

Human Rights Watch

Children's Rights

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Assembly Vote to Review Youth Life Without Parole Follows US Supreme Court Ruling

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***Update*:** Senate Bill 9 passed the California State Senate by a vote of 21-16 on August 20, 2012. The bill is now with Governor Jerry Brown to sign into law.

(Sacramento) The California State Assemblys approval on August 16, 2012, of a bill to allow review of life without parole sentences for youth offenders is a step toward justice.

The vote came just weeks after a United States Supreme Court decision barring the mandatory sentencing of juvenile offenders to life without parole. The Senate and governor should now act to bring California in line with the Supreme Court ruling.

The Supreme Court decision highlighted the need for the California leaders to act, said Elizabeth Calvin, senior childrens rights advocate at Human Rights Watch, based in Los Angeles. Laws now on Californias books allow youth to be condemned to a lifetime in prison, with no hope or possibility of release. The bill that the assembly just passed finally recognizes childrens capacity for change and would enable California to comply with the Supreme Courts recent ruling.

The bill, Senate Bill 9, is to go to the state Senate for a vote. If the governor signs it into law, it will allow people who were under age 18 at the time of their crimes to ask the sentencing court to review their sentences after serving up to 25 years in prison. The passage of time puts the court in a better position to assess whether the person merits the possibility of parole.

The Supreme Courts June 2012 rulings in [Miller v. Alabama](#) and [Jackson v. Hobbs](#) focused on states with automatic or mandatory sentencing laws. In the rulings the court recognized that children are different from adults and have a distinct status under international human rights and constitutional law.

The court in Miller listed critical distinctions between adults and youth, noting that children have a lack of maturity and an underdeveloped sense of responsibility; are reckless, impulsive, and risk-taking; are more vulnerable . . . to negative influences and outside pressures; and lack the ability to extricate themselves from horrific, crime-producing settings; and that their actions are less likely to be evidence of irretrievable depravity.

Californias laws now fail to comply with the Supreme Courts requirement that courts carefully consider the individual characteristics of young offenders facing the possibility of life without parole.

People can change a lot over 25 years especially between ages 16 and 41, Calvin said. This law gives a judge the chance to take into account the changes in someone who has grown and matured into an adult.

In the 2008 report [When I Die They'll Send Me Home](#), Human Rights Watch documented Californias use of life sentences without parole for persons who were under age 18 at the time the crime was committed. The report found that Californias use of this sentence for youth is among the most unjust in the nation. An estimated 45 percent of those serving such sentences in California for murder cases were not the killers. Many were convicted of felony murder or for aiding and abetting the murder, for instance, because they acted as lookouts or were participating in a robbery when a murder took place.

In nearly 70 percent of the California cases examined by Human Rights Watch in which the youth was not acting alone, at least one co-defendant was an adult. Survey responses reveal that in 56 percent of those cases, the adult received a lower sentence than the juvenile. Human Rights Watch found nationally that an estimated 59 percent of those sentenced to life without parole for crimes committed as juveniles were first-time offenders.

The Senate and then the governor in Sacramento now have a chance to do what is right for the states imprisoned youth, Calvin said. Its time for California to stop condemning young people to die in prison and find a smarter way of responding to juvenile crime.

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