

# JUVENILE LIFE WITHOUT PAROLE SENTENCES IN THE UNITED STATES

## JUNE 2017 SNAPSHOT

June 28, 2017

Recent [U.S. Supreme Court decisions](#) place constitutional limits on the sentences that may be imposed on children. Many states have enacted legislation responding to the Supreme Court's decisions, and there has been extensive litigation in courts around the country.

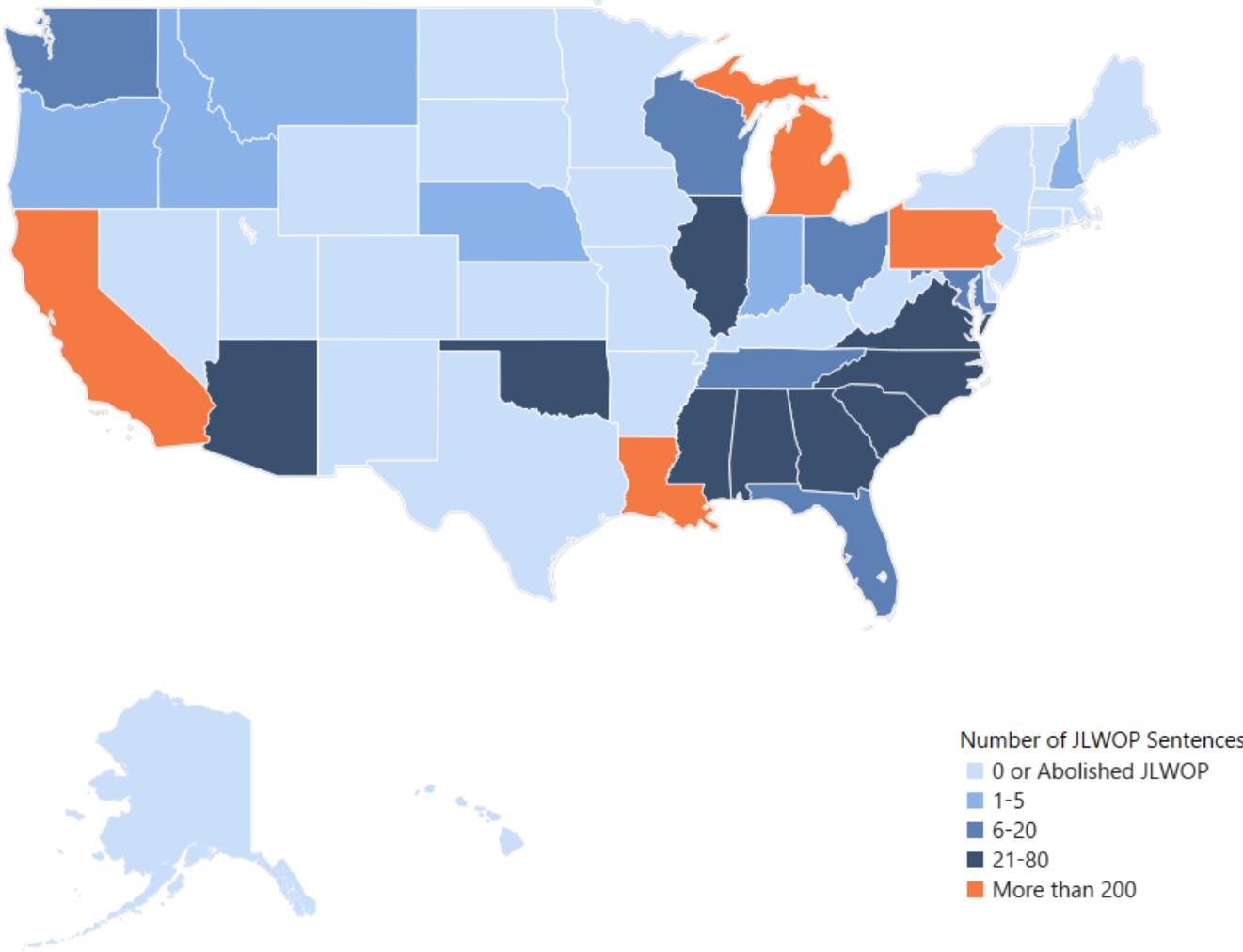
Since [Miller v. Alabama](#) was decided by the U.S. Supreme Court in June 2012, many states have abolished or significantly restricted the imposition of juvenile life-without-the possibility-of-parole sentences (JLWOP). Below is a snapshot of JLWOP sentences nationwide and a summary of each state to explain the number provided.

## AUTHORS

The Juvenile Sentencing Project at Quinnipiac University School of Law provides information relating to long prison sentences imposed on children. Visit the project website at <http://juvenilesentencingproject.org/>

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*Juvenile Life-Without-Parole Sentences in the United States*



State	Number of JLWOP sentences at time of Miller	Current number of JLWOP sentences <sup>1</sup>	Summary
Alabama	~70	~70	Alabama authorized mandatory JLWOP sentences at the time of <i>Miller</i> . In 2016, the legislature enacted a statute making JLWOP sentences discretionary, with an alternative sentence of life with parole eligibility. Ala. Code §§ 13A-5-2(f), 13A-5-39, 13A-5-43, 13A-6-2(c). There are approximately 70 juveniles eligible for resentencing hearings pursuant to <i>Miller</i> and <i>Montgomery</i> . Resentencings are pending.*
Alaska	0	0	There is no JLWOP in Alaska because the state does not authorize LWOP for children or adults. Alaska Stat. § 12.55.125.

<sup>1</sup> The Current Number of JLWOP Sentences is in flux and complicated to discern, so please contact us if you have additional information about a jurisdiction. This number was calculated by adding the number of people (a) who were originally sentenced to JLWOP and are facing the possibility of JLWOP at pending *Miller* resentencing hearings, (b) who have been resentenced to JLWOP at *Miller* resentencings (or who had a JLWOP sentence prior to *Miller* but were denied a *Miller* resentencing for case-specific reasons), and (c) who have been sentenced to JLWOP in new cases since *Miller* (if known). If the number of people in category (c) is not known in a state, we indicate this with a \* at the end of the description. We will periodically update these numbers. Note that some of the LWOP sentences counted in the Current Number figure are on appeal and thus could still be vacated by appellate courts. In addition, as noted, this figure includes cases where resentencing has not yet occurred—the individual is simply exposed to the possibility of LWOP at resentencing and may not receive it. This data addresses only JLWOP sentences and does not include information about other lengthy sentences imposed on children. The data was collected through legal research, public records requests and interviews with attorneys.

Arizona	110	35 (35 hearings remaining)	There were 110 people serving JLWOP in Arizona at the time of <i>Miller</i> : 75 who were sentenced to life, and 35 who were sentenced to LWOP. (Because Arizona had abolished parole, life-sentenced prisoners had no mechanism for release.) After <i>Miller</i> , in 2014, the Arizona legislature amended the sentencing statute to provide juveniles serving life sentences with parole eligibility, but the legislation did not apply to juveniles serving LWOP sentences. Ariz. Rev. Stat. §§ 13-716, 13-751, 41-1604.09(1)(2). In 2016, the Arizona Supreme Court held that juveniles serving LWOP are entitled to an evidentiary hearing under <i>Miller</i> to establish entitlement to a <i>Miller</i> resentencing. If they make such a showing, they are entitled to resentencing. <i>State v. Valencia</i> , 386 P.3d 392 (Ariz. 2016), <i>petition for cert. filed</i> (U.S. June 5, 2017) (No. 16-9424). These hearings have yet to begin.*
Arkansas	~100	0	At the time of <i>Miller</i> , there were more than 100 juveniles serving LWOP in Arkansas. See <a href="http://bit.ly/2rlAB9c">http://bit.ly/2rlAB9c</a> (at page 9, line 5). In March 2017, Arkansas abolished JLWOP in old and new cases. S.B. 294, 91st Gen. Assemb., Reg. Sess. (Ark. 2017). Now all juveniles sentenced to life under the capital statute and first-degree murder statute are eligible for parole.
California	~310	268	There are currently 268 people in the custody of the California Department of Corrections and Rehabilitation serving JLWOP sentences. See "Bill Analysis: 4/17/17 - Senate Appropriations," at <a href="http://bit.ly/2q6HjNA">http://bit.ly/2q6HjNA</a> . Legislation pending in the California legislature would provide a special Youthful Offender Parole hearing to all juveniles sentenced to LWOP in the 25th year of incarceration. S.B. 394, Reg. Sess. (Cal. 2017). The bill passed with a 2/3rds majority in the State Senate and is pending in the Assembly.
Colorado	48	0	Colorado abolished JLWOP in new cases in 2006, but the legislation was not retroactive and 48 previously sentenced people remained under a JLWOP sentence. See <a href="http://dpo.st/2qyYzuC">http://dpo.st/2qyYzuC</a> . In 2016, the Colorado legislature abolished JLWOP in old cases, giving all 48 parole eligibility. Colo. Rev. Stat. § 18-1.3-401(4)(b).

Connecticut	5	0	At the time of <i>Miller</i> , there were 5 people serving JLWOP in Connecticut. In 2015, Connecticut abolished JLWOP in old and new cases. Conn. Gen. Stat. §§ 53a-54a(c), 54-125a(f)(1).
Delaware	16	0	Delaware abolished JLWOP in 2013 by providing incarcerated juveniles with a second-look hearing before a judge after serving a period of time in prison (the length depends on the initial sentence). Under the legislation, juveniles previously serving mandatory LWOP were to be resentenced and could receive a term of years. Del. Code tit. 11, §§ 636(b), 4204A, 4209A.
District of Columbia	0	0	The District of Columbia eliminated JLWOP with legislation that took effect in April 2017. D.C. Act A21-0568, 63 D.C. Reg. 15312. The act also provides all juveniles serving sentences longer than 20 years the opportunity for sentence review by a judge. There were no juveniles serving LWOP at the time that the act was passed.
Florida	278	15 (15 resentencings remaining)	Florida passed a statute in 2014 that provides the vast majority of juveniles serving long sentences, including LWOP, a second-look hearing by a judge after serving 15, 20, or 25 years (depending on the nature of the offense). Fla. Stat. §§ 775.082, 316.3026, 373.430, 403.161, 648.571, 921.1401, 921.1402. The only juveniles exempt from this review—and thus the only Florida juveniles who will potentially serve an LWOP sentence—are those previously convicted of a small number of enumerated offenses. At the time the law was enacted, there were 278 juveniles serving LWOP in the state. The Florida Supreme Court has since expanded the pool of juveniles who are eligible to some form of relief under <i>Miller</i> to approximately 519 people. Only 18 juveniles appear to be excluded from second-look hearings under the new statute; however, those 18 are still eligible for resentencings pursuant to <i>Miller</i> . Three of the 18 have already been resentenced to less than LWOP since <i>Miller</i> , leaving just 15 still eligible for JLWOP at their resentencing hearings.

Georgia	31	?	At the time of <i>Miller</i> , local media reported there were 31 people serving JLWOP in Georgia. See <a href="http://on-qjc.com/2kNjwmt">http://on-qjc.com/2kNjwmt</a> . After <i>Montgomery</i> , the Georgia Supreme Court held that juveniles serving LWOP sentences (including discretionary ones) are entitled to resentencing hearings pursuant to <i>Miller</i> if the sentencing court did not make a finding on the record that the juvenile was irreparably corrupt. See <i>Veal v. State</i> , 784 S.E.2d 403 (Ga. 2016). Those hearings are ongoing.*
Hawaii	2	0	Hawaii abolished JLWOP prospectively in 2014. Haw. Rev. Stat. §§ 706-656, -657. At the time, there were 2 people serving the sentence. Both were resentenced pursuant to <i>Miller</i> and received parole-eligible sentences.
Idaho	4	4 (resentencing litigation pending)	Idaho gives judges the discretion to impose LWOP on juveniles. Idaho Code §§ 18-4004, 20-508. There are 4 people serving JLWOP in Idaho. Litigation over resentencing is pending.
Illinois	101	69 (67 resentencings remaining)	At the time of <i>Miller</i> , there were 101 people serving the sentence of JLWOP in Illinois. In 2015, the Illinois legislature eliminated mandatory JLWOP, and amended its laws to require consideration of youth-specific factors in mitigation and provide judges discretion to depart from some mandatory sentencing enhancements for all youth in criminal court. 730 Ill. Comp. Stat. 5/5-4.5-105. <i>Miller</i> resentencings are currently in progress. So far, 29 juveniles have been resentenced to terms of years. Three more have had their cases dismissed due to innocence claims. Two have been resentenced to LWOP.*
Indiana	4	5	Indiana allows 16- and 17-year-olds to be sentenced to JLWOP. Ind. Code § 35-50-2-3. There are currently 5 juveniles serving LWOP in Indiana.

Iowa	39	0	In 2016, Iowa abolished JLWOP for old and new cases through a ruling of the Iowa Supreme Court. <i>State v. Sweet</i> , 879 N.W.2d 811 (Iowa 2016). There were 39 juveniles serving LWOP sentences prior to that ruling. See <a href="http://bit.ly/2sE57wk">http://bit.ly/2sE57wk</a> .
Kansas	0	0	Kansas abolished JLWOP by statute in 2011. Kan. Stat. § 21-6618 (repealing § 21-4622). There is no one serving JLWOP in Kansas.
Kentucky	2	2 (2 resentencings remaining)	Kentucky does not authorize JLWOP sentences by statute. However, there are two juveniles serving LWOP in Kentucky. Prior to <i>Roper v. Simmons</i> , one of the two had a death sentence commuted to LWOP by the governor; the other was sentenced to LWOP under the capital sentencing scheme that is now inapplicable to juveniles. Both are in the process of challenging the constitutionality of their sentences pursuant to <i>Miller</i> .
Louisiana	~300	~300	At the time of <i>Miller</i> , Louisiana mandated LWOP in first- and second-degree murder cases. Louisiana altered its laws following <i>Montgomery</i> to prospectively eliminate JLWOP in second-degree murder cases. In old first- and second-degree murder cases, juveniles will automatically receive parole-eligible sentences unless the prosecutor files a notice of intent to seek LWOP within 90 days of the effective date of the statute (August 1, 2017). Prospectively, in second-degree cases the maximum sentence for a juvenile is a parole-eligible sentence. Prospectively, a prosecutor can seek JLWOP in a first-degree case only if she gives notice within 180 days of the indictment. The statute makes clear: "Sentences imposed without parole eligibility and determinations that an offender is not entitled to parole eligibility should normally be reserved for the worst offenders and the worst cases." <i>Miller</i> resentencings are pending.*

Maine	0	0	Maine gives courts discretion to sentence juveniles to life. Me. Rev. Stat. tit. 17-A, § 1251. Since Maine has no parole process, life sentences are the functional equivalent of LWOP. However, no juvenile is currently serving an LWOP sentence in Maine.
Maryland	17	17 (resentencing litigation pending in all cases)	Maryland gives courts discretion to sentence juveniles to LWOP. Md. Code, Crim. Law. §§ 2-201, 2-203, 2-304. There were 17 people serving JLWOP in Maryland at the time of <i>Miller</i> . The Court of Special Appeals, Maryland's intermediate appellate court, has ordered <i>Miller</i> resentencings where the trial court failed to determine whether the crime reflected irreparable corruption. See, e.g., <i>Alvira v. State</i> , No. 0960 Sept. Term 2015, 2016 WL 3548256 (Md. Ct. Spec. App. June 28, 2016). Litigation is ongoing and resentencings have been ordered in some cases.
Massachusetts	63	0	In 2013, the Massachusetts Supreme Judicial Court abolished JLWOP in new and old cases. <i>Diatchenko v. Dist. Attorney for Suffolk Dist.</i> , 1 N.E.3d 270 (Mass. 2013). The court ordered that juveniles previously sentenced to LWOP be eligible for parole after serving 15 years. At the time, there were 63 people serving JLWOP in Massachusetts. See <a href="http://bit.ly/2qeyxMR">http://bit.ly/2qeyxMR</a> . In 2014, the Massachusetts legislature passed a bill that mandates that juveniles convicted of first-degree murder be sentenced to life <i>with</i> the possibility of parole. Mass. Gen. Laws ch. 265, § 2(b). The timing of parole eligibility for these individuals differs according to certain circumstances of the crime.

Michigan	363	247 (247 resentencings remaining)	There were 363 people serving JLWOP in Michigan at the time of <i>Miller</i> . See <a href="http://on.freep.com/2r8kcV9">http://on.freep.com/2r8kcV9</a> . Following <i>Miller</i> , Michigan's legislature amended its statute to allow courts discretion to sentence juveniles to a parole-eligible sentence or JLWOP in cases where JLWOP had previously been the only available sentence. Mich. Comp. Laws §§ 769.25, 769.25a. Pursuant to the new statute, county attorneys announced that they intend to seek JLWOP in approximately 247 of the 363 cases. So far, more than 75 people who were previously sentenced to JLWOP have been resentenced to a term of years.*
Minnesota	8	0	At the time of <i>Miller</i> , Minnesota had mandatory JLWOP, and it has not passed legislation to bring its statutes into compliance. In 2014, the Minnesota Supreme Court held that, even in the absence of legislative action, Minnesota trial courts have the inherent judicial authority to hold <i>Miller</i> hearings to determine whether to impose a sentence of life with the possibility of parole, or life without the possibility of parole. <i>State v. Ali</i> , 855 N.W.2d 235 (Minn. 2014). In 2016, the Minnesota Supreme Court acknowledged that <i>Montgomery</i> made <i>Miller</i> retroactive and ordered that any juvenile who received an LWOP sentence that was final before <i>Miller</i> would receive a sentence of life with the possibility of parole. <i>Jackson v. State</i> , 883 N.W.2d 272 (Minn. 2016).
Mississippi	87	62	At the time of <i>Miller</i> , 87 people were serving JLWOP sentences in Mississippi. In the aftermath of <i>Miller</i> , Mississippi courts have been vacating these sentences and remanding them for resentencing. See, e.g., <i>Parker v. State</i> , 119 So. 3d 987 (Miss. 2013). So far, 28 people have been resentenced to less than JLWOP, and 7 have been resentenced to JLWOP. Moreover, 2 convictions were reversed and the retrials resulted in an acquittal in one case and a manslaughter conviction in the other. Four JLWOP sentences have been handed down in new cases and 51 resentencings are still pending. See <a href="http://bit.ly/2qxP8iV">http://bit.ly/2qxP8iV</a> .

Missouri	84	0	In 2016, Missouri passed a statute that permits juveniles sentenced to LWOP before August 28, 2016 to submit a petition to the parole board for sentence review after serving 25 years, effectively abolishing JLWOP in all old cases. Mo. Rev. Stat. § 558.047(1). JLWOP remains a permissible sentence in a narrow range of new cases after August 28, 2016, but currently no one is serving the sentence.
Montana	1	1 (resentencing litigation pending)	Montana law appears to give courts discretion to sentence juveniles to LWOP. Mont. Code § 45-5-102. One person is currently serving JLWOP in Montana.
Nebraska	26	4 (4 resentencings remaining)	At the time of <i>Miller</i> , there were 26 juveniles serving LWOP in Nebraska. In 2013, Nebraska passed a statute that eliminated mandatory JLWOP but retained the punishment as a possible sentence. Neb. Rev. Stat. § 28-105.02(1). Since <i>Miller</i> , 22 of the 26 have been resentenced to parole-eligible sentences (including 5 who were released). The remaining 4 of the 26 resentencings are pending.
Nevada	~17	4	In 2015, Nevada enacted a statute that abolishes JLWOP in all new cases. The law further provides parole eligibility for all juveniles serving LWOP in old cases, except in narrow circumstances (although even those juveniles are entitled to a <i>Miller</i> resentencing). Nev. Rev. Stat. §§ 176.025; 213.12135. It appears that 4 people remain eligible for JLWOP under the legislation, and those resentencings have not yet occurred. Legislation enacted in 2017 permits the parole board to commute the sentences of these individuals and make them eligible for parole. A.B. 251, 79th Reg. Sess. (Nev. 2017).

New Hampshire	5	5 (resentencings remaining)	At the time of <i>Miller</i> , New Hampshire provided for mandatory JLWOP sentences for some offenses. N.H. Rev. Stat. § 630:1-a(III). The state has not passed legislation to bring its statutes into compliance. There are 5 people serving JLWOP sentences in New Hampshire and resentencings are ongoing. <i>Petition of State of New Hampshire</i> , 103 A.3d 227 (N.H. 2014).
New Jersey	0	0	At the time of <i>Miller</i> , New Jersey provided for mandatory JLWOP sentences under very narrow circumstances. N.J. Stat. § 2C:11-3(b-g). It has not passed legislation to bring its statute into compliance. However, no juvenile is currently serving an LWOP sentence in New Jersey.
New Mexico	0	0	New Mexico gives courts discretion to sentence juveniles to LWOP. N.M. Stat. §§ 30-2-1, 31-18-14, 31-18-15.2, 31-18-15.3. However, no juvenile is currently serving an LWOP sentence.
New York	0	0	New York does not allow JLWOP for murder or any common crime. It does, however, permit JLWOP in some cases of terrorism. N.Y. Penal Law § 490.25. No one has ever been sentenced to JLWOP under this statute and application of the statute to juveniles in some instances would violate <i>Graham v. Florida</i> .

North Carolina	89	51  (45 resentencings remaining)	At the time of <i>Miller</i> , North Carolina provided for mandatory JLWOP sentences for all first-degree murders. In 2012, in response to <i>Miller</i> , the legislature amended the statute. N.C. Gen. Stat. §§ 15A-1340.19A, -1340.19B. The new law exempts juveniles convicted under the felony murder doctrine from LWOP, and gives courts discretion in other first-degree murder cases to impose either JLWOP or life with parole. At the time of <i>Miller</i> , there were 89 people serving JLWOP sentences in North Carolina. These cases have been remanded for resentencing pursuant to <i>Miller</i> and the new sentencing statute. See <i>State v. Perry</i> , 794 S.E.2d 280 (N.C. 2016). Of the 89, 15 are exempt from JLWOP because they were convicted under the felony murder doctrine, 24 have been resentenced to parole-eligible sentences, and 4 have been resentenced to LWOP. Resentencings are in progress. In addition, 2 people have received LWOP in new cases since <i>Miller</i> .
North Dakota	1	1  (resentencing litigation pending)	In 2017, North Dakota abolished JLWOP sentences by providing incarcerated juveniles with a second-look hearing before a judge after they serve 20 years. H.B. 1195, 65th Leg. Assemb. (N.D. 2017). The act appears to apply to juveniles sentenced before it went into effect. At the time the law was passed, there was one person serving JLWOP in North Dakota.
Ohio	3	?	At the time of <i>Miller</i> , Ohio authorized both mandatory and discretionary JLWOP. Ohio Rev. Code. §§ 2929.03(E), 2971.03. Ohio has not passed legislation to bring its statutes into compliance. Three people were serving JLWOP at the time of <i>Miller</i> . Some resentencings are pending.*

Oklahoma	40	41 (41 resentencings remaining)	Oklahoma authorizes LWOP sentences for juveniles for certain offenses. Okla. Stat. tit. 21 §§ 701.7, 701.9(A); Okla. Stat. tit. 10A, § 2-5-205. At the time of <i>Miller</i> , there were 40 people serving JLWOP in Oklahoma. In 2016, the Oklahoma Court of Criminal Appeals, the state's highest criminal court, held that <i>Miller</i> and <i>Montgomery</i> required resentencing and that juveniles may be sentenced to LWOP only if there is a finding of irreparable corruption. <i>Luna v. State</i> , 2016 OK CR 27, 387 P.3d 956. Resentencings are pending.
Oregon	6	5 (5 resentencings remaining)	Oregon gives courts discretion to sentence juveniles to LWOP. Or. Rev. Stat. §§ 137.707, 163.105. At the time of <i>Miller</i> , there were 6 people serving JLWOP in Oregon. One has since been resentenced to a parole-eligible sentence. The other 5 resentencings are pending. See <a href="http://bit.ly/2k5rYJd">http://bit.ly/2k5rYJd</a> .
Pennsylvania	~525	~398 (~390 resentencings remaining)	Pennsylvania had mandatory LWOP for first and second-degree murder at the time of <i>Miller</i> , and there were approximately 525 juveniles serving the sentence. In 2012, Pennsylvania enacted legislation in response to <i>Miller</i> . The statute, which applies only to new cases, abolishes JLWOP for second-degree murder and gives courts discretion to sentence juveniles to either LWOP or a parole-eligible sentence for first-degree murder. 18 Pa. Cons. Stat. § 1102.1. Approximately 135 resentencings have moved forward, with most resulting in parole-eligible sentences. LWOP has been reimposed in only 8 cases. In March 2017, the Philadelphia DA's office announced that of the 96 cases it had reviewed so far, it would not seek LWOP at resentencing in 93 of them. See <a href="http://bit.ly/2qc90DN">http://bit.ly/2qc90DN</a> . Although not seeking LWOP in most cases, the DA's office has been seeking sentences with high minimums to serve before parole eligibility. In June 2017, the Pennsylvania Supreme Court held that there is a presumption against the imposition of JLWOP, and this presumption may only be overcome if the state proves, based on competent evidence and beyond a reasonable doubt, that a juvenile is "entirely unable to change." <i>Com. v. Batts</i> , No. 45 MAP 2016, 2017 WL 2735411 (Pa. June 26, 2017).*

Rhode Island	0	0	Rhode Island gives courts discretion to sentence juveniles to LWOP. R.I. Gen. Laws § 12-19.2-1. However, no juvenile is currently serving an LWOP sentence.
South Carolina	~43	~40 (~40 resentencings remaining)	South Carolina gives courts discretion to sentence juveniles convicted of murder to LWOP. S.C. Code § 16-3-20; <i>State v. Morgan</i> , 626 S.E.2d 888 (S.C. 2006). At the time of <i>Miller</i> , there were approximately 43 people serving JLWOP. The South Carolina Supreme Court has determined that juveniles serving discretionary LWOP sentences are entitled to resentencing relief under <i>Miller. Aiken v. Byars</i> , 765 S.E.2d 572 (S.C. 2014). There are approximately 40 resentencings pending.
South Dakota	4	1	In 2016, South Dakota enacted a statute abolishing JLWOP in new cases. S.D. Codified Laws § 22-6-1. At the time of <i>Miller</i> , there were 4 people serving JLWOP. Three have been resentenced to parole-eligible sentences. One resentencing remains pending.
Tennessee	13	13	Tennessee gives juries discretion to sentence juveniles to LWOP. Tenn. Code §§ 39-13-202, 39-13-204. Neither the Tennessee legislature nor the state's highest court has responded to <i>Miller</i> or <i>Montgomery</i> .
Texas	26	?	In 2013, Texas abolished JLWOP prospectively for 17-year-olds after previously abolishing it prospectively for juveniles aged 16 and under. Tex. Penal Code § 12.31 and Tex. Gov't Code § 508.145(b). At the time, there were 26 people serving JLWOP. See <a href="http://bit.ly/1PeGnue">http://bit.ly/1PeGnue</a> . These individuals are entitled to relief under <i>Miller</i> and <i>Montgomery</i> . The status of the 26 resentencings are unknown at this time.

Utah	2	2	In 2016, Utah enacted legislation to eliminate JLWOP in new cases. Utah Code § 76-3-209. The legislation does not apply to the two people who were serving JLWOP at the time the statute took effect. Of those two, one appealed his sentence after <i>Miller</i> , but the Utah Supreme Court upheld it. The status of the second case is unknown.
Vermont	0	0	The Vermont legislature abolished JLWOP in 2015. Vt. Stat. tit. 13, § 7045. No one was serving the sentence at the time.
Virginia	~25	~23	Virginia authorized mandatory JLWOP for capital murder at the time of <i>Miller</i> . Va. Code §§ 18.2-10, 18.2-31. However, the Virginia Supreme Court has since held that <i>Miller</i> is inapplicable to individuals serving JLWOP in Virginia because, in its view, the trial court judge can suspend the sentence. <i>Jones v. Commonwealth</i> , 795 S.E.2d 705 (Va. 2017), <i>petition for cert. filed</i> (U.S. May 5, 2017) (No. 16-1337). It has also held that Virginia's geriatric parole statute provides juveniles serving LWOP for first-degree murder with a meaningful opportunity for release. <i>Angel v. Com.</i> , 704 S.E.2d 386 (Va. 2011). The U.S. Court of Appeals for the Fourth Circuit rejected that argument but was reversed by the U.S. Supreme Court. <i>Virginia v. LeBlanc</i> , No. 16-1177, 2017 WL 2507375 (U.S. June 12, 2017). The first <i>Miller</i> resentencing in the state resulted in a parole-eligible sentence. Resentencing litigation is pending.*

Washington	30	14  (12 resentencings remaining)	Washington authorized mandatory JLWOP sentences at the time of <i>Miller</i> . In 2014, the legislature retroactively eliminated LWOP for crimes committed by juveniles aged 15 and younger. Juveniles aged 16 and 17 who are convicted of aggravated first-degree murder may be sentenced either to LWOP or a parole-eligible sentence. Wash. Rev. Code § 10.95.030. In 2017, one of the divisions of the Washington Court of Appeals held that a JLWOP sentence, even for 16- and 17-year-olds convicted of aggravated first-degree murder, violates the state constitution's ban on cruel and unusual punishment. <i>State v. Bassett</i> , No. 47251-1-II, 2017 WL 1469240 (Wash. Ct. App. Apr. 25, 2017). That ruling has been appealed to the Washington Supreme Court. Of the 30 juveniles serving LWOP sentences in Washington, 17 have been resentenced. Two have been resentenced to LWOP and 15 to parole-eligible sentences. Thirteen await resentencing hearings, including a 14-year-old who cannot be resentenced to LWOP under the 2014 statute.
West Virginia	7	0	West Virginia abolished JLWOP in 2014 for old and new cases. W. Va. Code §§ 61-11-23, 62-12-13b. There were previously 7 people serving JLWOP in West Virginia.
Wisconsin	9	8  (resentencing litigation pending in 8 cases)	Wisconsin gives courts discretion to sentence juveniles to LWOP. Wis. Stat. § 973.014. There were 9 people serving JLWOP in Wisconsin at the time of <i>Miller</i> . One has been resentenced to a parole-eligible sentence. The other 8 individuals are seeking resentencing under <i>Miller</i> .
Wyoming	8	0	In 2013, Wyoming enacted a statute eliminating JLWOP and making juveniles serving life sentences eligible for parole. Wyo. Stat. §§ 6-2-101(b), 6-10-301(c). At the time of <i>Miller</i> , there were 8 people serving JLWOP. See <a href="http://bit.ly/2rFfekw">http://bit.ly/2rFfekw</a> . The statute applies retroactively. <i>State v. Mares</i> , 335 P. 3d 487 (Wyo. 2014).

