

## **Miller v. Alabama Proposal**

The Miller Working Group was charged with determining what approach to recommend for complying with the U.S. Supreme Court's decision in *Miller v. Alabama*, which held that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders. The Court held that, in sentencing those under the age of eighteen to long, life-equivalent sentences, the unique qualities of youth must be taken into consideration.

The Working Group unanimously recommends:

1. The murder with special circumstances statute (formerly the capital felony statute) should be amended to apply only to those who commit their crimes after they are 18 years old or older. This amendment should be retroactive.
  
2. Prospectively, "Miller factors" must be considered at sentencing in all cases involving crimes committed by individuals under the age of 18 who are transferred to adult court. Presentence reports must be prepared in all these transferred cases, and no pre-sentence report may be waived. Presentence reports must address Miller factors. Probation should be instructed to develop a set of Miller materials for use at sentencing.