

# JUVENILE RESTORATION ACT (HB409)

House Sponsor: Delegate Jazz Lewis

Senate Sponsor: Senator Chris West

**"Each of us is more than the worst thing we've ever done."**

*Bryan Stevenson, Founder and Executive Director of the Equal Justice Initiative*

## WHY THIS MATTERS

- The U.S. Supreme Court has ruled that life without parole for children under 18 is unconstitutional in the vast majority of cases because of their "diminished culpability and heightened capacity for change."<sup>1</sup>
- Unlike our neighbors in West Virginia, Virginia, New Jersey, and the District of Columbia, Maryland has not yet ended the practice of sentencing children to die in prison.
- Extreme sentences for children **disproportionately** impact children of color. Nationally, Black children are serving life without parole at a per capita rate that is **10 times** that of White children.

## BILL SUMMARY

- HB409 ends the practice of sentencing children to die in prison
- HB409 ensures that all children in the state of Maryland have an opportunity to come before a judge for sentencing review after 20 years in prison
- HB409 will bring Maryland in line with governing U.S. Supreme Court and Maryland jurisprudence
- HB409 will bring Maryland in line with 24 other states and the District of Columbia that have banned life without parole for children
- HB409 will require courts to consider the child's family and home environment at the time of the offense, the extent of the child's participation in the crime, the child's potential for rehabilitation and his or her demonstration of maturity and reform while incarcerated, when determining whether to grant release.



When I was 16 years old, I was called a menace to society, and told I should never get out of prison. But I received a second chance and now provide support to formerly incarcerated children all over the country. My life is a testimony that no child is beyond the hope of redemption.

*Eddie Ellis, The Campaign for the Fair Sentencing of Youth*

Prosecutors have a responsibility to seek justice over convictions. This is why my office supports this bill; ultimately to allow prosecutors across the State to put into practice the evidence found in developmental criminology-criminal behavior decreases significantly as people age, and therefore, lengthy and extended incarceration often does not promote community safety.

*Marilyn J. Mosby, State's Attorney for Baltimore City*

Having been involved with juvenile justice over the past 45 years as a prosecutor, defense attorney, and trial judge, I have seen these cases from all angles. Without a doubt, we in Maryland often prosecute and punish children much too harshly in a system designed for adults. The Juvenile Restoration Act will provide appropriate second chances to those children, now that they are mature adults, who have been rehabilitated and are ready for a future outside prison. Now is the time to finally recognize that a child who commits a serious crime at age 16 is not the same person 20 years later.

*Judge Gary E. Bair (Ret.)*



<sup>1</sup> *Graham v. Florida*, 560 U.S. 48 (2011); *Miller v. Alabama*, 567 U.S. 460 (2012); *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).



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

## FACTS & FIGURES<sup>1</sup>

# 400

Over 400 people who are serving life or life equivalent sentences for crimes they committed as children have already served in excess of 20 years and would be immediately eligible for review under HB409

# 114

114 of those serving life or life equivalent sentences for crimes committed as youth are 50 years of age or older

# 87%

Eight-seven percent of people who will be immediately eligible under HB409, for crimes they committed as children, are Black

# 1

At eighty-two percent, Maryland ranks first in the nation with the highest proportion of Black youth sentenced to life without parole

“I saw those boys in court. When I saw them, I thought I was going to see men. They were babies, and I knew I had to look deeper, so I did, and that’s why I’m here [supporting legislative reform ensuring that no child is sentenced to die in prison].”

*Rukiye Abdul-Mutakallim, speaking in support of the youth who killed her son*

## THINGS YOU SHOULD KNOW

**Judicial review ≠ automatic release from prison**

- The bill provides a judicial review opportunity for those that have served at least 20 years in prison; it does not guarantee release.

**The bill will not make Maryland less safe**

- Research shows that incarcerating youths for longer than 15 to 20 years has diminished returns for public safety.<sup>2</sup>
- A study of individuals sentenced to life without parole as children in Pennsylvania who were released in the last five years found a recidivism rate of approximately 1 percent.<sup>3</sup>

**The bill will not make Maryland an outlier**

- Twenty-four states and the District of Columbia ban life without parole for children—including states as diverse as Texas, Arkansas, California, Ohio, and Connecticut.
- Our neighbors in Virginia, West Virginia, and the District of Columbia provide review to all youth after 15-20 years.

**The bill does not put an additional burden on victims**

- The judicial process in the bill is the exact same process as current law that allows victims to participate.
- The U.S. Supreme Court held that kids must have a “meaningful opportunity to obtain release”<sup>5</sup> which judicial review will accomplish.

<sup>1</sup> Data on file at CFSY; MPIA request from Delegate Jazz Lewis.

<sup>2</sup> *Graham v. Florida*, 560 U.S. 48 (2011); *Miller v. Alabama*, 567 U.S. 460 (2012); *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

<sup>3</sup> *Still Life America’s Increasing Use of Life and Long-Term Sentences*, The Sentencing Project Research and Advocacy for Reform, 2017, [www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf](http://www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf)

<sup>4</sup> Tarika Daftary-Kapur and Tina M. Zottoli, *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University, [www.msudecisionmakinglab.com/philadelphia-juvenile-lifers](http://www.msudecisionmakinglab.com/philadelphia-juvenile-lifers)

<sup>5</sup> *Miller v. Alabama*, 567 U.S. 460,479 (2012).