

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2015/03/23/dispatches-new-hope-child-offenders-florida>

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In a series of decisions last week, the Florida Supreme Court gave real hope to people sentenced to life without parole for crimes committed before the age of 18.

These decisions follow a Florida law passed last year that largely ended juvenile life without parole in the state. Under the new law, child offenders sentenced to more than 15 years in prison must have their sentences reviewed. As part of that review the judge must consider the persons age when the crime was committed, maturity, role in the crime, peer pressure, and potential for rehabilitation in determining whether the original sentence was correct, or if the individual has been sufficiently rehabilitated, and can be released.

The Florida legislation was in response to two US Supreme Court cases: *Graham v. Florida*, which found that juvenile life without parole sentences for non-homicide cases were unconstitutional, and *Miller v. Alabama*, which found that mandatory juvenile life without parole sentences for any crime were also unconstitutional.

Heres how the Florida Supreme Court built on those decisions: first, it held that *Miller* applies retroactively. People already in prison serving juvenile life without parole sentences can now benefit from the protections in *Miller*. The court pointed to a 2014 Florida law, strongly [supported](#) by Human Rights Watch, that creates a review structure for children offenders sentenced for serious crimes.

Second, the Florida Supreme Court held that the protections of the 2014 law dont just apply to juvenile life without parole sentences, but also to under-18 offenders sentenced to very long, life-equivalent sentences. (Not all courts have accepted the view that sentences of 60 years and even longer amount to life imprisonment.)

Florida has one of the highest populations of inmates sentenced under juvenile life without parole laws. With these decisions, its likely that over [200 inmates](#) are now eligible to receive a review of their sentence.

Historically, Floridas policies towards youth in prison have not been ones to emulate. The state still gives prosecutors near-unfettered power to [transfer](#) almost 2,000 child offenders to adult court each year, and sentences youth to adult prisons in Florida, whose terrible conditions are [well documented](#). But with last years legislative reforms and last weeks Supreme Court rulings, Florida is making strides in protecting the human rights of children in the criminal justice system. This time, Florida got it right.

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