Death Penalty - Juveniles

The United States has the dubious distinction of being the world's leader in executing juvenile offenders. States should stop this practice, which violates widely accepted international human rights law.

★ 2004 POLICY SUMMARY ★

Death Penalty - Juveniles

Summary

- **Since the death penalty was reinstated in 1976, 22 juvenile offenders have been executed, and 75 await execution on death row.**
- **Twenty-two states permit the execution of juvenile offenders, yet Texas has executed nearly two-thirds of all juvenile offenders put to death since 1977.**
- **There is a striking racial disparity in the application of capital punishment to juvenile offenders.**
- **The United States is the only industrialized country–and one of only three countries in the world–that continues to execute juvenile offenders.**
- **Juveniles who commit violent crimes are not fully competent, and should not be subject to capital punishment.**
- **The American public strongly opposes the execution of juveniles.**
- **States are acting to stop the execution of juveniles.**

Since the death penalty was reinstated in 1976, 22 juvenile offenders have been executed, and 75 await execution on death row.

Every juvenile offender sentenced to death was adjudged in a state court. There is no death penalty for juvenile offenders under federal law.[1]

Twenty-two states permit the execution of juvenile offenders, yet Texas has executed nearly two-thirds of all juvenile offenders put to death since 1977.

More than one-third of all juvenile offenders on death row are in Texas prisons, and more than one third of those were convicted in a single county. Outside Texas, the execution of juvenile offenders is a rare practice.

There is a striking racial disparity in the application of the death penalty to juvenile offenders.

In the 20th century, nearly 75 percent of those executed for childhood offenses were African American. Since 1976, 60 percent of those sentenced to death for childhood offenses have been either African American or Latino, even though these racial groups make up only 12.7 percent and 11.2 percent of the juvenile population, respectively. Of the 75 juvenile offenders currently on death row, approximately two-thirds are persons of color.

The United States is the only industrialized country–and one of only three countries in the world–that continues to execute juvenile offenders.

The United States has the dubious distinction of being the world's leader in executing juvenile offenders. Executing juvenile offenders is legal in only five countries, including the United States, Iran and the Republic of Congo. While it remains legal in Saudi Arabia and Nigeria, these countries have not executed a juvenile offender in years. Over the past decade, three countries have abolished the juvenile death penalty altogether – Yemen in 1994, China in 1997, and Pakistan in 2000. Capital punishment for juvenile offenders violates widely accepted international human rights law.

Juveniles who commit violent crimes are not fully competent, and should not be subject to capital punishment.

Recent medical research demonstrates that the portion of the brain that governs an individual's impulse control and judgment does not fully develop until that person is between 18 and 22 years old. A study conducted by the Harvard University Medical Center shows that the frontal and pre-frontal lobes of the brain, which regulate impulse control and judgment, are the last to develop. According to the study, "the very brain system necessary for inhibition and goal-directed behavior comes 'on board' last, and is not fully operational until early adulthood (about 18-22 years)."[2]

The American public strongly opposes the execution of juveniles.

According to a May 2002 Gallup Poll, 69 percent of Americans oppose the execution of juvenile offenders.

States are acting to stop the execution of juveniles.

In 2002, Indiana enacted legislation barring the execution of juveniles. Montana enacted similar legislation in 1999. In addition, the Missouri Supreme Court ruled in 2003 that executing juvenile offenders is unconstitutional, and the Florida Supreme Court ruled in 1999 that the execution of a person who was 16 at the time of his crime is "cruel and unusual."

This policy summary relies in large part on information from the National Coalition to Abolish the Death Penalty.

Endnotes

[1] Death Penalty Information Center, Juveniles and the Death Penalty, July 2002.

[2] Dr. Ruben Gur, "Adolescent Brain Development and Legal Culpability," 2003.

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For more information...

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312-988-5522
www.abanet.org/crimjust/juvjus/juvdp.html

American Civil Liberties Union
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www.aclu.org

Amnesty International USA
Program to Abolish the Death Penalty
600 Pennsylvania Avenue SE, 5th Floor
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www.aiusa.org/abolish

Campaign for Criminal Justice Reform
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Citizens United for Alternatives to the Death Penalty
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800-973-6548
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www.juvjustice.org

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Death Penalty - Juveniles

Juvenile Protection Act

SECTION 1. SHORT TITLE

This Act shall be called the "Juvenile Protection Act."

SECTION 2. ABOLITION OF THE DEATH PENALTY FOR JUVENILE OFFENDERS

After section XXX, the following new section XXX shall be inserted:

If the person was less than 18 years of age at the time the crime was committed, the maximum punishment shall be life imprisonment without possibility of parole.

SECTION 3. COMMUTATION OF DEATH SENTENCES FOR JUVENILE OFFENDERS

If a person has been sentenced to death for a crime that was committed when that person was less than 18 years of age, the sentence shall be commuted to life imprisonment without possibility of parole.

SECTION 4. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.