

The Forum for America's Ideas

MILLER V. ALABAMA AND JUVENILE LIFE WITHOUT PAROLE: UPDATE

JUVENILE JUSTICE REFORM STATE TEAMS' MEETING

NATIONAL CONFERENCE OF STATE LEGISLATURES/NATIONAL
CENTER FOR STATE COURTS



Sept. 30, 2015



NATIONAL CONFERENCE *of* STATE LEGISLATURES

U.S. Supreme Court Rulings



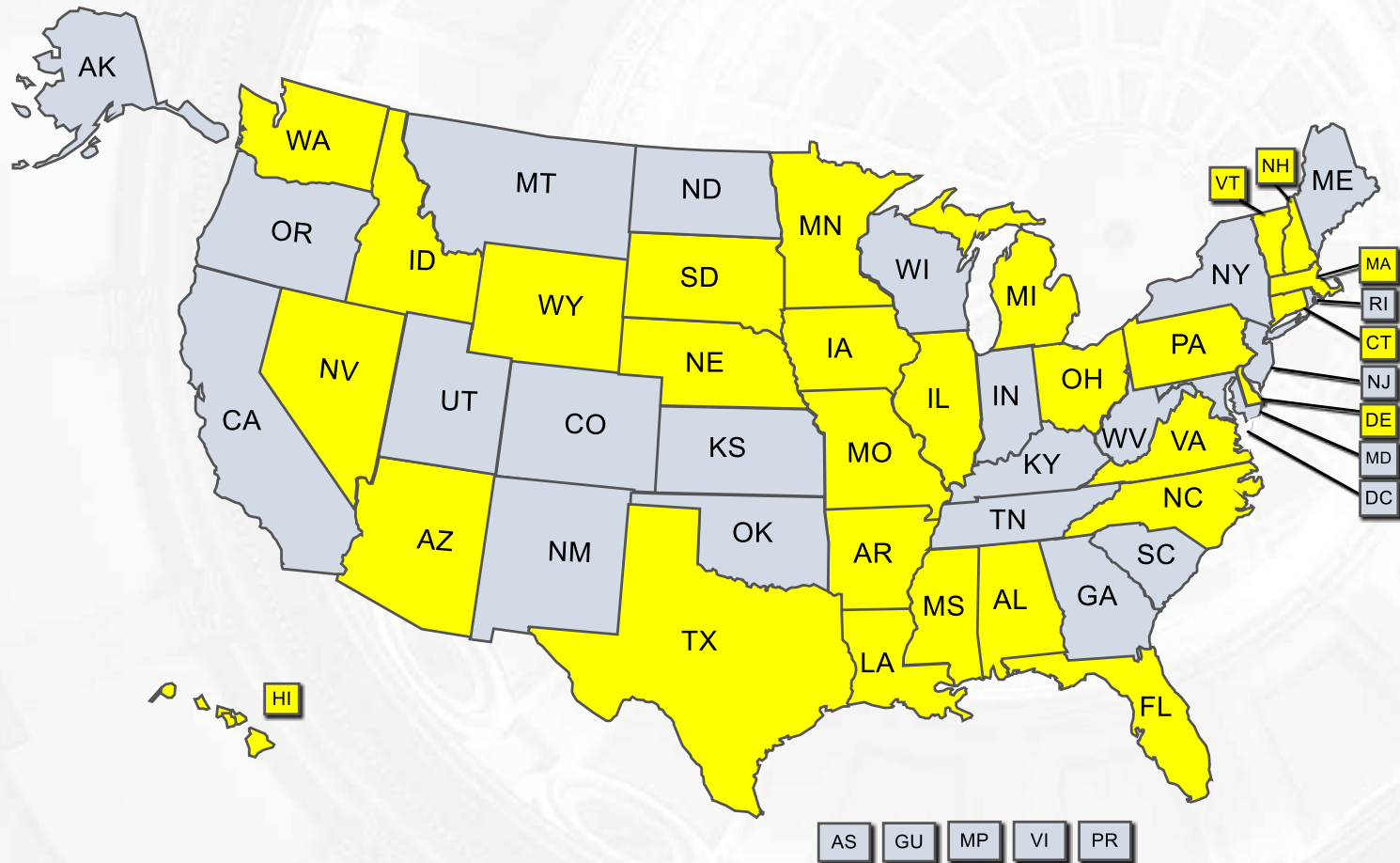
- Abolishing the Most Severe Punishments for Juveniles
 - *Roper v. Simmons* (2005) - Death Penalty
 - *Graham v. Florida* (2010) - Non-Homicide Life Without Parole
 - *Miller v. Alabama* (2012) - Mandatory Life Without Parole Sentences



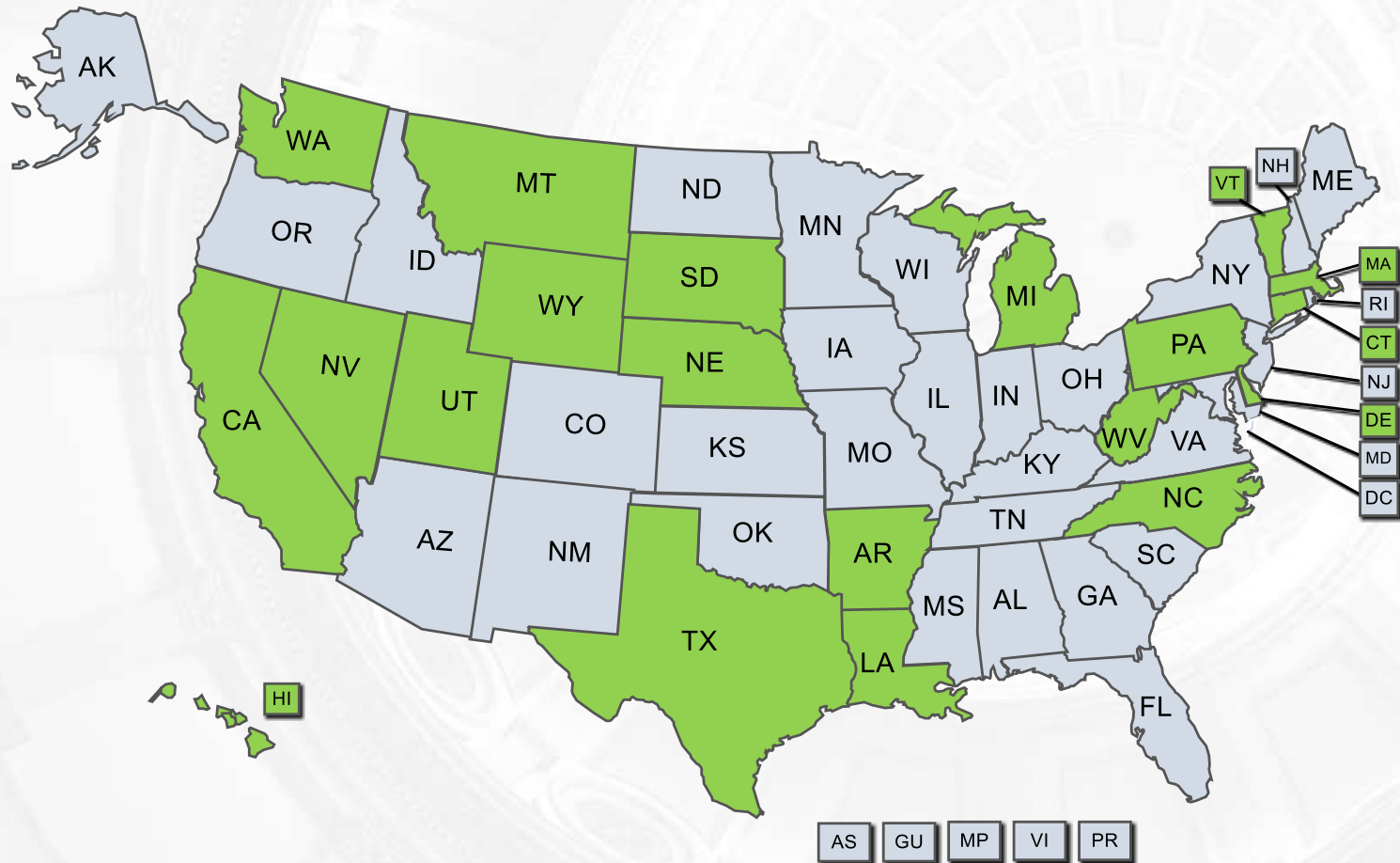
States Respond



Mandatory Juvenile Life Without Parole States



Post-Miller State Legislation



California Case and Statutes

The Court. Legislature and Voter



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- People v. Gutierrez
- (2014) 58 Cal. 4th 1354
- No presumption in favor of LWOP
- Individualize analysis and exercise of discretion



California Cases and Statutes Cont

- Cal. Penal Code Section 190.5
- Imposition of LWOP or 25 years to life

- Cal. Penal Code Section 1170(d)
- Allows state prisoners under the age of 18 years. at the time of the crime, who were sentenced to LWOP to petition the sentencing court for recall and resentencing under certain circumstances

- Proposition 21-
- Voter initiative regarding juveniles

