



TO: Senate Judiciary Committee, Colorado General Assembly

We are writing regarding the current effort to reform juvenile life without parole in Colorado.

In Colorado you must be 18 to vote, serve on a jury or enter into a contract.

The law recognizes that adolescents are less equipped to make important decisions than adults are. Yet in one area, state law fails to adequately distinguish between minors and adults. Colorado has sentenced 48 people to spend the rest of their lives in prison for crimes they committed before their 18th birthdays. In *Miller v. Alabama*, the U.S. Supreme Court ruled a mandatory life without parole sentence was unconstitutional. In *Montgomery v. Louisiana*, the Supreme Court ruled that *Miller* applies retroactively. Colorado must act to provide review and resentencing for the minors sentenced to mandatory life without parole.

Senate Bills 16-180 and 16-181 provide a means for former juveniles to petition for resentencing and, down the road, for the governor to take an informed look at whether continued incarceration serves the public interest.

These bills provide a more limited proposal compared with what some other states have done. For example, West Virginia recently passed a law that would give persons convicted as juveniles the opportunity for parole after no more than 15 years. Nevada recently passed a law outlawing juvenile life without parole and giving persons convicted as juveniles the opportunity to parole after either 15 or 20 years.

Current sentencing law is at odds with the recent U.S. Supreme Court's *Miller v. Alabama* decision, which struck down mandatory life without parole sentences for juveniles. If the legislature does not take action, sentences will be challenged through the court system. Litigation can be prolonged and unpredictable for victims and families. Furthermore, the process in these bills ensures victims a chance to be heard.

Finally, there's tax dollars. It costs nearly \$36,000 a year to incarcerate a person in the state's prisons. Colorado taxpayers spend almost \$2 million each year imprisoning people who would be affected by the bill – without any review to determine if they pose a threat to public safety.

But the strongest argument is not about the possibility of cost savings, but the possibility of redemption. Every major religious tradition recognizes that humans can change and research shows juvenile offenders are particularly malleable, and thus capable of transformation. While it does not detract from the seriousness of their crimes, many of these offenders who came to prison as juveniles have completed courses and treatment programs, performed many duties

within the prisons and demonstrated ability to change behavior. Having entered as directionless kids, many are now redeemed men and women ready to contribute to the community – rather than be a draw upon it.

But, really, there is nothing remarkable about it. Kids grow up. They change. We have always known this to be true. Now, there is a large and growing body of science that demonstrates just how much brain development occurs during and after adolescence. This helps explain why the notably conservative Newt Gingrich wrote California Governor Jerry Brown a letter urging him to sign legislation providing for review of youths sentenced to life without parole. Just like the California legislation which is now law, Senate Bills 180 and 181 are a modest step toward correcting illegal sentences and putting Colorado law in this area on firmer scientific and legal ground.

Kids who break the law must be held accountable. But the possibility that a still developing young person can and will reform calls for a more thoughtful approach.

Sincerely,



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