

Rep. Haveman offered the following resolution:

House Resolution No. 404.

A resolution to urge the United States Supreme Court to clarify whether its holding in *Miller v. Alabama* applies retroactively.

Whereas, On June 25, 2012, the United States Supreme Court decided the case of *Miller v. Alabama*, which held that the Eighth Amendment of the U.S. Constitution prohibits a sentencing scheme that mandates a life sentence without the possibility of parole for juveniles convicted of homicide offenses. The *Miller* decision struck down laws requiring life without parole sentences for juveniles convicted of homicide offenses in 28 states, including Michigan; and

Whereas, The United States Supreme Court did not specify whether the *Miller* decision applied retroactively to those juvenile homicide offenders whose convictions were finalized prior to June 25, 2012. There are an estimated 2,000 offenders across the United States who were mandatorily sentenced to life without parole for crimes committed as juveniles prior to that date; and

Whereas, The question of the retroactive effect of the *Miller* decision has generated significant legal commentary and public interest, and has spawned a dichotomy of legal holdings and legislation across the nation. Courts and policymakers across the country have struggled with whether to apply the holding retroactively to juveniles convicted prior to June 25, 2012; and

Whereas, The Michigan Supreme Court recently issued an opinion holding that *Miller* does not apply retroactively to the approximately 330 offenders in this state who are currently serving life sentences without parole for homicide offenses committed prior to their 18th birthday and who exhausted their appeals prior to June 25, 2012; and

Whereas, The Michigan Supreme Court ruling aligns with decisions in some states but diverges from decisions in other states. State supreme courts in Louisiana, Minnesota, and Pennsylvania found that *Miller* does not apply retroactively. In contrast, state supreme courts in Illinois, Iowa, Massachusetts, Mississippi, Nebraska, and Texas have ruled that *Miller* does apply retroactively. Cases regarding the question of retroactivity remain pending before state supreme courts in Alabama, California, Colorado, Florida, and North Carolina; and

Whereas, Policymakers have also grappled with interpreting the *Miller* decision. Of the 28 states with laws mandating life sentences without parole for juvenile homicide offenders, 13 states have subsequently passed legislation in response to the holding, with four legislatively applying *Miller* retroactively and five legislating that *Miller* is to be applied prospectively only; and

Whereas, On at least two occasions, the United States Supreme Court has rejected an opportunity to revisit *Miller* and to settle the question of retroactive application; and

Whereas, As courts and state legislatures continue to struggle with this important issue and affected parties continue to await the outcomes of the appellate and legislative processes, the United States Supreme Court should give clarity and certainty to the question, so that there can be finality and a uniform application of the law across the United States; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Supreme Court to clarify whether its holding in *Miller v. Alabama* applies retroactively; and be it further

Resolved, That copies of this resolution be transmitted to the Justices of the United States Supreme Court.