



DISCUSSION POINTS

Concurrent Jurisdiction

Key Message

Juvenile misconduct on military installations subject to exclusive federal legislative jurisdiction is adjudicated in the federal court system, which is designed for adults. States' juvenile courts can adjudicate juvenile offenses when states concurrent jurisdiction is established between state and federal authorities over military installations.

Discussion Points

1. Without concurrent jurisdiction, juvenile misconduct, to include problematic sexual behavior in children and youth, is adjudicated in the federal court system, which lacks appropriate juvenile-focused resources and often tries juveniles as adults.
2. If concurrent jurisdiction is established, offenses (such as PSB-CY) could be adjudicated through the state juvenile court system, allowing for more appropriate sentencing and case management outcomes.
3. Between half and three quarters of active/reserve installations may require some enabling legislation to support memorandums of understanding for concurrent oversight of juvenile offenses:¹
 - Ninety installations (in 33 states) have some level of exclusivity in jurisdiction, which may require state legislation to enable memorandums.
 - Thirty-five installations (in 11 states) have partial exclusivity over the land, which may require review of the documents ceding state jurisdiction to determine what may be needed for enabling legislation.
 - Forty-six installations (in 17 states) have concurrent jurisdiction, or only a proprietorial interest (no federal legislative jurisdiction) over all or most of their acreage, and do not require state legislation.
4. A memorandum between military installation authorities and state officials defines the working relationship to support activities associated with current jurisdiction once established in law.

¹Mark E. Sullivan, "On Base and Beyond: Negotiating the Military/State Agreement," <https://www.ncjfcj.org/wp-content/uploads/2019/12/Negotiating-the-Juv-Justice-Agt.pdf>, 26, Appendix 2A – Authority of U.S. Magistrate.



Historically, the federal government either obtained exclusive federal legislative jurisdiction over land by agreement with the owning state or maintained exclusive federal legislative jurisdiction over certain land after the formation of a new state. However, as many installations house more civilians, the federal government may seek to retrocede jurisdiction to a state and thus alter its jurisdiction from exclusive to concurrent to enable state law authorities to enforce state laws on the base with respect to the civilian family members.