

Adopted with voice vote

AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

REPORT TO THE HOUSE OF DELGATES

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges federal, state, tribal, local and
2 territorial governments to authorize and implement sentencing laws and procedures that both
3 protect public safety and appropriately recognize the mitigating considerations of age and
4 maturity of youthful offenders (i.e., those under age 18 at the time of their offense who are
5 subject to adult penalties upon conviction) based on the following principles:
6

- 7 1. Sentences for youthful offenders should generally be less punitive than sentences for
8 those age 18 and older who have committed comparable offenses;
9
- 10 2. Sentences for youthful offenders should recognize key mitigating considerations
11 particularly relevant to their youthful status, including those found by the United States
12 Supreme Court in *Roper v. Simmons*, 543 U.S. 551, 567-570 (2005), as well as the
13 seriousness of the offense and the delinquent and criminal history of the offender; and
14
- 15 3. Youthful offenders should generally be eligible for parole or other early release
16 consideration at a reasonable point during their sentence; and, if denied, should be
17 reconsidered for parole or early release periodically thereafter.