

**Adopted with voice vote**

**AMERICAN BAR ASSOCIATION  
CRIMINAL JUSTICE SECTION  
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

**REPORT TO THE HOUSE OF DELGATES**

**RECOMMENDATION**

1           RESOLVED, That the American Bar Association urges federal, state, tribal, local and  
2 territorial governments to authorize and implement sentencing laws and procedures that both  
3 protect public safety and appropriately recognize the mitigating considerations of age and  
4 maturity of youthful offenders (i.e., those under age 18 at the time of their offense who are  
5 subject to adult penalties upon conviction) based on the following principles:  
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- 7   1.       Sentences for youthful offenders should generally be less punitive than sentences for  
8           those age 18 and older who have committed comparable offenses;  
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- 10   2.       Sentences for youthful offenders should recognize key mitigating considerations  
11           particularly relevant to their youthful status, including those found by the United States  
12           Supreme Court in *Roper v. Simmons*, 543 U.S. 551, 567-570 (2005), as well as the  
13           seriousness of the offense and the delinquent and criminal history of the offender; and  
14
- 15   3.       Youthful offenders should generally be eligible for parole or other early release  
16           consideration at a reasonable point during their sentence; and, if denied, should be  
17           reconsidered for parole or early release periodically thereafter.