

A Decade After *Montgomery v. Louisiana*



Progress, Gaps, and the Promise of Meaningful Review for Children Serving Extreme Sentences

Ten years ago, the United States Supreme Court issued a historic decision in *Montgomery v. Louisiana*, affirming that children sentenced to life without parole must be given a meaningful opportunity to show that they can grow and change. The ruling confirmed that *Miller v. Alabama*, which required sentencing judges to consider the mitigating attributes of youth before a child charged with homicide may be sentenced to life without parole, applied to individuals already serving life without the possibility of parole for crimes committed as children. The tenth anniversary of *Montgomery* marks more than a legal milestone; it honors the human transformation, community restoration, and public safety gains made possible when states provide children with an opportunity for review.

"Their hope for some years of life outside of prison walls must be restored."

—SCOTUS • *Montgomery v. Louisiana*, 577 U.S. 190 (2016)

Sentencing children to life without the possibility of parole stands in direct contradiction to international human rights standards. Article 37 of the United Nations Convention on the Rights of the Child prohibits subjecting children to “torture or other cruel, inhumane or degrading treatment or punishment,” including the use of “capital punishment and life without the possibility of release.”¹ Against this global consensus, the past decade has brought meaningful progress to the United States. Across the country, states have increasingly rejected juvenile life-without-parole (JLWOP) sentences, recognizing that condemning children to die in prison is unjust and inconsistent with widely accepted principles acknowledging children’s capacity to grow, change, and take responsibility for their actions.

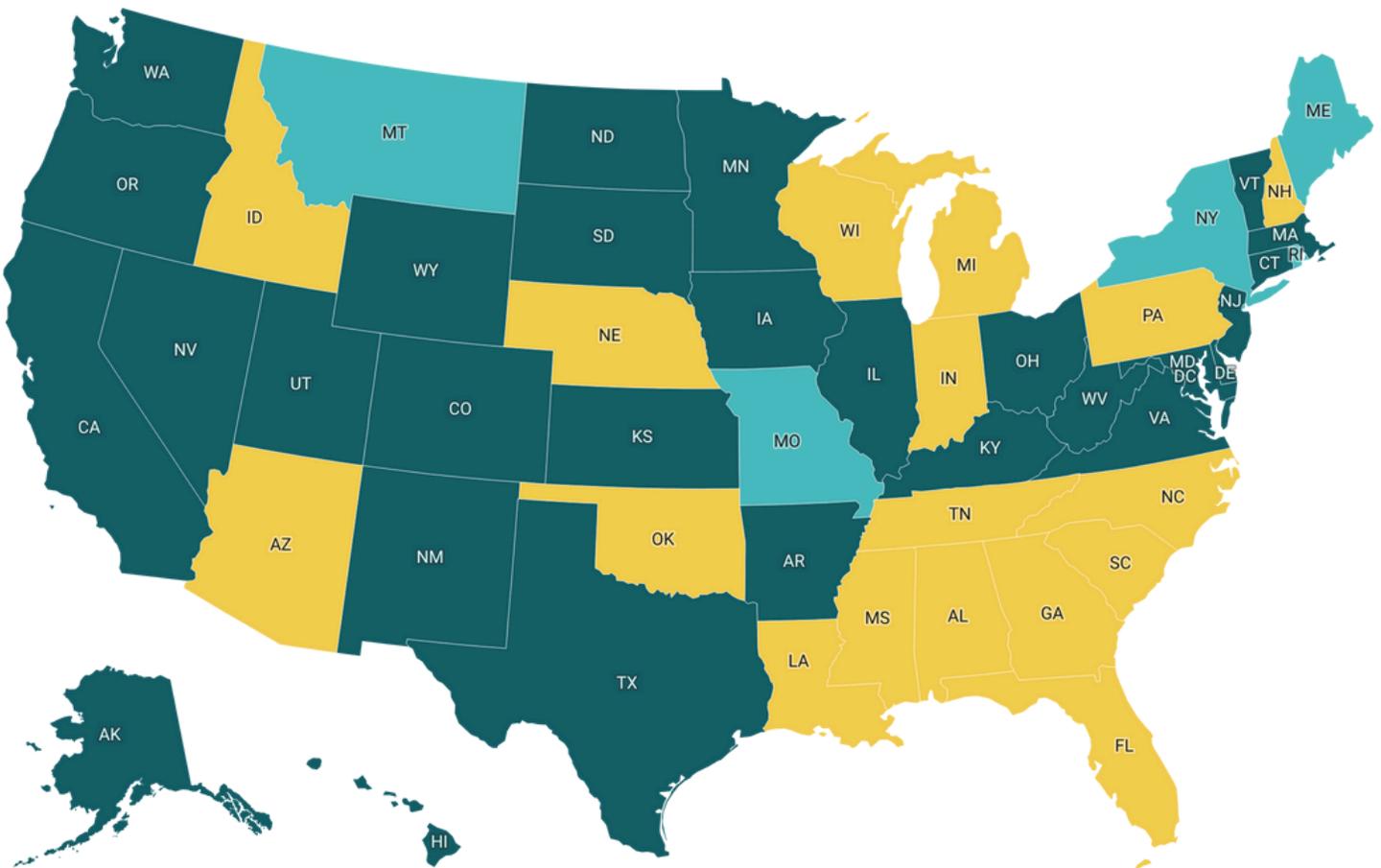
Today, 28 states and the District of Columbia have banned JLWOP entirely, and an additional five states have no one serving the sentence.² Since *Miller*, the population of individuals serving JLWOP in the United States has declined



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by approximately 85% while the number of states banning JLOWP has increased by more than eightfold.³ As a result, thousands of individuals once told as children they would never return home are now reunited with their families, working, mentoring youth, and contributing positively to their communities. These individuals are powerful proof of the core principles of *Miller and Montgomery*: that children should not be permanently condemned based on their worst acts, and that individuals sentenced as children must have a meaningful opportunity to demonstrate growth, rehabilitation, and readiness to return to their communities.

- Banned JLOWP (28 states and the District of Columbia)
- Permits JLOWP with no one serving (5 states)
- Permits JLOWP with individuals currently serving (17 states)



Yet the work is far from finished. Seventeen states still have individuals serving JLOWP, with five states retaining it as an available sentence option despite having no one serving the sentence—continuing to fuel deep racial disparities and slowing national progress toward a justice system that treats children fairly and recognizes their potential.⁴ As we look toward the next decade, the path forward is clear: the nation, as a whole, must end all extreme

sentencing of children, institutionalize a meaningful opportunity for review in every jurisdiction, and transition toward justice models that prioritize accountability, healing, and safety.

What *Montgomery* Meant for Children Serving Extreme Sentences

In *Miller v. Alabama*, the U.S. Supreme Court held that mandatory life-without-parole sentences for children violate the Eighth Amendment of the U.S. Constitution's prohibition on cruel and unusual punishment.⁵ The Court recognized that children are fundamentally different from adults and that automatic sentences denying any chance of release fail to account for youth, background, and capacity for change. In the aftermath of *Miller*, states split on whether the decision should be applied retroactively to individuals currently serving JLWOP sentences, resulting in unequal application of the *Miller* decision across the country.⁶ The U.S. Supreme Court addressed this uneven application of justice by considering Henry Montgomery's case.

Four years after *Miller*, in its decision in *Montgomery v. Louisiana*,⁷ the Court made clear that *Miller* applies retroactively. *Montgomery* required states to provide individuals previously sentenced as children to a lifetime in prison with a meaningful opportunity for reconsideration, opening the door for thousands of individuals to seek relief from unconstitutional sentences imposed decades earlier.

For thousands of individuals sentenced as children, *Montgomery* gave hope. Individuals who entered prison as children, many after experiencing deep trauma and instability, were finally given the chance to show who they had become and to rejoin their families and communities.

The Man Behind the Mandate: Henry Montgomery

On this tenth anniversary, youth justice advocates reflect not only on the ruling that bears his name, but also on the 79-year-old man at the center of it: Henry Montgomery. In its decision, the U.S. Supreme Court recognized Henry's transformation from a "troubled, misguided youth" to a mentor and "model resident" of the Louisiana State Penitentiary, often known as Angola. Yet while his 2016 legal victory helped many who were sentenced to prison

as children gain their freedom, Henry remained incarcerated for five more years—enduring deep uncertainty as procedural delays dragged on, even amid widespread support for his parole.

Henry finally walked out the gates of Angola in November 2021, 57 years after he was condemned to die there. When asked what he considers his greatest accomplishments to date, he points to the everyday moments that made freedom feel real: rebuilding connections in his community, picking up his birth certificate as a senior citizen, and doing something most people take for granted: navigating a grocery store aisle by himself. He continues to give hope and support to hundreds of others who have come home through his longstanding engagement with the Louisiana Parole Project and as a member of the Campaign for the Fair Sentencing of Youth’s (CFSY) Incarcerated Children's Advocacy Network (ICAN).



“It has made me feel so good that my journey has given people hope. I love doing it, and I’m still trying to figure out ways to help those in Angola right now. I always try to go back when I can, talk to guys, and help them get their lives back together. Men who have done 20, 30, 40 years, it’s time for them to come home.”

–Henry Montgomery

Henry is one of thousands of individuals who received extreme sentences as children who are now home, living with the lasting consequences of the harm they caused and the impact on survivors, while working to rebuild their lives and reclaim their futures beyond prison walls. Across the country, many are stepping into roles as violence interrupters, advocates, and dedicated mentors to youth. They are using their freedom to strengthen their communities and invest in the next generation, while also serving as devoted caretakers at home—supporting their families, rebuilding trust, and creating stability for those who rely on them.

National Landscape of JLWOP: Ten Years Later

In the decade since *Montgomery*, most of the country has decisively moved on from sentencing children to life-without-parole. Twenty-eight states have abolished JLWOP via legislation or judicial decision, rendering its continued use in a minority of states an extreme outlier. Legislatures, courts, and parole boards increasingly reflect what research and lived experience confirm: children can and do change, and public safety is best served when accountability is paired with hope, opportunity, and pathways home.⁸

Courts overseeing resentencing proceedings after *Montgomery* have further clarified what the U.S. Constitution requires when reconsidering extreme sentences imposed on children. In some cases, prosecutors have sought to reimpose JLWOP despite the constitutional limits set by *Miller* and *Montgomery*. In the ten states with the largest populations of those serving JLWOP, 96.8% of reviewed sentences were deemed unconstitutional, reflecting broad recognition that such punishments rarely withstand constitutional scrutiny.⁹ Thus, courts, even in states that permit JLWOP, have increasingly emphasized that evidence of growth over time, accountability, and preparation for reentry weigh strongly against renewing a JLWOP sentence.

28

states and the District of Columbia have abolished the use of JLWOP

Nearly 1,300 individuals who were sentenced to life without parole as children have been released.

Nationwide, nearly 1,300 individuals who were sentenced to life without parole as children before *Miller* have come home after successfully demonstrating to judges or parole boards that they had matured, taken responsibility for their actions, and were ready to rejoin their communities. Many are now rebuilding their lives, supporting their families, and contributing to community health and safety. A study conducted by Montclair State University examining 174 individuals who were released after being sentenced to JLWOP found a recidivism rate of just 1.14 percent.¹⁰

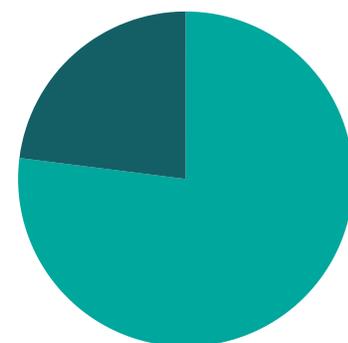
At the same time, the impact of *Montgomery* remains incomplete. On average, life-sentenced children who have been resentenced and released have entered society having served over 30 years, nearly double the median time served for homicide nationwide.¹¹ Many others remain awaiting resentencing, after decades of incarceration, trapped in prolonged and uneven legal processes as states delay and obstruct relief through restrictive laws, under-resourced courts, and inadequate access to counsel. Some individuals have been resentenced to life without parole, most often in states that have been slow to fully embrace *Miller's* constitutional requirements.

“I don’t want to see anyone do all that time in prison. It doesn’t make sense. From what I see now, with the laws changing, it gives me a lot of hope for others.”

–Henry Montgomery

Since *Miller* and *Montgomery*, among the states that still allow JLWOP sentences, only a handful continue to impose new JLWOP sentences on children, underscoring how isolated the practice has become.¹² Fewer than 100 individuals have been resentenced to JLWOP nationwide, reflecting the increasingly rare use of the sentence.¹³ Yet deep racial disparities persist. Black children continue to be disproportionately subjected to JLWOP and other extreme sentences, perpetuating the racially discriminatory roots of punishment. Despite the overall decrease in JLWOP sentences, the share imposed on Black children has risen from 61% to 76.6% since *Miller*.¹⁴

Of all new JLWOP recipients, 77% are Black children,



up from 61% pre-*Miller*.

As the use of JLWOP has declined, some states have attempted to circumvent *Miller* and *Montgomery* by imposing lengthy term-of-years sentences that function as lifetime sentences in all but name. These punishments offer the possibility of release only at an age when survival through decades of incarceration is unlikely. Research shows that incarceration itself shortens life expectancy—for every year spent behind bars, someone can expect to lose approximately two years of life expectancy—highlighting the life-threatening nature of decades-long sentences.¹⁵

Many individuals who were incarcerated as children never made it home. Some died in prison while waiting for resentencing or release. For example, William Garrison, incarcerated in Michigan for more than four decades for a crime committed as a child, passed away in prison in 2020 after contracting COVID-19—just weeks before his expected release.¹⁶ Others passed away shortly after returning home, after decades of incarceration took a lasting toll on their health. These losses reflect the real human cost of delay and resistance to constitutional mandates. CFSY honors their lives through its *In Memoriam* remembrance.¹⁷

A Decade of Change and the Path Forward

Ten years after *Montgomery v. Louisiana*, the nation has continued to make progress toward ending juvenile life without parole, the most extreme punishment imposed on children. Thousands of lives have been transformed as individuals once told as children they would never return home have been released from prison, rebuilt their lives, and are contributing meaningfully to their communities. This anniversary marks a powerful assertion of what the U.S. Supreme Court reaffirmed a decade ago: children can and do change, and public safety is best served when accountability is paired with hope, opportunity, and pathways home. Today, directly impacted leaders are driving the development of transformative, healing, and restorative justice models in response to youth harm that prioritize accountability while rejecting the permanent punishment of children.¹⁸

CFSY calls on policymakers, advocates, and communities across the country to carry forward these principles. Doing so requires strengthening resentencing and parole systems so that opportunities for review are meaningful and accessible, ending reliance on extreme punishments, and investing in approaches that promote accountability, healing, and lasting community safety. Honoring the legacy of *Montgomery* demands more than compliance on paper; as a nation, we must commit to ensuring that no child is permanently condemned to a lifetime in prison and that every community has the opportunity to heal.

Sources

Note on data: Since 2016, the Campaign for the Fair Sentencing of Youth has collected individual-level data for every person in the United States sentenced to life without parole for a crime committed under the age of 18. This data is collected and updated using information from state partner organizations, state departments of correction, dockets and legal filings, and outreach from those serving these sentences and their families.

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