

Christian Community Presbyterian Church's
Race & Diversity Task Force invites you to join a
Forum on Fair Youth Sentencing

10:00 - 12:00 Saturday, October 17, 2020

[Free Registration](#) to get the Zoom link



10:00 Welcome - Pastor Susan Graceson

10:05 - Dr. Kevin Maxwell introduces Delegate Jazz Lewis
Del. Lewis introduces the proposed legislation

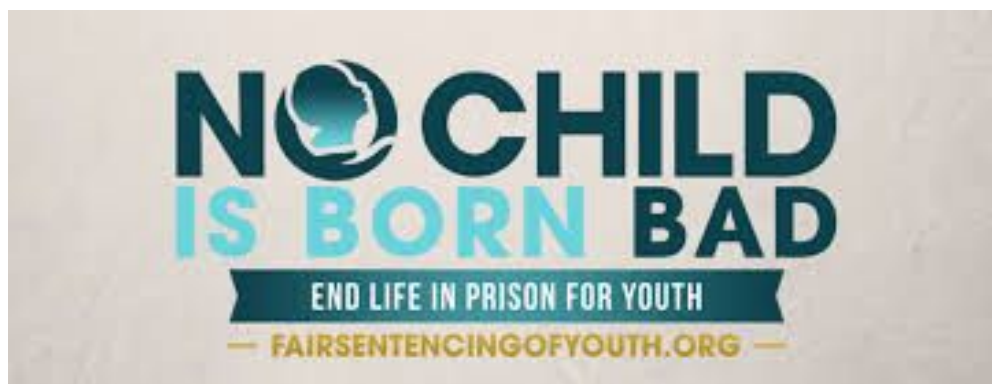


The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

Q&A with Eddie Ellis, Crystal Carpenter &
Preston Shipp from
the [Campaign for Fair Youth Sentencing](#)

11:00 Letter-writing session

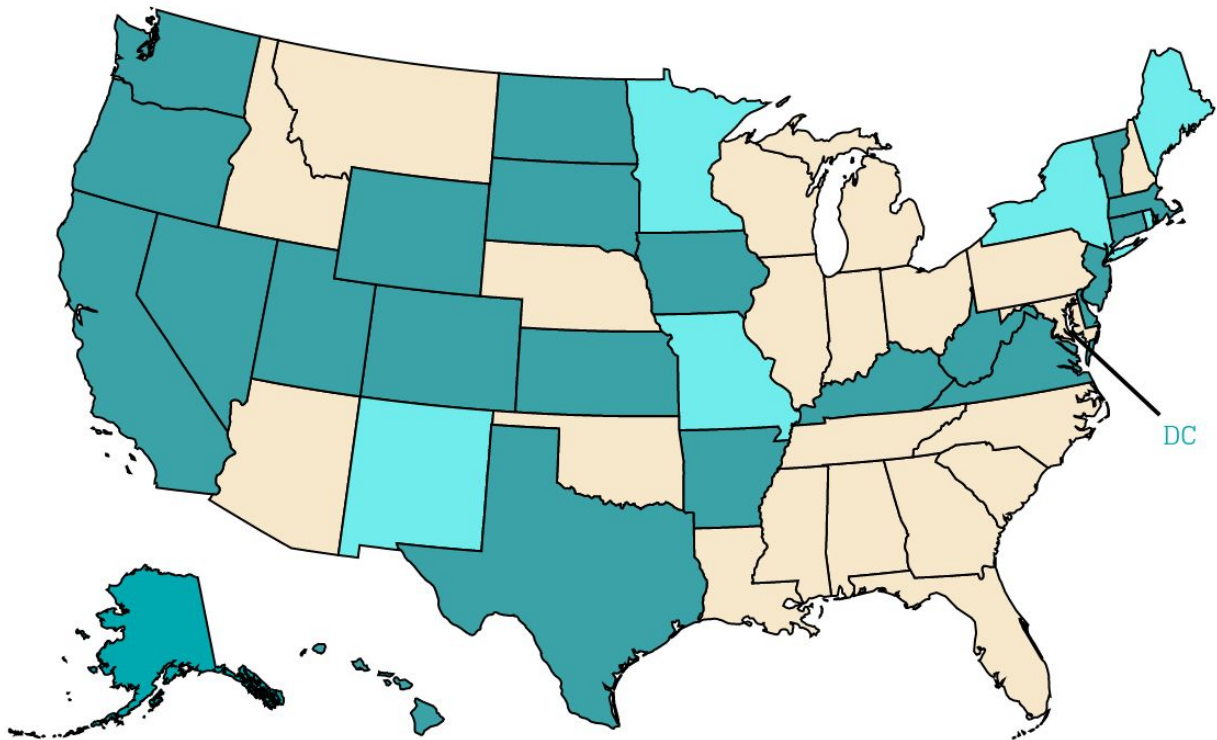
[Congregational letter](#) of support
Post addresses on shared screen
Downloadable letter template
Suggested text for handwriting





The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

29 states and DC BAN OR HAVE NO ONE SERVING life without parole for children



 23 states and DC ban juvenile life without parole (JLWOP)

 6 states have no one serving JLWOP

fairsentencingofyouth.org



The CAMPAIGN for the
FAIR SENTENCING
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LEGISLATIVE ISSUE BRIEF

CREATING FAIR AND AGE-APPROPRIATE SENTENCES FOR CHILDREN WHO COMMIT SERIOUS CRIMES

Approximately 2,800 people in the United States have been sentenced to life without parole for crimes they committed as children.¹ Momentum to abolish extreme sentences for youth has swept the country. In the last six years, the number of states banning life-without-parole sentences for children has quadrupled.²

Adolescent Development Research. Flawed research in the 1990s theorized that a new class of “super-predator” children had emerged who were more violent, remorseless, and radical than ever before.³ As a result, states passed a barrage of laws creating extreme and, in some cases, unconstitutional criminal penalties for children, which condemned many of them to die in prison.⁴ This research has since been debunked and its authors expressed regret and remorse for the impact it had in encouraging states to pass draconian laws to punish children.⁵ Recent scientific studies have shown that adolescents’ brains are not fully developed.⁶ Children are less capable than adults in long-term planning, the regulation of emotion, impulse control, and the evaluation of risk and reward.⁷ They are also more vulnerable, more susceptible to peer pressure, and heavily influenced by their surrounding environment, which is rarely in their control.⁸ Current behavioral and brain development research demonstrates that children who commit crimes are more likely to reform their behavior and be rehabilitated.⁹

The U.S. Supreme Court. In 2016, in *Montgomery v. Louisiana*, the U.S. Supreme Court ruled that “the sentence of life without parole is disproportionate for the vast majority of juvenile offenders” convicted of homicide offenses.¹⁰ Because adolescents’ brains are still developing and these individuals have a greater capacity for rehabilitation, “the penological justifications for life without parole collapse in ‘light of the distinctive attributes of youth.’”¹¹ Under *Montgomery*, all life-without-parole sentences for children under 18 are constitutionally suspect. The Court reiterated that “[e]ven if a court considers a child’s age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects ‘unfortunate yet transient immaturity.’”¹²

Montgomery joins the Court’s previous decisions in *Roper v. Simmons* (2005) (banning the death penalty for children),¹³ *Graham v. Florida* (2010) (banning life-without-parole sentences for children convicted of non-homicide offenses),¹⁴ and *Miller v. Alabama* (2012) (banning mandatory life-without-parole sentences for children).¹⁵ All of these cases are grounded in the Eighth Amendment’s prohibition against cruel and unusual punishment. Central to the Court’s rulings was the proposition that children are “constitutionally different” from adults and that sentencing laws must treat them differently.¹⁶ Because children have diminished culpability and greater prospects for reform than adults who commit the same crimes, “they are less deserving of the most severe



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BILL: MD HB 1437/SB 1038 (2020 Session)

TITLE: Juvenile Restoration Act

CONTACT: Preston Shipp (pshipp@fairsentencingofyouth.org)

This legislation will bring Maryland in line with recent U.S. Supreme Court rulings and twenty four other states and jurisdictions, including Virginia, West Virginia, and the District of Columbia, that have passed similar legislation abolishing life without the possibility of parole for children.

The legislation accomplishes the following:

- 1) Abolishes the sentence of Juvenile Life Without Parole (JLWOP).
- 2) Permits a person who was convicted of a crime committed while the person was a minor to file a motion for a sentence reduction. Following a judicial hearing, the court may reduce the sentence if the person has been imprisoned for at least 20 years, is not a danger to the public, and the interests of justice are served by a sentence reduction.
- 3) Requires the reviewing court to consider the particular characteristics of youth in accord with *Miller v. Alabama*, 567 U.S. 460 (2012), when determining whether to grant a sentence reduction to a person who was a child at the time the crime was committed.

The legislation is based on the beliefs that no child is born bad, no child is beyond the hope of redemption, and no child should ever be told that they have no future but die in prison. It balances the needs for age-appropriate accountability and public safety with the fundamental truth that people, especially children, are capable of profound positive transformation. When a person is able to demonstrate rehabilitation, we must give them an opportunity for a second chance. This legislation takes an important step toward constitutional compliance for youth convicted of serious crimes by abolishing life without parole, providing meaningful opportunities for judicial review after serving a term of years, and setting forth the factors particular to youth to be considered by the court at the review hearing.