Juvenile Life Without Parole: States Respond

"Outgrowing Crime" NCSL’s Law & Criminal Justice Committee, Legislative Summit - Minneapolis, MN

August 19, 2014

Sarah Brown, Program Director, Criminal Justice, NCSL
Juvenile Justice Overview

- Historical Background

- National Reform
  - Policy Priorities Today
  - Contributing Factors
U.S. Supreme Court Rulings
History of Abolishing the Most Severe Punishments for Juveniles

- Roper v. Simmons (2005) - Death Penalty


Contributing Behavioral and Neuroscience Research

Why do most 16-year-olds drive like they’re missing a part of their brain?

Because they are.
Miller Holding

- Mandatory life without parole for offenders under 18 years-old violates the 8th Amendment

- Punishment should be graduated and proportional to both the offense and offender
Miller Rationale: Kids are Different

- Lack maturity
- Impulsive behavior
- Inability to assess risk and consequences
- Heightened capacity for change
Factors to Now Consider When Sentencing Youth for Serious Crimes

- Age
- Family and home environment
- Circumstances of offense
- Possibility of rehabilitation
Retroactivity?

- The Court did not specifically state

- Estimated 2,100 individuals nationwide serving JLWOP sentences
States Respond
Mandatory Juvenile Life Without Parole States
Post-Miller State Legislation
Retroactivity Legislation
Retroactivity Case Law
NCSL Resources

- **NCSL Juvenile Justice Webpage:**
  


Thank you!

Contact Information:

Sarah Brown, Program Director
Criminal Justice
National Conference of State Legislatures
sarah.brown@ncsl.org
303-856-1361