



Justice Talking Listening Guide

Volume I, Issue 4

October 26, 2004

Death Penalty in the Individual States

States with no death penalty for minors: California, Colorado, Connecticut, Illinois, Indiana, Kansas, Maryland, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, South Dakota, Tennessee, Washington, Wyoming (19 Total)

States with no death penalty at all: Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, Wisconsin (12 Total)

States allowing death penalty of minors: Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Virginia (19 Total)

www.deathpenaltyinfo.org

Upcoming Tapings

November 16, 2004

5:00 PM - Crime and Punishment: Federal Sentencing Guidelines

7:30 PM - Limiting Lawsuits



Juveniles and the Death Penalty

Is there hope for kids who kill? Death penalty supporters say an effective deterrent must be applied evenly across the board – no exceptions. Murder, they argue, is not simply a childish mistake and adult-like atrocities should have adult-like consequences. But in a case now before the U.S. Supreme Court, Roper v. Simmons, opponents sharply question equating adults and kids in death penalty cases. Nowhere else in our society do we treat kids as we do adults. If we have any faith in rehabilitation, they ask, wouldn't minors have the most to gain?

What did they say?

Terms and words that may be used in the debate

Death Penalty – The death penalty has been part of American law since start of the nation. Over time, public opinion has shifted back and forth, sometimes supporting the death penalty as a good deterrent to crime and then opposing it as inhumane. In 1999, the United Nations passed a resolution to end capital punishment (the death penalty) and now there are 76 countries participating. The U.S. still has the death penalty, but the number of executions is on the decline.

Cruel and Unusual Punishment – As written in the Eighth Amendment to protect Americans against “cruel and unusual punishment.” In 1958’s *Trop v. Dulles*, the Supreme Court decided that the standard for “cruel and usual” was “what is considered generally acceptable by the public.” In 1989, the Court determined that it was acceptable to use the death penalty for 16 and 17-year-olds in the case of *Stanford v. Kentucky* because at the time the Court felt the public accepted capital punishment for 16 and 17-year-olds but not minors under 15.

Simmons v. Roper – A case that is currently being decided by the Supreme Court. Simmons was convicted of murder when he was 17 years old in Missouri and sentenced to the death penalty. Now he is appealing his sentence because he claims that his punishment is “cruel and unusual” for a minor. He claims that public opinion has shifted since his case in 1994, and that the general public consensus is that the death penalty is inappropriate for minors. He argues that this change effects the Eighth Amendment standard (see above) and he should be given life imprisonment. A recent decision that the death penalty for the mentally retarded was no longer acceptable by the public is the reason the death penalty for juveniles is being reconsidered. Since his original ruling, Missouri has banned the death penalty for minors.