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WRITTEN TESTIMONY, 2009

SENATE BILL 839

Dear Members of the Committee,

Thank you for allowing me the opportunity to submit written testimony in support of Senate Bill 839 by Senator Hinojosa, which would eliminate the juvenile life without parole (LWOP) sentence in Texas.

PROBLEM

As the law currently stands, certified youth convicted of capital felonies committed when they were only 14, 15 or 16 years old are automatically sentenced to LWOP. This mandatory sentence requires that youth spend the remainder of their lives in prison for crimes committed as teenagers, and it does not allow for any consideration of mitigating factors during sentencing, such as mental maturity and its impact on culpability.

BACKGROUND

A sentence to life in prison without the possibility of parole was not an option in Texas until 2005. Now, juries have no option in cases of certified youth convicted of capital offenses *other than* mandatory LWOP. All certified youth convicted of capital offenses are sentenced to mandatory life in prison with no possibility of parole: they will literally be incarcerated until the day they die.

Significant scientific research demonstrates that youth are less culpable than adults and more amenable to rehabilitation. A sentence of life in prison denies youth any chance to reform their lives and become productive members of society. Indeed, a sentence of LWOP for a child is a harsher punishment than LWOP for an adult, since it is likely that the child's sentence will last longer merely because of their younger age.¹

S.B. 839 would not automatically release an offender at a certain age, but merely offer the possibility that the state's most serious youthful offenders could be paroled – only after serving decades incarcerated, and only if they are able to show to the satisfaction of the Texas Board of Pardons and Paroles that they are prepared to lead a law-abiding life in the community.

FACTS

- For children, life without parole is a final sentence. It denies them of the opportunity to develop, to learn from their mistakes, and to grow into contributing members of society. It represents a judgment that they are beyond hope.²
- Emerging research demonstrates that there are real, physical differences between the brains of children and the brains of adults. The human brain undergoes significant developmental changes in the years between adolescence and adulthood, and the parts of the brain that “govern impulsivity, judgment, planning for the future, foresight of consequences, and [the] other characteristics that make people morally culpable” does not fully mature until a person reaches his or her early twenties.³
- The imposition of life without parole on children is explicitly prohibited by the International Convention on the Rights of the Child, and is widely considered a violation of international law and fundamental human rights.⁴

SOLUTION: SUPPORT S.B. 839 BY SENATOR HINOJOSA

- **S.B. 839 removes life without parole as a sentencing option for capital murder committed by youth under the age of 17.**

If passed, youth certified for capital offenses would now be eligible for parole after 40 years. Youth who were a party to a capital felony would be eligible for parole after 30 years.

Again, thank you for this opportunity to present written testimony to the Committee. I hope that you will support S.B. 839.

¹ Leighton, Michelle, and de la Vega, Connie, *Sentencing our Children to Die in Prison : Global Law and Practice* (University of San Francisco School of Law, 2007), 13.

² Thomas, Holly A., *No Chance to Make it Right: Life Without Parole for Juvenile Offenders in Mississippi* (NAACP Legal Defense & Education Fund), 12.

³ Thomas, Holly A., 4.

⁴ Leighton, Michelle, 13-17.