in an adult detention facility while awaiting trial must be kept physically separate from adults).

NEVADA

Laws establishing minimum age for rights and responsibilities: Nev. Rev. Stat. Ann. § 200.364 (West) (child 15 or younger incapable of consenting to sexual activity with person 18 or older). *Id.* §§ 122.020; 122.025 (child 15 or younger incapable of contracting for marriage except with parental consent and judicial authorization, to be given in extraordinary circumstances; child 16 or 17 years old capable of marriage only with parental consent). *Id.* § 460.040 (child 16 or younger not eligible to donate blood without parental consent). *Id.* § 451.556 (child 15 or younger incapable of making anatomical gift decision). *Id.* §§ 483.250, 483.2521 to 483.2529, 483.280 (child 15 years 6 months eligible for learner's permit; child 16 or 17 eligible for restricted license only; but child 14 or 15 eligible for restricted license where extenuating circumstances present). *Id.* §§ 392.040, 392.110 (child 17 or younger required to attend school, but child 14 or older may be exempted with board of trustees approval). *Id.* §§ 609.190; 609.200; 609.221 (prohibiting children 15 and younger from working in certain occupations); *see also id.* § 609.240 (limiting hours children 15 and younger permitted to work). *Id.* § 687B.070 (child 15 or younger cannot contract for insurance). *Id.* § 412.026 (child 16 or younger cannot join the Nevada National Guard and is not included in National Guard Reserve). *Id.* § 475.110 (child 15 or younger not subject to mandatory firefighting duty required of able-bodied males 16 to 50).

Laws extending extra protection to young adolescents: Nev. Rev. Stat. Ann. § 200.366 (enhanced penalty for sexual assault if victim 15 or younger). *Id.* § 200.730 (penalty for possession of pornography depicting children 15 and younger). *Id.* § 201.540 (enhanced penalties for teachers who engage in sexual activity with students aged 14 and 15). *Id.* § 484.3795 (aggravated circumstance in conviction for driving under influence of intoxicating liquor if child 14 or younger in car).

NEW HAMPSHIRE

Laws establishing minimum age for rights and responsibilities: N.H. Rev. Stat. Ann. § 571-C:1 (child 15 or younger may not donate blood unless married; child aged 16 may not donate without parental consent, unless married). *Id.* § 265:144 (children 15 and younger must wear helmets when riding bicycles in public roadways). *Id.* § 263:16, 263:19, 263:25 (child under 15 and a half may not drive; child 15 and a half or older may drive with licensed driver while being taught to drive; child 16 or 17 may receive license upon meeting instructional requirements). *Id.* § 193:1 (children 6 to 17 required to attend school). *Id.* § 276-A:4 (child 15 or younger permitted to work only subject to certain restrictions). *Id.* § 167:82 (child 15 or younger exempted from employment requirement for welfare assistance program). *Id.* § 179:19 (child 16 or younger prohibited from working as entertainer in cocktail lounge where liquor or beverages are sold). *Id.* § 313-A:24 (child 15

or younger prohibited from apprenticing as barber, aesthetician, or cosmetologist). *Id.* § 326-C:5 (child 16 or younger unqualified to obtain license for occupational therapy). *Id.* § 31:43-c (child 15 or younger prohibited from any public street after 9 p.m. unless accompanied by parent or guardian). *Id.* § 418:5 (child 14 or younger ineligible to join fraternal benefit society). *Id.* § 313-A:31 (child 17 or younger prohibited from using tanning salon without parental consent). *Id.* § 207:2-a (child 15 or younger prohibited from hunting using firearm, bow and arrow, or cross-bow and bolt, except when accompanied by properly licensed adult). *Id.* § 270:30 (child 15 or younger may not operate motorized vessel having power in excess of 25 horsepower on public waters unless accompanied by adult). *Id.* § 605:1 (child 16 or younger required to have counsel and may not plead guilty or go to trial without parental consent).

Laws extending extra protection to young adolescents: N.H. Rev. Stat. Ann. §§ 632-A:2 to 632-A:4 (protecting children who are 13, 14, and 15 years old from sexual activity with older persons). *Id.* § 633:2 (protecting child 15 or younger from being confined and exposed to risk of serious bodily injury without consent of child's parent or guardian). *Id.* § 639:3 (protecting children 15 and younger from being solicited to engage in sexual activity). *Id.* § 645:1 (protecting children age 15 and younger from indecent exposure). *Id.* §§ 649-A:1 to 649-A:3-b (protecting children 17 and younger from being used as subjects of sexual visual images). *Id.* § 265-A:3

(enhanced penalty for driving while intoxicated when carrying passenger 15 or younger). *Id.* § 517:13-a (authorizing use of videotaped testimony of child victim or witness where child was 16 or younger at time of crime). *Id.* § 517:13 (prohibiting discovery deposition of child victim or witness in criminal case where child is 15 or younger). *Id.* § 632-A:8 (in sexual assault prosecution involving child victim age 15 or younger, child's testimony shall be heard in camera unless defendant shows good cause to the contrary). *Id.* § 354-B:2 (where child 16 or younger is civil defendant in civil rights action, special confidentiality provisions apply). *Id.* § 618:6 (children 16 and younger exempt from confinement for nonpayment of fine). *Id.* § 650-C:1 (prohibiting adult from storing firearms where adult knows or should know child age 15 or younger could find them).

NEW JERSEY

Laws establishing minimum age for rights and responsibilities: N.J. Stat. Ann. § 2C:14-2 (West) (child 13 to 15 incapable of consent to sexual activity, except with person within 4 years of own age). *Id.* § 9:17A-6 (child 15 or younger incapable of consenting to donate blood; 16-year-old requires parental consent). *Id.* §§ 39:3-3 to 39:3-42 (child 15 and younger cannot drive; 16-year-old eligible for learner's permit and restricted license only; 17-year-old eligible for provisional license only). *Id.* § 26:6-80 (child incapable of making decision to donate organs unless emancipated or old enough to apply for driver's

license). *Id.* § 39:4-10.1 (child 16 or younger required to wear helmet when riding bicycle). *Id.* § 17B:24-2 (child 14 or younger not competent to contract for life or health insurance). *Id.* § 26:2D-82.1 (child 14 to 17 must have parental consent to use tanning facility). *Id.* § 18A:38-25 (children 6 to 15 must attend school). *Id.* § 2C:40-21 (child 17 or younger may not consent to tattooing or body piercing without parental consent). *Id.* § 34:2-21.2 (limiting hours and types of jobs in which 14- and 15-year-olds may be employed). *Id.* § 34:2-21.15 (special certificate required to employ child 15 and younger in agricultural work). *Id.* § 34:2-21.17 (prohibited occupations for children 15 and younger).

Laws extending extra protection to young adolescents: N.J. Stat. Ann. § 2C:13-1 (enhanced penalty for kidnapping if victim 15 or younger). *Id.* § 2C:24-4 (protecting children 15 and younger from activity by parent or guardian that endangers their welfare or exposes them to inappropriate sexual conduct). *Id.* (protecting children 15 and younger from exploitation through provision criminalizing production or distribution, including Internet distribution, of pornography involving such children). *Id.* § 39:3-76.2f (driver of vehicle responsible for ensuring that children 8 to 17 wear seat belts). *Id.* § 2C:40-21 (crime to tattoo or body-pierce child 17 or younger without parental consent). *Id.* § 2A:84A-32.4 (protecting child witness 16 or younger from severe emotional or mental distress through provision authorizing

testimony of such child via closed-circuit television in criminal prosecution of certain sex crimes).

NEW MEXICO

Laws establishing minimum age for rights and responsibilities: N.M. Stat. Ann. § 30-9-11 (West) (child 16 or younger incapable of consenting to sex with adult over 19, with exception for marriage). *Id.* §§ 40-1-5, 40-1-6 (child 15 or younger incapable of contracting for marriage except with judicial authorization where couple has child or female is pregnant; child 16 or 17 can marry only with parental consent). *Id.* § 60-2C-8 (sale of fireworks to child 15 or younger prohibited). *Id.* § 24-10-6 (child 16 or younger may not donate blood). *Id.* § 24-6B-4 (child 14 or younger incapable of consenting to organ donation, unless emancipated); *cf. id.* § 32A-21-4 (child 15 or younger may not be emancipated). *Id.* § 32A-24-3 (unlawful for parent or guardian to knowingly permit minor 17 and younger to operate bicycle, scooter, or skateboard without protective helmet). *Id.* § 32A-24-4 (person engaged in renting bicycles, scooters, or skateboards shall provide minor 17 or younger with protective helmet). *Id.* § 66-5-5 (child 14 or younger cannot drive; 15-year-old eligible for learner's permit only; child 15 years 6 months eligible only for provisional license). *Id.* § 22-12-2 (child 17 or younger must attend school). *Id.* §§ 50-6-2 to 50-6-4, 50-6-17 (child 14 or 15 ineligible to work in certain hazardous occupations, may work only limited hours, and must have permit to work, with exceptions for employment

by parent, as actor, or to deliver newspapers). *Id.* §§ 61-17A-8, 61-17A-9 (child 16 or younger ineligible to be licensed as barber or cosmetologist). *Id.* §§ 59A-18-7, 59A-44-6 (child 14 or younger incapable of contracting for insurance or adult membership in fraternal benefit society). N.M. R. Ann. 1-004 (child 14 or younger incompetent to accept service of process for another at their residence).

Laws extending extra protection to young adolescents: N.M. Stat. Ann. §§ 30-6A-4, 30-9-1, 30-37-3.2, 30-37-3.3 (children 15 and younger protected from sexual exploitation by prostitution, enticement for sex acts, and sexual solicitation and communication through an electronic device). *Id.* § 66-7-369 (prohibiting operation of most vehicles unless children 17 and younger wear seat belts). *Id.* § 30-3A-3.1 (enhanced punishment for stalking where victim 15 or younger). *Id.* § 30-9-17 (child 15 or younger who is victim of sex crime may testify by videotaped deposition in criminal prosecution).

NEW YORK

Laws establishing minimum age for rights and responsibilities: N.Y. Penal Law § 130.05 (McKinney) (child 16 or younger incapable of consenting to sexual activity). N.Y. Dom. Rel. Law §§ 15, 15-a (child 14 or 15 may marry only with both parental and judicial consent; child 16 or 17 may marry only with parental consent). N.Y. Pub. Health Law § 3123 (child 16 or younger not eligible to donate blood

without parental consent). N.Y. Veh. & Traf. Law § 502 (child 15 or younger not eligible for driver's license; child of 16 eligible for junior license only; child of 17 eligible for license only after successful completion of approved driver education course). N.Y. Educ. Law § 3205 (children between ages of 6 and 16 must attend school). N.Y. Lab. Law § 142 (restricting working hours for children age 14 and 15); *see also id.* § 143 (restricting, to lesser extent, working hours of children age 16 and 17); *cf.* N.Y. Educ. Law § 3226 (requiring permit for children 14 and 15 to do farm work). N.Y. Lab. Law § 133 (children 15 and younger may not be employed painting or cleaning the exterior of buildings, in any occupation in connection with factory, in any job involving dangerous machinery, or in any job related to mental hygiene). N.Y. Gen. Bus. Law § 434 (child 17 and younger not eligible to apply for barber's license). *Id.* § 406 (child 16 or younger not eligible for license in nail specialty, waxing, natural hair styling, aesthetics, or cosmetology). N.Y. Educ. Law §§ 6608-b, 6609 (child 16 or younger not qualified to be certified dental assistant or dental hygienist). *Id.* § 6906 (child 16 or younger not eligible for license as practical nurse). N.Y. Envtl. Conserv. Law § 13-0311 (child 16 or younger who wishes to apply for shellfish digger's permit must obtain signed consent from parent or legal guardian). *Id.* § 13-0328 (child 15 and younger not eligible for commercial food fish license). N.Y. Ins. Law § 4507 (child 14 or younger at nearest birthday not eligible for adult membership in fraternal benefit society). *Id.* § 3207 (child younger than 14 years 6 months not eligible to contract for life

insurance). N.Y. Pub. Health Law § 3555 (child 14 to 17 may only use ultraviolet tanning facility with parental consent). N.Y. Env'tl. Conserv. Law § 6811 (child 15 or younger ineligible for certain hunting licenses). N.Y. C.P.L.R. 4508 (child 15 or younger not entitled to same confidentiality protections as adult when speaking to social worker; if social worker obtains information from child indicating child has been victim of crime, social worker may be required to testify regarding said information). N.Y. Penal Law § 265.05 (child 15 or younger may not possess air-gun). N.Y. Mental Hyg. Law § 9.13 (patient who is 15 or younger may not apply for voluntary admission to hospital for mental health treatment; child's parent, guardian, or next-of-kin may apply for admission on child's behalf). N.Y. Parks Rec. & Hist. Preserv. Law § 25.19 (child 14 to 17 may not operate snowmobile without safety certificate or adult supervision). N.Y. Mil. Law § 2 (male children 16 and younger excluded from militia). N.Y. Unconsol. Law § 8921 (child 15 or younger may not attend professional boxing or wrestling match unless accompanied by parent or guardian).

Laws extending extra protection to young adolescents: N.Y. Penal Law § 130.30 (protecting children 14 and younger from sexual intercourse with adults). *Id.* §§ 100.05, 100.08, 100.13, 105.05, 105.10, 105.13, 105.17 (protecting children 15 and younger from being drawn into criminal conduct by adults and/or from participation in criminal conspiracies with adults). *Id.* §§ 115.00, 115.01, 115.08 (providing

enhanced penalties for adult who helps child 15 or younger commit crime). *Id.* § 120.70 (protecting children 16 and younger from being lured into motor vehicles, watercraft, aircraft, buildings, or isolated areas for the purposes of committing certain crimes against children). *Id.* § 220.74 (enhanced penalty for manufacture of methamphetamine if offense committed in presence of child 15 or younger and offender is at least 5 years older than child). N.Y. Crim. Proc. Law §§ 65.00, 65.10 (child 14 or younger may testify via closed-circuit television under some circumstances). *Id.* § 60.44 (child 15 or younger may use anatomically correct doll in testifying in criminal proceedings related to sexual offenses). N.Y. Envtl. Conserv. Law § 9-1111 (power of state officials to impress any person for firefighting assistance not applicable to children 15 and younger). N.Y. Veh. & Traf. Law § 1229-c (driver of motor vehicle responsible for ensuring children 15 and younger are using safety belts or other child restraint devices). N.Y. Crim. Proc. Law § 510.15 (child 15 or younger may not be jailed with adults without approval of state division of youth).

NORTH CAROLINA

Laws establishing minimum age for rights and responsibilities: N.C. Gen. Stat. Ann. § 14-27.7A (West) (child 13, 14, or 15 incapable of consent to sexual activity with person 4 or more years older, with exception for marriage). *Id.* §§ 51-2, 51-2.1 (child 14 or 15 can marry only under particular

situations and with judicial consent; child 16 or 17 may not marry without parental consent). *Id.* § 14-410 (child 15 or younger cannot purchase fireworks). *Id.* § 130A-412.31 (child 15 or younger incapable of donating blood without parental consent). *Id.* § 130A-412.6 (child 15 or younger incapable of making decision to donate organs unless emancipated). *Id.* § 14-400 (child 17 or younger not permitted to obtain tattoo; parental consent required for body piercing). *Id.* § 20-171.9 (child 15 or younger required to wear helmet when riding bicycle). *Id.* § 20-11 (child 14 or younger cannot drive, 15-year-old eligible for learner's permit only), *amended in nonpertinent part by* 2011 N.C. Sess. Laws 2011-145 (H.B. 200, approved June 4, 2011, eff. July 1, 2011). *Id.* §§ 20-10.1, 160A-300.6 (child 15 or younger prohibited from operating mopeds or golf carts on public roadways). *Id.* § 115C-378 (children between 7 and 16 must attend school). *Id.* § 95-25.5 (child 15 or younger may only work limited hours in any employment). *Id.* § 58-58-100 (child 14 or younger unable to contract for insurance or annuities). *Id.* § 58-24-25 (child 14 or younger prohibited from membership in fraternal benefit societies).

Laws extending extra protection to young adolescents: N.C. Gen. Stat. Ann. § 14-178 (enhanced penalty for incest if victim is child aged 13, 14, or 15 and offender is at least 6 years older). *Id.* § 14-202.3 (children 15 or younger protected from solicitation with intent to commit an unlawful sexual act by means of a computer, unless the offender is

less than five years older than the child). *Id.* §§ 14-50.17, 14-50.18 (enhanced penalty for solicitation of gang activity if person solicited 15 or younger). *Id.* § 14-190.7 (children 15 and younger protected from distribution of obscene materials). *Id.* § 90-95 (enhanced penalty for selling controlled substance to child 15 or younger). *Id.* § 20-137.1 (requiring children 15 or younger to be secured in a seat belt). *Id.* § 20-135.2B (prohibiting operator of vehicle having an open bed or cargo area from transporting children 15 or younger in the bed or cargo area). *Id.* § 15A-1225.1 (authorizing remote testimony for children 15 or younger who would suffer emotional distress or would have their ability to communicate with the trier of fact impaired as a result of live testimony). *Id.* §§ 8-53.1, 8-57.1 (protecting children 15 or younger in child abuse cases by limiting husband-wife and physician-patient evidentiary privileges).

NORTH DAKOTA

Laws establishing minimum age for rights and responsibilities: N.D. Cent. Code Ann. § 12.1-20-03 (child under 15 unable to consent to sexual activity). *Id.* § 14-03-02 (child 15 or younger prohibited from entering into marriage contract; children 16 or 17 may not marry without parental consent). *Id.* §§ 39-06-03, 39-06-04 (child 15 or younger ineligible for full driver's license; child aged 14 or 15 may only operate a motor vehicle with learner's permit when accompanied by adult aged 18 or older). *Id.* § 15.1-20-01 (compulsory education between 7 and 16). *Id.*

§ 34-07-15 (child aged 14 or 15 may not be employed before 7 a.m. nor after 7 p.m., except that these hours are 7 a.m. to 9 p.m. during summer months, nor more than 18 hours during school weeks, nor more than 3 hours on schooldays, nor more than 40 hours during non-school weeks, nor more than 8 hours on non-schooldays). *Id.* § 43-04-23 (child 16 or younger ineligible to be registered as apprentice barber). *Id.* § 20.1-04-07 (child 14 or younger prohibited from holding spring wild turkey license).

Laws extending extra protection to young adolescents: N.D. Cent. Code Ann. § 12.1-20-03 (enhanced penalties for those who engage children 14 or younger in sexual acts). *Id.* § 12.1-20-03.1 (children 14 and younger protected from continuous sexual abuse). *Id.* § 12.1-20-05 (children 14 and younger protected from corruption and solicitation). *Id.* § 12.1-20-05.1 (enhanced penalties for those who lure child 14 or younger by electronic means). *Id.* § 39-21-41.2 (child 17 and under must be restrained in moving vehicle). *Id.* § 12-46-13 (child 15 and younger cannot be incarcerated with adults).

OHIO

Laws establishing minimum age for rights and responsibilities: Ohio Rev. Code Ann. §§ 2907.04, 2907.05 (West) (child 15 or younger incapable of consent to sexual activity with person 18 or older). *Id.* § 3101.01 (male child 17 or younger and female child 15 or younger incapable of contracting for

marriage without parental consent). *Id.* § 2108.31 (child 15 or younger not authorized to donate blood; 16-year-old may not donate blood without parental consent). *Id.* § 2108.04 (child 15 years 6 months or younger prohibited from making anatomical gift decision unless emancipated). *Id.* § 3730.06 (child 17 or younger incapable of receiving tattoo or piercing without parental consent and presence). *Id.* §§ 4507.071, 4507.05 (child 15 years 6 months or younger cannot drive; child under 16 eligible for temporary instruction permit only; child 16 or 17 only eligible for probationary license subject to nighttime driving restrictions). *Id.* § 3321.01 (child aged 6 to 18 must attend school). *Id.* § 4109.07 (establishing time limits on employment of children 15 and under, including not more than three hours on any school day; less strict time limits for minors 16 and 17).

Laws extending extra protection to young adolescents: Ohio Rev. Code Ann. § 2907.21 (enhanced penalty for compelling prostitution if person compelled is child 15 or younger). *Id.* § 5120.16 (child 17 or younger cannot be incarcerated with inmates over 18; exception if child does not follow rules and regulations; if department receives too few inmates under 18 to fill separate housing unit, child may be housed in unit with inmates under 21).

OKLAHOMA

Laws establishing minimum age for rights and responsibilities: Okla. Stat. Ann. tit. 21, § 1111

(West) (child 15 or younger incapable of consent to sexual intercourse). *Id.* tit. 43, § 3 (child 15 or younger incapable of contracting for marriage, except with judicial authorization in settlement of suit for seduction or paternity or if unmarried female is pregnant or has given birth to an illegitimate child; 16- and 17-year-old child may do so only with parental consent). *Id.* tit. 63, § 2152 (child 15 or younger incapable of donating blood). *Id.* tit. 63, § 2200.4A (child 15 or younger incompetent to make decision to donate organs, unless emancipated). *Id.* tit. 21, § 842.1 (child 17 or younger incapable of receiving tattoo; child 17 or younger incapable of receiving body piercing without parental consent and presence). *Id.* tit. 47 § 6-105 (child under 15 and a half cannot drive; 16-year-old eligible only for learner permit). *Id.* tit. 70, § 10-105 (child 17 or younger must attend school). *Id.* tit. 40, §§ 71, 72.1, 75, 76 (child 15 or younger prohibited from employment in hazardous occupations and from working certain hours). *Id.* tit. 15, §§ 13, 17 (child 17 or younger prohibited from making a contract relating to real property or to personal property not in the child's immediate possession or control).

Laws extending extra protection to young adolescents: Okla. Stat. Ann. tit. 21, § 1123 (children 15 and younger protected from sexual contact, electronically communicated indecent proposals, and enticement). *Id.* tit. 21, § 1040.13a (children 17 and younger protected while using the Internet and other electronic devices by felonies relating to use of computers and electronic devices to engage in sexual

communication). *Id.* tit. 21, § 1119 (children 14 and younger protected from abduction for marriage or crime involving moral turpitude). *Id.* tit. 21, § 891 (children 15 and younger protected from enticement). *Id.* tit. 21, § 853 (children 14 and younger protected from abandonment). *Id.* tit. 10, § 1628 (children 16 and younger protected by provision requiring immediate investigation upon report of missing child).

OREGON

Laws establishing minimum age for rights and responsibilities: Or. Rev. Stat. Ann. §§ 163.315, 163.415 (West) (child 17 or younger incapable of consenting to sexual activity). *Id.* § 106.010 (child 16 or younger incapable of entering contract for marriage). *Id.* § 109.670 (child 15 or younger not eligible to donate blood without parental consent). *Id.* § 97.955 (unemancipated child 14 or younger not able to consent to anatomical gift; parent or guardian may consent to anatomical gift on child's behalf). *Id.* § 814.485 (child 15 or younger must wear protective headgear when riding bicycle on highway or premises open to public). *Id.* §§ 807.060, 807.065, 807.220, 807.230, 807.280 (child 14 or younger may not drive motor vehicles, with limited exceptions for emergencies and children with no other means of transportation to and from school; 15-year-old child eligible for learner's permit only). *Id.* § 339.010 (child between ages 7 and 18 must attend school unless child has completed 12th grade). *Id.* § 653.315 (restricting work hours for children 15 and younger). *Id.*

§ 419B.851 (child 14 or younger cannot accept service of process for another at child's residence). *Id.* § 419B.558 (child 15 or younger may not be emancipated from parents). *Id.* § 660.126 (child 15 or younger may not work as apprentice). *Id.* § 814.600 (child 15 or younger must wear protective headgear when riding skateboard, scooter, or using inline skates on highway or premises open to public). *Id.* § 830.088 (child 12 to 15 years old may only operate motorboat if child obtains boating safety certificate; if boat has engine of 10 horsepower or greater, child must also be accompanied by older person).

Laws extending extra protection to young adolescents: Or. Rev. Stat. Ann. § 163.385 (protecting children 15 or younger from sodomy). *Id.* § 163.355 (protecting child 15 or younger from any sexual intercourse). *Id.* § 161.725 (when determining sentence for repeat offender, judge may not consider offenses committed when defendant was 15 years old or younger). *Id.* § 811.210 (penalties for adult who fails to ensure proper safety belt use by child 15 or younger). *Id.* § 137.705 (child 15 or younger who is charged as adult may not be detained in jail with adults).

PENNSYLVANIA

Laws establishing minimum age for rights and responsibilities: 18 Pa. Cons. Stat. Ann. § 3122.1 (West) (child 15 or younger incapable of consent to sexual activity with person four or more

years older who is not spouse). 23 Pa. Cons. Stat. Ann. § 1304 (child 15 or younger incapable of contracting for marriage without judicial consent; children age 16 and 17 cannot marry without parental consent). 35 Pa. Cons. Stat. Ann. § 10002 (child 15 or younger cannot donate blood; 16-year-old must have parental consent). 20 Pa. Cons. Stat. Ann. § 8611 (child 15 or younger incapable of executing anatomical gift; 16- and 17-year-old children must have parental consent). 18 Pa. Cons. Stat. Ann. § 6311 (child 17 or younger cannot be tattooed or get body piercing without parental consent and presence). 16 Pa. Stat. Ann. § 2175 (prohibiting child 15 or younger from becoming emancipated). 75 Pa. Cons. Stat. Ann. § 1503 (child 15 or younger cannot drive; 16-year-old eligible for restricted license only). *Id.* § 7725 (child 15 or younger prohibited from driving snowmobiles or ATVs on crossing streets without adult supervision). 24 Pa. Stat. Ann. § 13-1326 (child aged 8 to 16 must attend school). 43 Pa. Stat. Ann. §§ 42, 46 (children 15 or younger prohibited from working with limited exceptions and restrictions on working hours). 53 Pa. Stat. Ann. § 15322 (child 15 or younger cannot be plumber's apprentice). 63 Pa. Stat. Ann. §§ 510, 553 (child 15 or younger cannot receive cosmetology or barber license). 35 Pa. Cons. Stat. Ann. § 8114, § 8115 (children 15 and younger prohibited from becoming certified as emergency medical responders or technicians). 15 Pa. Cons. Stat. Ann. § 5722 (children 15 and younger may not serve on advisory board for nonprofit corporations organized primarily for recreational or youth development and delinquency prevention

purposes). 40 Pa. Stat. Ann. § 991.2411 (children 14 and younger are prohibited from membership in fraternal benefit societies). 53 Pa. Stat. Ann. § 4740 (child 15 or younger cannot attend public dance after 9 p.m.). 5 Pa. Cons. Stat. Ann. § 1122 (child 15 or younger from attending boxing contests or competitions unless accompanied by an adult); *see also id.* § 702 (children between 12 and 17 may participate in amateur boxing match only with parental permission). 18 Pa. Cons. Stat. Ann. § 7105 (child 17 and younger, and in some cases 15 and younger, prohibited from being in pool and billiard rooms).

Laws extending extra protection to young adolescents: 18 Pa. Cons. Stat. Ann. § 3127 (enhanced penalty for indecent exposure if child 15 or younger present). 42 Pa. Stat. Ann. § 9718 (enhanced penalty for aggravated assault, rape, involuntary deviate sexual intercourse, and aggravated indecent assault when victim 15 or younger). 75 Pa. Cons. Stat. Ann. § 4581 (child 17 or younger required to wear seatbelt in car). 18 Pa. Cons. Stat. Ann. § 7106 (theater managers prohibited from selling admission tickets for motion pictures rated as suitable for adults to children 15 and younger). 63 Pa. Stat. Ann. § 390-9 (prohibiting children 15 and younger from obtaining certain poisons). 42 Pa. Cons. Stat. Ann. §§ 5982, 5984.1 (child victim or witness 15 or younger protected through provision authorizing recorded testimony). 16 Pa. Stat. Ann. § 5543.2 (certain county commissioners to provide separate room to confine children 15 and younger in custody awaiting trial or hearing).

RHODE ISLAND

Laws establishing minimum age for rights and responsibilities: R.I. Gen. Laws Ann. § 11-37-6 (West) (defining age of consent as 16; child 14 or 15 incapable of consent to sexual penetration with person over 18). *Id.* § 15-2-11 (male 17 or younger or female 15 or younger can receive marriage license only with parental consent and after investigation by family court; female 16 or 17 eligible for marriage license with parental consent only). *Id.* § 11-13-3 (child 14 or younger may not buy ammunition with fulminate or any firearm arranged for explosion of cartridge or fulminate without parental consent). *Id.* § 23-4.5-1 (child 15 or younger may not donate blood; 16-year-old may not consent to donate blood without parental permission). *Id.* § 23-18.6.1-4 (child 15 or younger incompetent to consent to donate organs, unless emancipated). *Id.* § 31-19-2.1 (child 15 or younger required to wear helmet when riding bicycle or using skateboard, roller skates, inline skates, or scooter). *Id.* § 27-25-6 (no child 14 or younger may be adult member of fraternal benefit society). *Id.* § 31-10-6 (child 15 or younger may not drive; under graduated license scheme, children aged 16 to 18 may gradually acquire full driving privileges). *Id.* § 16-19-1 (child aged 6 to 16 must attend school). *Id.* § 11-9-11 (cities or town may designate curfew streets on which children 15 or younger are prohibited from loitering after 9 p.m. unless accompanied by adult). *Id.* § 28-3-3 (child 14 or younger prohibited from employment, child 15 or older may obtain special

limited permit to work, not during school hours and not in factories); *see also id.* § 28-3-11 (no child 15 or younger to work more than 40 hours per week). *Id.* § 28-45-9 (child 15 or younger may not enter apprenticeship program).

Laws extending extra protection to young adolescents: R.I. Gen. Laws Ann. §§ 11-23-1, 11-37-8.1 (elevating murder to first-degree when committed during any degree of child molestation against child 14 or younger). *Id.* § 11-26-1.4 (enhancing penalty for adult who kidnaps child 15 or younger with intent to secretly confine or sexually assault child). *Id.* § 11-26-1.5 (crime to entice, with felonious intent, child 15 or younger to leave child's home or to enter a car or building or a secluded area). *Id.* § 11-37-8.1 (enhancing punishment for sexual penetration of child 14 or younger). *Id.* § 11-37-13.2 (protecting children from unreasonable mental or emotional harm by providing that court may allow victim of sexual crime who is 17 or younger at time of trial to testify in criminal prosecution via videotaped deposition or closed-circuit television, and by establishing rebuttable presumption that child 14 or younger is unable to testify without unreasonable mental or emotional harm). *Id.* § 14-1-26 (delinquent child 17 or younger shall not be transferred to or from juvenile institution with adult offenders).

SOUTH CAROLINA

Laws establishing minimum age for rights and responsibilities: S.C. Code Ann. § 16-15-342 (West) (child 15 or younger incapable of consenting to sexual activity with adult). *Id.* § 20-1-100 (child 15 or younger may not marry under any circumstances). *Id.* § 40-56-220 (sale of fireworks to child 15 or younger prohibited). *Id.* § 44-43-20 (child 15 or younger prohibited from donating blood; 16-year-old may only donate blood with parental consent). *Id.* § 44-43-315 (child 15 or younger may not consent to donate his or her organs). *Id.* §§ 56-1-40, 56-1-175 (child 14 or younger cannot drive; child who is 15 is eligible for beginner's permit or conditional license only). *Id.* § 59-65-10 (child 16 or younger must attend school). S.C. Code Ann. Regs. 71-3103 (child 15 or younger may only work subject to child labor laws). *Id.* 71-3106 (child 14 or 15 prohibited from working more than three hours per day while school in session and barred from working in, *inter alia*, manufacturing, mining, warehousing and storage, transportation, construction, and baking). S.C. Code Ann. § 7-13-110 (child 15 or younger ineligible to work as poll manager's assistant during elections). *Id.* § 50-5-325 (child 15 or younger barred from serving as master of commercial fishing trawler). *Id.* § 25-3-40 (child 16 and under may not serve in South Carolina State Guard). *Id.* § 40-7-230 (child 16 or younger may not become licensed barber; child 15 or younger may not be licensed barber's assistant or apprentice). *Id.* § 38-38-110 (child 14 or younger not eligible for adult

membership in fraternal benefit society). *Id.* § 52-19-90 (child 15 or younger may not bungee jump without parental consent). *Id.* § 44-43-710 (child 15 or younger incompetent to consent to autopsy of deceased relative). *Id.* § 44-52-20 (child 15 or younger may not voluntarily admit herself to treatment facility for drug or alcohol dependence; child's parent or legal guardian may apply for admission on child's behalf).

Laws extending extra protection to young adolescents: S.C. Code Ann. § 16-3-655 (special protections against sexual battery for children between ages 11 and 14). *Id.* § 16-15-140 (children 15 and younger protected from lewd or lascivious acts). *Id.* § 16-15-342 (for crimes involving children 15 and younger, consent is no defense to a charge of criminal solicitation). *Id.* § 56-5-2947 (enhanced penalty for failure to stop vehicle when signaled by law-enforcement officer or for operating vehicle while under influence of alcohol or drugs when child 15 or younger in vehicle). *Id.* § 56-5-6520 (penalizing driver of car when child 17 or younger does not wear seat belt, unless child has driver's license or learner's permit). *Id.* § 44-53-577 (protecting children 16 and younger from being lured or enticed into participating in the sale of narcotics). *Id.* § 56-5-3900 (unlawful to transport child 14 or younger in open area of pickup truck or trailer unless special requirements are met). S.C. Const. art. XII, § 3 (child 16 or younger may not be incarcerated with adult offenders); S.C. Code Ann. § 63-19-1440 (child 16 or younger may not be incarcerated in a state penal or correctional institute).

SOUTH DAKOTA

Laws establishing minimum age for rights and responsibilities: S.D. Codified Laws § 22-22-7.3 (West) (child 15 or younger incapable of consent to sexual activity with person not spouse, and punishable offense to have sexual contact with another child 15 or younger). *Id.* § 25-1-9 (child 15 or younger incapable of contracting for marriage; child 16 or 17 may only do so with parental consent). *Id.* § 26-2-7 (child 15 or younger incapable of donating blood; 16-year-old requires parental consent). *Id.* § 32-12-11 (14-year-old child eligible only for driving instruction permit which requires adult supervision for the first six months); *see also id.* § 32-12-6 (child 17 or younger cannot obtain a driver's license without parental consent). *Id.* § 13-27-1 (children 6 to 17 must attend school). *Id.* § 60-12-1 (limiting hours of employment for children 15 or younger); *see also id.* § 60-12-3 (child 15 or younger cannot be employed in occupations dangerous to life, health, or morals, with limited exceptions).

Laws extending extra protection to young adolescents: S.D. Codified Laws § 22-22-7 (children 15 and younger protected from sexual contact with older persons). *Id.* §§ 22-24A-4, 22-24A-5 (children 15 and younger protected from solicitation for sexual acts by persons over 18, including use of computer in furtherance of such solicitation). *Id.* § 22-19-7.1 (children 15 and younger protected from enticement for illegal purposes). *Id.* § 23A-12-9 (child 15 or younger who is victim of sex crime protected through

provision authorizing use of victim's videotaped deposition in criminal prosecution where judge finds that in-court testimony would be substantially detrimental to child victim's well-being). *Id.* § 32-37-1.3 (children 14 to 17 required to wear seat belts). *Id.* § 26-2-6 (contract by child 15 or younger may later be disaffirmed). *Id.* § 26-7A-26 (children 17 or younger confined in an adult detention facility while awaiting trial must be kept physically separate and may have no sight or sound contact with adult detainees).

TENNESSEE

Laws establishing minimum age for rights and responsibilities: Tenn. Code Ann. §§ 36-3-105, 36-3-106, 36-3-107 (West) (child 15 or younger ineligible for marriage license unless judge or county mayor issues waiver; 16- and 17-year-olds may not marry without parental consent). *Id.* § 68-104-112 (child 15 or younger incapable of purchasing fireworks). *Id.* § 68-32-101 (child 15 or younger incapable of donating blood; 16-year-old requires parental consent). *Id.* § 68-30-104 (child 14 or younger incapable of making decision to donate organs unless emancipated minor). *Id.* § 55-52-105 (child 15 or younger required to wear helmet when riding bicycle). *Id.* § 62-38-211 (child 17 or younger may not be tattooed; 16- and 17-year-olds eligible for tattooing only to cover existing tattoo and with parental consent and presence). *Id.* § 68-117-104 (child 17 or younger must have parental consent to use tanning salon). *Id.* § 62-38-305 (child 17 or younger ineligible for body

piercing without parental consent). *Id.* § 39-13-506 (child 17 or younger incapable of consent to sexual activity except with person less than four years older than child). *Id.* §§ 55-50-311, 55-50-312 (14-year-old eligible to drive only with special restricted license, and only if hardship can be shown; 15-year-old eligible for learner's permit with parental consent). *Id.* § 49-6-3001 (children between 6 and 17 must attend school). *Id.* § 39-17-1702 (children 16 and younger have curfew of 10 p.m. on weekdays, 11 p.m. on weekends; 17-year-olds have curfew of 11 p.m. on weekdays, 12 a.m. on weekends). *Id.* §§ 50-5-104, 50-5-106 (limiting employment hours for 14- and 15-year-olds and limiting type of occupations for all minors).

Laws extending extra protection to young adolescents: Tenn. Code Ann. § 39-13-506 (children 13 to 17 protected from sexual contact with older persons). *Id.* § 39-13-529 (children 17 and younger protected while using Internet and electronic communication by creation of felony for solicitation of child using computer or electronic communication). *Id.* §§ 39-17-417, 39-17-418 (enhancing penalties for drug offenses where children 17 or younger are the recipients of controlled substance). *Id.* § 55-10-403 (enhanced penalty for driving under the influence when children 17 or younger are present). *Id.* § 55-9-602 (children 13 to 15 protected by requirement that driver of motor vehicle secure children with seat belts). *Id.* § 37-1-134 (children 15 and younger convicted of crimes protected from incarceration with adults).

TEXAS

Laws establishing minimum age for rights and responsibilities: Tex. Penal Code Ann. § 21.11 (West) (child 16 or younger incapable of consenting to sexual activity). Tex. Fam. Code Ann. § 2.009 (child 15 or younger ineligible for marriage license without court order; child 16 or 17 may obtain marriage license only with parental consent, documents establishing that a prior marriage of the applicant has been dissolved, or a court order). Tex. Occ. Code Ann. § 2154.252 (child 15 or younger not permitted to purchase fireworks). Tex. Health & Safety Code Ann. § 162.015 (child 16 or younger incapable of consenting to donate blood). *Id.* § 692A.004 (child 15 or younger incapable of making anatomical gift decision; child 16 or 17 must obtain parental consent). *Id.* § 146.012 (child 17 or younger not permitted to get tattoo without parental consent). Tex. Transp. Code Ann. §§ 521.201, 521.222 (child 14 or younger not eligible for driver's license or instruction permit; child 17 or younger must comply with certain requirements). Tex. Educ. Code Ann. § 25.085 (children aged 6 to 17 required to attend school). Tex. Lab. Code Ann. § 51.013 (child aged 14 and 15 only permitted to work limited hours).

Laws extending extra protection to young adolescents: Tex. Penal Code Ann. § 22.011 (children 16 and younger protected from sexual assault). *Id.* § 49.045 (enhanced penalty for driving while intoxicated when child 14 or younger in car). Tex. Transp. Code Ann. § 545.413 (penalizing driver of car when

child 16 or younger does not wear seat belt). Tex. Penal Code Ann. § 22.041 (children 14 and younger protected from abandonment and endangerment). *Id.* § 22.04 (children 14 and younger protected from serious bodily injury, serious mental impairment or injury, bodily injury, or exploitation by creation of felonies). *Id.* § 33.021 (protecting children 16 or younger from sexually explicit communication through electronic communication service).

UNITED STATES (FEDERAL)

Laws establishing minimum age for rights and responsibilities: 10 U.S.C.A. § 505 (West) (child 16 or younger prohibited from enlisting in Army, Navy, Air Force, Marine Corps, or Coast Guard; 17-year-old may not do so without written consent of parent or guardian, if such person is entitled to child's custody and control). *Id.* § 311 (children 16 and younger excluded from mandatory unorganized militia consisting of able-bodied males 17 to 45 and females who are members of National Guard). *Id.* §§ 4346, 6958, 9346 (child 16 or younger ineligible for admission to United States Military Academy, United States Naval Academy, or United States Air Force Academy). 29 U.S.C.A. §§ 203, 212, 213 (regulating child labor and distinguishing between teens younger than 16 and teens 16 or 17 years old); *see also* 41 U.S.C.A. § 6502 (contractor doing business with United States under contract exceeding \$10,000 in value shall not employ child 15 or younger in manufacture or production or furnishing of any materials,

supplies, articles, or equipment included in contract); 16 U.S.C.A. § 1725 (child 16 or younger ineligible for employment as resource assistant in any Federal land managing agency). 8 U.S.C.A. § 1182 (children 15 and younger not subject to prohibition of visas and admission to United States for aliens affiliated with Communist or totalitarian party because membership involuntary). 16 U.S.C.A. § 6802 (child 15 or younger not required to pay entrance fee for federal recreational lands and waters); *see also* 36 C.F.R. §§ 3.6, 2.18 (child 15 or younger must be accompanied or supervised by adult to operate power-driven vessel and snowmobile in national park). 14 C.F.R. § 121.585 (child 14 or younger ineligible to sit in exit row seat on airplane). 20 C.F.R. § 404.612 (child 15 or younger may not sign his own application for social security disability or survivor benefits; application must be signed by court-appointed representative, guardian or other care-taker).

Laws extending extra protection to young adolescents: 10 U.S.C.A. § 920 (child 15 or younger incapable of consent to sexual activity). *Id.* § 3056 (Secret Service authorized to protect children 15 and younger of former United States President; period not to exceed 10 years). *Id.* § 2442 (protecting children 14 and younger from recruitment as child soldiers by punishing recruitment, enlistment, or conscription of such children into an armed force or group, or use of such children to participate actively in hostilities). U.S. Sentencing Guidelines Manual § 3B1.4 (“Using a Minor To Commit a Crime”) (2011) (adding 2 offense

levels to guidelines calculation where defendant used or attempted to use child 17 or younger to commit offense or avoid detection). *Id.* § 2A2.3 (adding 4 offense levels to guidelines calculation for conviction of certain assault offenses where victim is 15 or younger). 18 U.S.C.A. § 2241 (providing enhanced punishment for aggravated sexual abuse in prison or other location subject to federal jurisdiction where victim 15 or younger); *see also* U.S. Sentencing Guidelines Manual § 2A3.1 (2011) (adding 2 offense levels to guidelines calculation for conviction of criminal sexual abuse under 18 U.S.C.A. §§ 2241-2242 where victim is child between 12 and 15). 18 U.S.C.A. § 2422 (providing for enhanced criminal penalties – including possible life sentence – for adult who knowingly induces, entices, persuades or coerces child 17 or younger to engage in prostitution or other illegal sexual activity). 18 U.S.C.A. §§ 2251 to 2260A (protecting children generally against child pornography and other related sexual exploitation through laws penalizing, *inter alia*, production, distribution, Internet distribution, sale, and possession of sexually explicit materials involving children); *see also, e.g.*, U.S. Sentencing Guidelines Manual § 2G2.1 (2011) (adding 2 offense levels to guidelines calculation for convictions relating to sexual exploitation of minors and production of sexually explicit materials involving minors under 18 U.S.C.A. §§ 1591, 2251, or 2260(b), where victim is child between 12 and 15). 7 U.S.C.A. § 2015 (children 14 or younger exempt from labor and other requirements imposed on adults in

order to receive Supplemental Nutrition Assistance Program benefits).

UTAH

Laws establishing minimum age for rights and responsibilities: Utah Code Ann. §§ 76-5-401, 76-5-401.2 (West) (child 15 or younger incapable of consenting to sex; child 16 or 17 incapable of consenting to sex with person 10 or more years older than child). *Id.* §§ 30-1-8, 30-1-9 (child 15 or younger may not marry unless child and parent obtain judicial court authorization; child 16 or 17 requires parental consent). *Id.* § 26-31-202 (child 15 or younger not eligible to donate blood; 16-year-old requires parental consent). *Id.* § 26-28-104 (child 14 or younger cannot consent to organ donation, and child 17 or younger cannot unless emancipated); *cf. id.* § 78A-6-803 (child 15 or younger not eligible for emancipation). *Id.* §§ 41-8-2, 53-3-204, 53-3-210.5 (child 15 or younger may not be licensed to drive, with certain exceptions; 15-year-old may obtain learner's permit; child 16 or younger may not drive after midnight). *Id.* § 41-6a-1115 (child 14 or younger prohibited from operating motor assisted scooter using motor without direct parental supervision). *Id.* § 23-20-20 (child 15 or younger may only hunt while accompanied by person over 21). *Id.* § 34-23-202 (child 15 or younger may not work during school hours or for more than 4 hours on a school day); *see also id.* § 34-23-201 (child 17 or younger cannot work in hazardous occupation unless under close supervision in apprentice or vocational

training program with approval of Labor Division). *Id.* § 31A-21-103 (child 15 or younger not competent to contract for insurance).

Laws extending extra protection to young adolescents: Utah Code Ann. §§ 76-5-401, 76-5-401.1 (protecting children 14 and 15 years old by criminalizing sexual activity and sexual abuse with child). *Id.* § 76-10-1204 (reducing penalty against children 17 or younger for distribution of pornographic material). *Id.* § 41-6a-503 (enhanced penalty for driving under influence of alcohol or drugs when child 15 or younger in car). *Id.* § 41-6a-1803 (children 15 and younger protected by provision requiring driver to ensure children wear seat belts).

VERMONT

Laws establishing minimum age for rights and responsibilities: Vt. Stat. Ann. tit. 13, § 3252 (West) (child 14 or younger incapable of consenting to sex; 15-year-old cannot consent to sex with person 19 or older). *Id.* tit. 18, § 5142 (child 15 or younger may not receive marriage license; 16- and 17-year-old may do so only with parental consent). *Id.* tit. 18, § 9 (children 16 or younger cannot consent to donate blood without parental authorization). *Id.* tit. 23, §§ 606, 607, 617 (child 14 or younger cannot drive; 15-year-old eligible for learner's permit; 16- and 17-year-olds eligible for limited junior license). *Id.* tit. 16, § 1121 (children age 6 to 16 must attend school). *Id.* tit. 21, §§ 431, 434 (child 15 or younger ineligible to

work when school in session without filing certificate of eligibility from commissioner, and may work only during limited hours). *Id.* tit. 24, § 2151 (municipalities may create curfews for children 15 or younger). *Id.* tit. 8, §§ 3710, 4470 (child 14 or younger may not contract for insurance or be admitted to fraternal benefit society). *Id.* tit. 10, § 4254 (child 15 or younger eligible for hunting and archery license only with written consent of parent/guardian; child 14 or younger ineligible for fishing license). *Id.* tit. 7, § 1002 (child 15 or younger prohibited from selling tobacco).

Laws extending extra protections to young adolescents: Vt. Stat. Ann. tit. 12, § 1612 (various health professionals required to disclose information indicating a patient 15 or younger has been victim of a crime). *Id.* tit. 13, § 1063 (crime of stalking aggravated if victim 15 or younger). *Id.* tit. 13, § 1460 (general public excluded from hearings in hate crime matters where defendant 15 or younger). *Id.* tit. 13, § 2828 (crime to lure child 15 or younger into sexual act by any means). *Id.* tit. 13, §§ 2821, 2822, 2824, 2827 (children 15 or younger protected from various forms of sexual exploitation). *Id.* tit. 13, § 4007 (penalty for person other than parent or guardian or firearms instructor who sells or furnishes firearms to child 15 or younger). *Id.* tit. 15, § 512 (parent or guardian of child who married at age 15 or younger may seek annulment).

VIRGINIA

Laws establishing minimum age for rights and responsibilities: Va. Code Ann. §§ 18.2-63, 18.2-371 (West) (child 14 or younger incapable of consent to sexual activity; child who is 15, 16 or 17 incapable of consent to sexual activity with adults). *Id.* §§ 20-48, 20-49 (child 15 or younger may not get married unless one of parties seeking to be married is pregnant or has recently given birth; child who is 16 or 17 and has not been previously married may not marry without parental consent). *Id.* § 32.1-291.4 (child 15 and a half or younger may not consent to donate organs after death unless emancipated); *cf. id.* § 16.1-331 (child 15 or younger not eligible for emancipation). *Id.* § 18.2-371.3 (child 17 or younger may not be tattooed or undergo body piercing except in presence of child's parent or guardian or when done under supervision of medical doctor). *Id.* §§ 46.2-334, 46.2-335 (child younger than 15 years 6 months may not drive; child who is at least 15 years 6 months but younger than 16 years 3 months may obtain learner's permit only; child who is at least 16 years 3 months but younger than 18 may obtain license subject to special conditions). *Id.* § 46.2-914 (child 15 or younger may not operate moped on roadway). *Id.* § 22.1-254 (compulsory schooling for children older than 5 and younger than 18). *Id.* §§ 40.1-78, 40.1-79.01 (child 14 or 15 may not be employed during school hours except in connection with educational training program); *see also id.* § 40.1-80.1 (limiting work hours for children 15 or younger); *id.* § 40.1-100

(children 17 or younger may not work in variety of professions, including meat packing, slaughtering animals, roofing, operating power-driven baking machines, operating power-driven paper products machines, or job involving driving at night; children 15 or younger barred, except as part of approved training program, from wide array of professions including work in any dance studio, carnival, pool hall, outdoor fair, as aid or orderly in hospital or nursing home, in service of veterinarian treating horses or farm animals, in funeral home, providing room service in hotel or motel, as theater usher, or as lifeguard).

Laws extending extra protection to young adolescents: Va. Code Ann. §§ 18.2-63, 18.2-67.4:2 (protecting children aged 13 and 14 from sexual activity with adults and older children). *Id.* § 18.2-67.3 (enhanced penalties for sexual battery where victim is 13 or 14 years old and act accomplished by force, will, or intimidation; or where victim is between 13 and 17 and offense is committed by parent, step-parent, grandparent, or step-grandparent). *Id.* § 18.2-370 (protecting children 14 or younger from various acts of sexual abuse by adults). *Id.* § 18.2-374.1 (enhancing penalties for child pornography when victim is 14 or younger). *Id.* § 18.2-371 (protecting children ages 15, 16, and 17 from consensual sexual activity with adults); *see also id.* (misdemeanor for person 18 or older to contribute to delinquency of person 17 or younger, contribute to abuse or neglect of child, or place child in need of supervision or

services). *Id.* § 18.2-374.3 (enhancing penalties for improper solicitation of minor over the Internet or via other electronic communications systems when victim is child 14 or younger). *Id.* § 18.2-67.9 (where child witness or victim in certain criminal cases is 14 or younger, court may order that child testify via closed-circuit television when child refuses to testify in open court, is substantially unable to communicate, or would suffer severe emotional trauma from testifying in open court). *Id.* § 18.2-270 (enhanced penalty for driving while intoxicated with a child 17 or younger in the car). *Id.* § 46.2-1095 (driver of car must ensure that child 17 or younger wears seat belt).

WASHINGTON

Laws establishing minimum age for rights and responsibilities: Wash. Rev. Code Ann. §§ 9A.44.030, 9A.44.079 (West) (child 15 or younger incapable of consenting to sexual activity outside of marriage with person 4 or more years older). *Id.* § 26.04.010 (child 16 or younger cannot marry absent showing of necessity and judicial approval). *Id.* § 70.01.020 (child 17 or younger incapable of donating blood without parental consent). *Id.* § 70.77.515 (illegal to sell fireworks to child 15 or younger). *Id.* § 68.64.030 (child younger than 15 and a half incompetent to make decision to donate organ without parental consent unless child is emancipated minor). *Id.* § 26.28.085 (misdemeanor to tattoo child 17 or younger). *Id.* § 46.20.055 (child 14 or younger cannot drive; 15-year-old eligible for learner's permit); *see*

also id. § 46.20.500 (child 15 or younger may not operate electric-assisted bicycle). *Id.* § 46.20.100 (child 17 or younger cannot obtain driver's license without signed endorsement by parent or guardian, or if no parent or guardian, by child's employer). *Id.* § 28A.225.010 (child aged 7 to 17 must attend school). *Id.* § 49.12.123 (work permit required to employ child 17 or younger). *Id.* § 49.12.300 (child 15 or younger not permitted to be employed in house-to-house sales unless Department of Labor and Industries grants variance permit).

Laws extending extra protection to young adolescents: Wash. Rev. Code Ann. §§ 9A.44.079, 9A.44.089 (West) (children 14 and 15 protected from sexual contact with older persons through various statutes criminalizing such contact). *Id.* § 9.68A.150 (gross misdemeanor to knowingly allow child 17 or younger to be on premises of public commercial establishment if there is live performance containing erotic material). *Id.* § 46.61.5055 (enhanced penalty for driving while intoxicated when child 15 or younger in car). *Id.* § 46.61.688 (no person may operate motor vehicle unless all children 15 or younger wearing seat belts). *Id.* § 9A.32.055 (crime to cause death to children 15 or younger under circumstances manifesting an extreme indifference to human life when perpetrator has history of assaulting or torturing that child). *Id.* § 46.61.685 (unlawful to leave child age 15 or younger unattended inside running car). *Id.* § 72.01.410 (when child 17 or younger sentenced to adult correctional facility, secretary of corrections

may transfer child to juvenile correctional facility until age 21; if child is housed in adult correctional facility, child must be kept in housing separated from adult offenders until 18th birthday; limited exception under which child may be kept in administrative segregation unit which also houses adult offenders, but within unit, child must be kept physically separated from adult offenders).

WEST VIRGINIA

Laws establishing minimum age for rights and responsibilities: W. Va. Code Ann. § 61-8B-5 (West) (child 15 or younger incapable of consent to sexual activity with person over age 16 and 4 years older, except spouse). *Id.* § 48-2-301 (child 15 or younger incapable of consenting to marriage without judicial and parental consent; 16- and 17-year-olds require only parental consent). *Id.* § 16-21-1 (child 15 or younger incapable of donating blood; 16-year-old requires parental consent). *Id.* § 16-19-4 (child 15 or younger incapable of consenting to organ donation, unless emancipated); *cf. id.* § 49-7-27 (child 15 or younger ineligible for emancipation unless married). *Id.* § 17C-11A-4 (child 14 or younger required to wear helmet when riding bicycle). *Id.* § 33-6-4 (minor 14 or younger incapable of contracting for life or accident insurance). *Id.* §§ 17B-2-3, 17B-2-3a (applying graduated licensing system in which child 14 or younger cannot drive, 15-year-old is eligible for instruction permit only, and 16- and 17-year-olds are eligible for restricted intermediate license only).

Id. § 18-8-1a (child 15 or younger must attend school).
Id. § 21-6-7 (child 15 or younger may work only limited hours).

Laws extending extra protection to young adolescents: W. Va. Code Ann. § 61-2-9b (enhanced penalty for assault of child 16 or younger and near school). *Id.* § 61-2-14 (punishing kidnapping or concealment of child 15 or younger). *Id.* § 61-2-14f (enhanced penalty for abduction of child 16 or younger near school). *Id.* § 49-5-16 (no child 17 or younger, including one transferred and convicted in adult court, shall be incarcerated in adult prison).

WISCONSIN

Laws establishing minimum age for rights and responsibilities: Wis. Stat. Ann. § 765.02 (West) (child 15 or younger incapable of contracting for marriage; child 16 or 17 may do so only with parental consent). *Id.* § 948.02 (child 15 or younger may not consent to sexual intercourse). *Id.* § 146.33 (child 15 or younger incapable consenting to donate blood; 16-year-old requires parental consent). *Id.* § 157.06 (child under 15 years 6 months of age incapable of making decision to donate organs, unless emancipated). *Id.* § 948.70 (child 17 or younger may not be tattooed except by physician for medical reasons). Wis. Admin. Code DHS § 173.10 (child 15 or younger may not get body piercing; children 16 and 17 must have informed parental consent). Wis. Stat. Ann. §§ 343.06, 343.07, 343.08 (child 15 or younger

may not hold regular driver's license, except that subject to restrictions, child aged 14 may apply for restricted license). *Id.* § 23.33 (child 15 or younger cannot rent or lease all-terrain vehicle). *Id.* § 118.15 (children 6 to 18 must attend school, with some exceptions requiring parental consent). *Id.* § 103.67 (child 15 or younger subject to restrictions on number of hours they can work).

Laws extending extra protection to young adolescents: Wis. Stat. Ann. §§ 948.02, 948.09 (criminalizing sexual contact or intercourse with a child 15 or younger as felonious sexual assault; sexual intercourse with child 16 or 17 as misdemeanor). *Id.* § 948.075 (children 15 and younger protected while using Internet by creation of felony relating to the use of computers to facilitate a child sex crime). *Id.* §§ 948.01, 948.70 (crime to tattoo or offer tattoo to child 16 or younger). *Id.* § 346.65 (increasing penalties for various offenses related to reckless and drunken driving when a child 15 or younger in the car at time of violation). *Id.* § 967.04 (in criminal prosecution or certain other proceedings, child witness 15 or younger may testify by recorded deposition rather than in open court, if judge finds that this is necessary to protect interests of child). *Id.* § 302.18 (children 14 and younger protected from incarceration with adults); *see also id.* § 938.209 (children 14 or younger confined in an adult facility awaiting trial must be kept physically separate from adult detainees and may have no sight or sound contact with adult detainees).

WYOMING

Laws establishing minimum age for rights and responsibilities: Wyo. Stat. Ann. § 6-2-316 (West) (child 15 or younger incapable of consent to sexual contact with person 17 or older, unless age gap is less than four years). *Id.* § 20-1-102 (child 15 or younger cannot contract for marriage unless approved by a judge and parental consent is given). *Id.* § 35-5-204 (child 15 or younger incapable of consenting to organ donation, and child 17 or younger incapable unless emancipated minor); *cf. id.* § 14-1-203 (child 16 or younger ineligible to become emancipated minor). *Id.* §§ 31-7-108, 31-7-110, 31-7-117 (child 15 or younger ineligible for unrestricted driver's license). *Id.* § 21-4-102 (children 15 and younger are required to attend school). *Id.* §§ 27-6-110, 27-6-111 (limiting work hours for children 15 and younger); *see also id.* § 27-6-112 (prohibiting children 15 and younger from working in certain dangerous occupations); *id.* § 27-6-114 (prohibiting employment of children 15 and younger in immoral or dangerous ways). *Id.* § 33-7-209 (child 16 or younger ineligible to be licensed as barber). *Id.* §§ 26-15-105, 26-29-206 (child 14 or younger incapable of contracting for life insurance or adult membership in fraternal benefit society). *Id.* § 19-8-102 (child 16 or younger ineligible to serve in state militia).

Laws extending extra protection to young adolescents: Wyo. Stat. Ann. §§ 6-2-314 to 6-2-317; (establishing various crimes protecting young adolescents from sexual contact or abuse by older persons). *Id.* § 31-5-233 (enhanced penalty for driving under

influence of intoxicating liquor by adult with child 15 or younger in car). *Id.* § 6-4-403 (protecting children 15 or younger from abandonment or endangerment by parent, guardian, or custodian); *see also id.* § 6-4-405 (children 15 and younger protected from entering or remaining in any room, dwelling, or vehicle where methamphetamine is manufactured or sold). *Id.* § 6-4-406 (children 17 or younger protected from adult throwing a house party where alcoholic liquor, malt beverage, or illegal drug is to be possessed or consumed).
