

JUVENILE LIFERS U.S. SUPREME COURT RULINGS

During the last 13 years, the United States Supreme Court has repeatedly held that developmental differences between children under age 18 and adults is Constitutionally significant for purposes of sentencing.

ROPER VS. SIMMONS

In this landmark decision abolishing the death penalty for juvenile offenses, the Court relied heavily on scientific advances in the fields of psychology, neuroscience, medicine and other social sciences to establish the Constitutional principle that juveniles cannot reliably be classified among the worst offenders. The Court identified three distinct differences between juvenile and adult offenders that are highly relevant to sentencing:



- Children are less culpable for their crimes because a “lack of maturity and an underdeveloped sense of responsibility . . . often result in impetuous and ill-considered actions and decisions.”
- Juveniles are more susceptible to negative influences and pressures, including peer pressure, giving them a “greater claim than adults to be forgiven for failing to escape negative influences in their whole environment.”
- The juvenile’s character is not as well formed as that of an adult, meaning “a greater possibility exists that a minor’s character deficiencies will be reformed.”

Did you know...

There were 16 juvenile offenders sentenced from 1991 to 2004 to life-without-parole or life with eligibility for parole/extended supervision deferred for 70 years or more.

During the following 13 years, however, only one juvenile offender in Wisconsin has received such a harsh sentence. Thus Wisconsin’s evolving societal standards reject such extreme sentences for children under age 18.

GRAHAM VS. FLORIDA

In this case, the Supreme Court categorically banned life-without parole sentences for nonhomicide offenses.

In Graham, the court linked developmental differences between adults and children to the recognized justifications for sentencing. In light of the reduced culpability of children, the case for retribution weakened.

Deterrence did not justify a life sentence because juvenile impulsivity makes deterrence less effective. Life-long incapacitation is a legitimate factor only if the court can assume that the juvenile “forever will be a danger to society,” whereas the “characteristics of juveniles make that judgment questionable.” Finally, rehabilitation is entirely forsworn when the sentence results in life-long imprisonment.

MILLER VS. ALABAMA

The Miller court categorically barred mandatory juvenile-life-without-parole for homicide, and provided explicit guidance for discretionary decisions. Noting “children’s diminished culpability and heightened capacity for change,” it required sentencing courts to consider developmental differences and “how those differences counsel against irrevocably sentencing them to a lifetime in prison.” It concluded, “appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon.”

MONTGOMERY VS. LOUISIANA

The court held that Miller applied retroactively and further found that “[E]ven if a court considers a child’s age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects “unfortunate yet transient immaturity.”

Wisconsin Justice Initiative