

Human Rights for Kids

Children's Rights

<https://humanrightsforkids.org/publication/the-evolution-of-decency-why-mandatory-minimum-and-presumptive-sentencing-schemes-violate-the-eighth-amendment-for-child-offenders/>

Campaign and Advocacy

In the 8 years since the U.S. Supreme Court announced *Miller v. Alabama*, legislatures and high courts at the state-level have increasingly weighed in on how the reasoning underlying *Miller* applies anytime a child is sentenced in adult criminal court. This article reviews these recent trends in light of the Courts emerging proportionality analysis under the 8th Amendment to show why all mandatory or presumptive sentencing schemes that fail to account for child status are unconstitutional. The analysis concludes that this rule should apply retroactively under either of the *Teague* exceptions for cases on collateral review.

Human Rights for Kids is a non-profit organization dedicated to the promotion and protection of human rights for children. Our team focuses on advancing critical issues through research and education, coalition building, policy advocacy, and strategic litigation.

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