

## Late Adolescents and the Death Penalty

On March 1, 2005, in *Roper v. Simmons*, the United States Supreme Court held that it is unconstitutional to execute someone under the age of 18 at the time of the crime due to the diminished culpability of developing adults. The Justices acknowledged that drawing the line at 18 was an arbitrary cutoff. "The qualities that distinguish juveniles from adults do not disappear when an individual turns 18," wrote Justice Anthony Kennedy. "However, a line must be drawn."

Much of the rationale cited in the *Roper* decision, including immaturity, lack of impulse control, and scientific understanding of brain development, applies to another group of individuals who should be exempt from the death penalty: ***Those ages 18, 19, or 20 at the time of the crime.***

### Executions

- ◆ Since the *Roper* decision, **65 people in Texas have been executed for crimes committed when they were under the age of 21**. More than half of these individuals were convicted in Bexar (9), Dallas (11), or Harris (15) counties.
- ◆ According to the Death Penalty Information Center, **Texas has executed the most defendants under 21 at the time of the crime**, accounting for half of all such executions since *Roper*. The next-highest state is Alabama, with nearly nine percent.
- ◆ **More than 75% of the executed late adolescents were people of color**: 33 were Black and 16 were Hispanic/Latino.

### Currently on death row

- ◆ Of the 165 people currently on death row in Texas, **29 were sentenced for crimes committed when they were under the age of 21**. Of these, **15 people were convicted in Harris County** alone.
- ◆ Since *Roper*, more than 75% of death sentences for late adolescents nationwide have been imposed on people of color. **In Texas, this number is even higher: 27 of the 29 (93%) late adolescent defendants are people of color.**
- ◆ More than one-third of the late adolescent defendants still on death row in Texas **did not receive an education beyond the 10th grade.**

See "Immature Minds in a 'Maturing Society'": *Roper v. Simmons* at 20" from the Death Penalty Information Center for additional information: [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org).

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