



RHODE ISLAND KIDS COUNT

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**Testimony Re: Senate Bill 2633, An Act Relating to Criminals –
Correctional Institutions – Parole
Senate Judiciary Committee
April 26, 2022
Kelsey Bala, Policy Analyst**

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony. We would also like to thank Senator Quezada for sponsoring this important bill and Senators Cano, Euer, Kallman, Acosta, and DiMario for co-sponsoring.

Rhode Island KIDS COUNT would like to voice its strong support for Senate Bill 2633. **This bill would make minors who were sentenced to life sentences as adults for crimes they committed before age 18 eligible for parole review after serving 15 years of their sentence.** This bill would be given prospective and retroactive effect to prisoners whose offenses were committed on or after January 1, 1991.

In 2012, the U.S. Supreme Court case *Miller v. Alabama* struck down mandatory life sentences for juveniles. While this decision did not impact Rhode Island (which never had *mandatory* life sentences for minors), the decision required that courts **“take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.”**

According to the American Academy of Child and Adolescent Psychiatry, the part of the brain that controls reasoning and helps us fully think through the implications of our behavior – the prefrontal cortex – goes through many structural changes throughout childhood and is not fully developed until at least age 26, and this can be further delayed when alcohol or drug use are present. This ongoing development of the prefrontal cortex means that adolescents make decisions and solve problems differently than adults. Youth are behaviorally, cognitively, and emotionally different from adults in ways that make a life sentence without the possibility of parole inappropriate for this age group.

Although *Miller v. Alabama* allows life without parole to be a sentencing option for juvenile crimes, many states have eliminated the practice altogether. According to the most recent data from The Sentencing Project, 25 states and the District of Columbia have banned life sentences without the possibility of parole for juveniles. In New England, Connecticut, Massachusetts, and Vermont have already banned juvenile life without

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parole. Rhode Island has not banned life sentences without the possibility of parole for juveniles but has not used this sentence in recent years. We urge the General Assembly to eliminate the possibility that a child could be sentenced to die in prison without having the opportunity to be considered for a second chance through a parole review.

It is important to note that this bill does not ban life imprisonment for juvenile offenders, and it does not require parole after 15 years. It only mandates that persons sentenced to a life sentence for a crime they committed before their 18th birthday would have the opportunity for a **review** by the parole board after serving 15 years of their sentence. Inmates who are still determined to be a threat to public safety or have not shown that they have been rehabilitated would remain imprisoned.

As Justice Kennedy wrote in his *Miller v. Alabama* opinion, “Those prisoners who have shown an inability to reform will continue to serve life sentences. The opportunity for release will be afforded to those who demonstrate the truth of *Miller’s* central intuition — that children who commit even heinous crimes are capable of change.”

This bill builds on progress made last year when the FY 2022 budget included language requiring that an adult serving a sentence for a crime committed as a juvenile be given a “meaningful opportunity” to obtain release and that parole hearings consider the diminished culpability of juveniles and subsequent growth and increased maturity during incarceration. We strongly urge you to pass S-2633 to give young people who have committed serious crimes the opportunity/eligibility for parole review after they have served the first 15 years of their sentence.

Thank you for the opportunity to testify.