Minimum Age for Death Penalty (2002 Update)

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As of November, 2002, 13 jurisdictions do not permit capital punishment for anyone: Alaska, the District of Columbia, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin.

Seventeen states set the minimum capital punishment age at 16 (age of offense): Alabama, Arizona, Arkansas, Delaware, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, and Wyoming.

Five states set the minimum capital punishment age at 17 (age of offense): Florida, Georgia, New Hampshire, North Carolina, and Texas.

Sixteen states set the minimum capital punishment age at 18 (age of offense): California, Colorado, Connecticut, Illinois, Indiana, Kansas, Maryland, Montana, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Tennessee, and Washington.


Most recently, in *Patterson v. Texas*, 536 U.S. — (2002), three dissenting United States Supreme Court Justices (Stevens, Ginsburg, and Breyer) urged the High Court to reconsider the issue of executing a person for a crime committed while under the age of 18.

However, on October 21, 2002, the United States Supreme Court refused to hold that the execution of a person would be unconstitutional because he or she was under age 18 at the time of the offense. *In re Kevin Nigel Stanford*, — U.S. — (2002). This time, four United States Supreme Court Justices (Stevens, Souter, Ginsburg, and Breyer) dissented.

In defense of their position, the dissenters pointed out that, since 1989 (the last time the United States Supreme Court looked at the issue of the death penalty for juveniles), 5 additional state legislatures (Indiana, Kansas, Montana, New York, and Washington) have all statutorily forbidden the execution of persons who were under 18 at the time of their offenses. During the same time period, no state has lowered the age of eligibility to either 16 or 17.

In the past 2 years, at least 7 states have proposed legislation that would prohibit imposing the death penalty on a defendant who was younger than age 18 at the time the offense was committed. These states are: Alabama, Arkansas, Iowa, Mississippi, South Carolina, Texas, and Virginia.

Iowa currently does not impose capital punishment, but a House Study Bill introduced to the state House Judiciary Committee in 2002 recommends reinstating this ultimate penalty. However, the Bill further provides that, in order to receive a sentence of death, the defendant must have been at least 18 at the time the crime was committed.

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