

## MT 대체과제

※ 아래 글을 읽고, 다음 질문에 답하시오.

(1) 아래 글의 핵심 내용을 요약하시오.

(2) 청소년 범죄 혹은 미성년 범죄는 성인범죄와 다르게 처벌해야 하는 이유는 무엇인가?

(3) 한국에서 미성년 혹은 청소년 범죄에 대한 형벌 규정의 주요 내용 3가지를 설명하세요.

※ 마감일: 2025년 3월 27일(목요일) 오후 18:00. 파일 형식(파일명: 이름-경찰행정사례연구-MT대체과제 26-27)으로 홈페이지 폴더에 제출(폴더명: MT과제)

### The Supreme Court Says Again: Juveniles Are Different

The Supreme Court has ruled repeatedly over the last decade that it is morally and constitutionally wrong to equate offenses committed by emotionally undeveloped adolescents with crimes carried out by adults.

It made this point again on Monday when it ruled that people who were sentenced to mandatory life in prison without the possibility of parole as juveniles have the right to seek parole.

The decision has its roots in the 2005 case of *Roper v. Simmons*, in which the court held that children under 18 were ineligible for the death penalty. It found that children were less culpable than adults and more likely to be rehabilitated, and that extinguishing their lives violated the Eighth Amendment prohibition against “cruel and unusual punishment.”

Five years later, the court outlawed sentences of life without parole for adolescents convicted of crimes other than homicide. In 2012, it went a step further, ruling in *Miller v. Alabama* that mandatory life sentences without parole were unconstitutional for adolescents.

The court left open the question of whether that ruling should be retroactively applied to about 2,000 people who were sentenced automatically to life without parole before the 2012 decision. On Monday, in *Montgomery v. Louisiana*, the court offered the answer: The constitutional rule announced in the *Miller* decision applies retroactively to that group.

The plaintiff in the case, Henry Montgomery, was 17 years old when he was convicted in 1963 of killing a sheriff’s deputy — a crime that carried an automatic sentence of life without parole. Mr. Montgomery, who has spent more than half a century behind bars, is said to be a well-behaved inmate.

Louisiana argued that the 2012 ruling need not be applied retroactively. But the court, in a

6-to-3 opinion written by Justice Anthony Kennedy, disagreed, writing, "The court now holds that when a new substantive rule of constitutional law controls the outcome of a case, the Constitution requires state collateral review courts to give retroactive effect to that rule."

He also noted that "extending parole eligibility to juvenile offenders does not impose an onerous burden on the states" since prisoners who do not meet parole standards will continue to serve their life sentences.

The Montgomery decision will bring justice to some. But the court's finding that juveniles are less culpable than adults and more capable of rehabilitation suggests that the justices should take the final step. That means outlawing life sentences without parole for children altogether, whether mandatory or not.