

LESSON PLAN: THE JUVENILE DEATH PENALTY

Objective Factors: The Juvenile Death Penalty

Legislative Activity on the Juvenile Death Penalty

- Since the U.S. Supreme Court last considered whether executing juveniles under the age of eighteen was constitutional (1989), there has been a consistent change in the state legislatures in the direction of opposition to the death penalty for juveniles: A total of sixteen states and the federal government and military now bar imposition of the death penalty on juveniles. If the twelve states and Washington D.C., which prohibit the death penalty entirely are added to that number, 28 states now prohibit the death penalty for juveniles; in 1989, eleven states prohibited the death penalty for juveniles.
- Since 1989, no state has lowered the age for execution from eighteen to seventeen or sixteen, even though it is constitutionally permissible for them to do so.
- The only two states to reinstitute the death penalty since 1989 now only allow it for individuals who are eighteen or older.
- The minimum age for execution has stayed the same in the states since 1989, or it has been raised.

Infrequency of Imposition of the Death Penalty

- Executions of juveniles under eighteen have become uncommon. Although 22 states permit the execution of juveniles, between 1989-2003 only six states carried out such executions (Missouri, Texas, Virginia, Georgia, Oklahoma, and Louisiana). Only three of those states have executed juveniles since 1993. (Texas, Virginia, and Oklahoma.)
- Since 1642, 366 juvenile offenders have been executed in the U.S. Only 22 of the 366 were executed between 1973-2003.
- Of the 22 executions occurring between 1973-2003, Eighty-one percent occurred in three states: Texas, Virginia, and Oklahoma.
- Although twelve states legally permit execution of 16-year-olds (Alabama, Arizona, Arkansas, Delaware, Idaho, Kentucky, Mississippi, Nevada, Pennsylvania, South Dakota, Utah, and Wyoming) none of these states have executed a juvenile since 1976.
- Although three states legally permit execution of 17-year-olds (Florida, New Hampshire, and North Carolina), none of these states have executed a juvenile since 1976.
- Even when juries have imposed a death sentence on a juvenile under 18 since 1976, its application has consistently been reversed by the courts on a variety of grounds.

- More mentally retarded individuals have been executed since 1976 than juveniles under the age of 18.
- Juveniles are so seldom executed that, other than perhaps in Texas and Virginia, the death penalty for juveniles has become so truly unusual that its potential application is more hypothetical than real.

National and International Consensus

- Many professional, social, and religious groups have been opposed to the juvenile death penalty for a long time. In 1989, at least 38 groups of these three types opposed the death penalty.
- Since 1989, seven additional professional groups have called for its end, including: The American Psychiatric Assoc., The American Academy of Child and Adolescent Psychiatry; The National Mental Health Assoc., The National Center for Youth Law, The Coalition for Juvenile Justice, and The American Humane Association.
- Since 1989, at least 33 additional religious groups have issued statements opposing the death penalty. These include the Episcopal Church, Evangelical Lutheran Church in America, the General Conference of General Baptists, Presbyterian Church, Reorganized Church of Jesus Christ of Latter Day Saints, the Union of American Hebrew Congregations, United Methodist Church, and the United States Catholic Conference.
- Views of the international community have consistently grown in opposition to the death penalty for juveniles. Article 37(a) of the United Nations Convention on the Rights of the Child and several other international treaties and agreements prohibit the execution of juveniles.
- Officially sanctioned executions of juveniles have taken place in three countries in the last few years: the United States, Iran, and The Republic of the Congo (DRC).
- A May 2002 Gallup Poll found that 69 % of Americans oppose executing those who are juveniles at the time of their crime.

¹American Bar Association Criminal Justice Section Juvenile Justice Center, “Evolving Standards of Decency,” www.abanet.org/crimjust/juvjus/juvdp.html.