



## **MILLER V. ALABAMA: THE STATES RESPOND TO THE SUPREME COURT’S LANDMARK DECISION ON MANDATORY LIFE WITHOUT PAROLE FOR JUVENILES**

In the last decade, the United States Supreme Court has issued several landmark decisions in a line of cases that have considered whether certain punishments are a violation of the Eighth Amendment’s “cruel and unusual punishments” clause when applied to juveniles. In 2005, the Supreme Court categorically prohibited the use of capital punishment for individuals who committed a crime before the age of 18 in *Roper v. Simmons*. Then in 2010, the Supreme Court barred the application of life without parole for juveniles who committed non-homicide crimes before the age of 18 in *Graham v. Florida*.

On June 12, 2012, the Supreme Court issued its opinion in *Miller v. Alabama* and companion case, *Jackson v. Hobbs*. In both of these cases, two 14-year-old boys, Evan Miller and Kuntrell Jackson, were each convicted of murder and sentenced to life imprisonment without possibility of parole for involvement in a homicide. In both cases, the sentence was mandatorily assigned and the sentencing authority did not have any ability to impose a different punishment.

**Issue:** Whether a state law imposing a mandatory sentence of life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment’s prohibition on “cruel and unusual punishments.”

**Holding:** Yes. Sentencing schemes that mandate life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment. A jury or judge may find that life without parole is warranted for a juvenile in a particular case, however, the jury or judge must take into account mitigating factors such as the nature of the crime, the youth’s background, and life circumstances before using such a serious punishment.

**Reasoning:** Children are constitutionally different from adults for purposes of sentencing and, therefore, less deserving of the most severe punishments. The Court noted three significant differences between juveniles and adults:

- A teenager’s brain is still developing, particularly the area that controls behavior impulse. As a result, juveniles have an underdeveloped sense of responsibility leading to recklessness, impulsivity, and headless risk-taking.
- Children are more vulnerable to negative influences and outside pressures and have limited control over their own environment and limited ability to remove themselves from crime-producing settings.
- A child’s character is not as fixed as an adult. His actions are not as likely to be evidence of hopeless depravity; there are greater prospects for reform.

**STATE LEGISLATIVE REFORMS:** Since June 2012, the states below have enacted laws to reform mandatory juvenile life without parole (JLWOP) sentencing schemes in compliance with *Miller*.

State	JLWOP option	Applicable Offense(s)	Retroactive	Minimum Years Before Parole Eligibility
Arkansas	Yes	Capital Murder	No	28
California	No	All offenses	Yes	15
Delaware	Yes	First Degree Murder	Yes	25-30
Florida <sup>1</sup>	Yes	Capitol Felony, First Degree Felony	No	15, 20, or 25
Hawaii <sup>2</sup>	No	First Degree Murder, First Degree Attempted Murder	NA	NA
Louisiana	Yes	First and Second Degree Murder	Yes	35
Nebraska	Yes	Class IA Felony	NA	40
North Carolina	Yes	First Degree Murder	Yes	25
Pennsylvania	Yes	First and Second Degree Murder; All offenses	No	20-35
South Dakota	No	Class A and B Felony	NA	NA
Texas	No	Capital Murder	No	40
Utah	No	Aggravated Murder, Kidnapping, Rape	NA	25
West Virginia	No	All offenses	NA	15
Wyoming	No	1st Degree Murder, Sexual Assault, "Habitual Criminal"	NA	25

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<sup>1</sup> Not yet signed by governor

<sup>2</sup> Not yet signed by governor

<b>Factors</b>	<b>AK</b>	<b>CA</b>	<b>DE</b>	<b>FL</b>	<b>LA</b>	<b>NE</b>	<b>NC</b>	<b>PA</b>	<b>SD</b>	<b>TX</b>	<b>UT</b>	<b>WV</b>	<b>WY</b>
Ability to Appreciate Act						X	X					X	
Age				X		X	X	X				X	
Aggravating Generally					X				X				
Criminal or Discipline History		X		X	X		X	X	X				
Culpability								X				X	
Facts/Circumstances of Crime		X		X	X	X		X					
Family/Community Environment		X		X	X	X	X					X	
Immaturity				X		X	X	X					
Impact on Community				X				X					
Impulsiveness						X						X	
Intellectual Capacity		X					X	X				X	
Likelihood of Rehabilitation		X					X	X				X	
Mental Health		X		X		X	X					X	
Mitigating Generally					X	X	X		X			X	
Premeditation						X		X					
Public Safety Threat								X					
Program Participation		X				X							
Social History		X			X							X	
Victim Impact Testimony		X		X				X	X				