
Bill Analysis 2021 Regular Session**SPONSOR:** Senator Antoinette Sedillo-Lopez**SHORT TITLE:** Juvenile Life Sentences w/o Parole

SYNOPSIS OF BILL: Currently, a juvenile offender convicted of first-degree murder is subject to the same possible penalties as an adult. Section 1 of SB 247 would prohibit a sentence of life *without* the possibility of parole for a juvenile offender convicted of first-degree murder.

The bill also provides an early parole eligibility for any youthful and serious youthful offenders serving an adult sentence after serving 10 years of their sentence, unless otherwise eligible sooner. If parole is denied at that hearing, Section 3(B) entitles the offender to subsequent hearings at least every 2 years thereafter. The bill provides a non-exhaustive list of factors for the parole board to consider taking into account the diminished culpability and greater potential for rehabilitation for juvenile offenders.

STRENGTHS: Children are less capable than adults in long-term planning, regulating emotion, impulse control, and evaluating risks and rewards. They are more susceptible to peer pressure and more vulnerable to their surrounding environments, which are rarely in their control. In the face of these deficits, children are more likely than adults to reform their behavior and be rehabilitated.

For those very reasons, the United States Supreme Court has said it is cruel and unusual punishment to give juveniles a life without parole sentence except in the rarest exceptional circumstances. Constitutionally, the law leaves open the possibility. This bill would ensure that anyone who was a child when they committed their crime will at least have the possibility of release some day.

There are just under 100 people in New Mexico serving sentences of greater than 10 years for crimes committed as children. The Supreme Court has also said that juvenile sentences should generally provide some meaningful opportunity for release, based on demonstrated maturity and rehabilitation. In New Mexico, juvenile offenders can also receive other adult sentences longer than ten years for a variety of felonies. Early parole after 10 years for youthful and serious youthful offenders ensures that the need for continued incarceration can be evaluated after reaching cognitive maturity at age 25.¹ The reality is that it is impossible for judges, at the time of sentencing, to anticipate a particular individual's potential for rehabilitation, and sentences are often imposed based on a worst case scenario or an overemphasis on tenuous long-term public safety concerns. This bill would allow trained professionals to review those issues after a juvenile has reached cognitive maturity, and reevaluate the need for continued incarceration. If it is appropriate, the parole board can deny early parole and the juvenile could end up serving the entire sentence imposed by the judge. If not, the parole board would have the ability to return a rehabilitated juvenile offender to their family and community while they still have the potential for a full and productive life.

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¹ *Maturation of the adult brain*, National Institutes of Health (Apr. 3, 2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/>.

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<p>This bill does not allow for automatic release and the Parole Board is directed to consider public safety in its parole decision.</p> <p>A recent study suggests recidivism rates are extremely low among juvenile lifers who were released following sentencing reform. After 1.5 years, only 1% recidivated.²</p>	<p>Twenty-four red and blue states and the District of Columbia now prohibit life-without-parole sentences for youth. Ohio, Arkansas, Nevada, West Virginia, the Dakotas, and our neighbors in Texas, Colorado, and Utah have already passed this type of legislation</p>	<p>Imprisoning juveniles for life comes with an extremely high price tag. On average, it costs \$2.5 million to incarcerate a juvenile for life in the United States.³</p> <p>In contrast, by working from age 26 to age 66, an average worker with a high school education generates \$218,560 in tax revenue.⁴</p>	<p>Brain science and psychology reveal that youth are different from adults in important ways, including decision-making, impulsivity, and response to peer pressure. Science also reveals that youth possess a unique ability for reform and rehabilitation.</p>	<h1>A</h1>

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² Tarika Daftary-Kapur, Ph.D. and Tina M. Zottoli, Ph.D. (2020), "Resentencing of juvenile lifers: The Philadelphia Experiment." Montclair State University Technical Report.

³ Numbers are based on the following report, assuming life expectancy of age 71: America Civil Liberties Union (2012). "At America's Expense: The Mass Incarceration of the Elderly." Technical Report.

⁴ Philip A. Trostel, "The Fiscal Impacts of College Attainment," New England Public Policy Center at the Federal Reserve Bank of Boston Working Paper (2007):20-22, available at <http://www.bos.frb.org/economic/neppc/wp/2007/neppcwp0702.pdf>.