

Juvenile Lifers without Parole

On January 25, 2016, the United States Supreme Court made an important ruling in *Montgomery v. Louisiana* regarding individuals who committed a homicide as a juvenile and were sentenced automatically to life without parole.

The *Montgomery* decision held that the Supreme Court's previous decision in *Miller v. Alabama* (June 24, 2012) applies *retroactively* to juvenile offenders sentenced automatically to life without parole.

When the *Miller* decision came down three years ago, it held that the Eighth Amendment's ban on cruel and unusual punishment prohibits a sentencing scheme that automatically imposes a sentence of life in prison without the possibility of parole for juvenile homicide offenders. Thus, the Supreme Court found as a mandatory sentence it is unconstitutional, but a life without parole sentence is still a sentencing option. However, the *Miller* decision was unclear as to whether or not it applied retroactively to cases before June 24, 2012.

The *Montgomery* decision made it clear that the *Miller* decision is retroactive. Therefore, the holding in *Miller* applies to approximately 480 juvenile lifers in Pennsylvania.

The Board has been working with the PA Department of Corrections and Office of Victim Advocate in preparation for a decision that applies *Miller* retroactively. The Board will be ready to process these cases in a timely manner ([parole process flow chart](#)) and assist these offenders with their [reentry needs](#).

The Supreme Court's decision did not change the laws governing the Board's authority to parole or the parole process. It is important to understand that the Board has no authority to alter a sentence imposed by a judge or to release an inmate on parole prior to his or her minimum sentence date. Thus, the Board must wait for juvenile lifers to be resentenced or for the legislature to enact a new law prior to the consideration of releasing juvenile lifers on parole.

A sentence that could make an individual eligible for parole would contain a minimum and maximum sentence date. If an individual is eligible for a parole interview they may apply for one by [completing the parole application](#).

Once a parole application is received a parole decision must be rendered no later than six months. When making the parole decision, the Board must still consider all criteria mandated by law, such as, the nature and circumstances of the crime for which the offender was convicted, as well as his or her entire criminal history; information regarding the general character and background of the offender; sentencing hearing testimony notes; physical, mental, and behavioral condition and history of the offender; history of family violence (if any); recommendation of the sentencing judge and prosecuting attorney; input from the victim and the victim's family (if any); and recommendation from the warden or superintendent of the facility where the offender is incarcerated.

Please continue to review our website to learn more about the parole process and the how the Board addresses the reentry needs of offenders.