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Senate Judiciary C

Re: **OPPOSE: SB16 Juvenile Life Without Parole - Retro Bill**

Dear Chairman Claitor and members of the Committee,

The U.S. Supreme Court's ruling in *Miller v. Alabama* (made retroactive under *Montgomery v. Louisiana*) rested on two basic elements: First, children have less developed minds and therefore should be held less culpable for their actions. Second, those who are convicted should be given a "meaningful opportunity for release." The first element is based on both science and the general understanding of any parent. The second element, is subject to various interpretations of "meaningful" and "opportunity."

We support the requirement of pre-release programming, and that the parole board gain insights from experts in adolescent brain development. However, SB16 has significant flaws.

**SB16 sets parole eligibility at 30 years behind bars. This is longer than every state in the South.** According to the ACLU report, "False Hope: How Parole Systems Fail Youth Serving Extreme Sentences," (November 2016), the earliest opportunity for release in eleven Southern states **averages 20 years**. See: Appendix A, p. 160: 10 years (AL, SC), 15 years (VA), 20 years (KY, MS), 25 years (GA, NC, TN), 28 years (AR), and 30 years (TX).

Not only are parole reviews long after someone has reached physical maturity (roughly 25 years old), statistics show such people are extremely unlikely to have parole granted. One of the reasons, perversely, is because the person has spent so much of their life in prison they often have little support remaining, if they had any to begin with. Parole boards are hesitant to release someone if not to a stable home.

Furthermore, there should be a **different sentence for 1st degree murder than 2nd degree**. The latter of which should have the opportunity for a sentence range in years, such as 10-99.

**A reasonable parole review on a Life sentence would begin at 10 years for 2nd degree murder, and 15 years for 1st degree murder**, meaning someone is roughly 26 or 31 years old,

respectively. Parole Boards are in the best position to advise someone on the suggested rehabilitative path for them to follow. They are the entity that should be tracking progress, rather than seeing someone for the first time in their mid-40s.

**A written evaluation by an expert in adolescent brain development is useless when evaluating a 40-something man or woman.** It negates the entire purpose. Rather, after having reviewed the case file, an expert reviewing a 25-year old would be in position to make a valuable assessment on the development of this person (under grueling conditions) over the decade since.

Finally, the provision for district attorneys seeking Life Without Parole should be struck in its entirety. In the years since *Miller v. Alabama*, we have seen elected District Attorneys seek the “worst of the worst” penalty in nearly every homicide case. The emotions and political pressure that arise from these cases must be hemmed in by the legislature, or we will spiral (again) to a reliance on the prison system for vengeance rather than building a community spirit that can better prevent these tragic scenarios from occurring.

We respectfully seek major amendments to the bill. If not, please vote against passage.

Sincerely,



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Policy Director

Voice of the Experienced - VOTE

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