



RHODE ISLAND KIDS COUNT

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**Testimony Re: House Bill 5144, An Act Relating to Criminals –
Correctional Institutions – Parole
House Judiciary Committee
March 3, 2021
Elizabeth Burke Bryant, Executive Director**

Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony. We would also like to thank Representatives Casimiro, Ranglin-Vassell, Craven, Knight, Williams, and McEntee for sponsoring this important bill.

Rhode Island KIDS COUNT would like to voice its strong support for House Bill 5144. 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 only apply to prisoners whose offenses were committed 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 frontal cortex – develops beginning in adolescence and continuing into early adulthood, and this can be further delayed when alcohol or drug use are present. This ongoing development of the frontal cortex means that adolescents make decisions and solve problems differently than adults. Adolescents are more likely to be impulsive, misread social and emotional situations, get into accidents and fights, and engage in risk taking behaviors. They are also less likely to avoid risky situations and to fully consider all of the possible consequences of their actions. Adolescents need guidance from caring adults to develop these skills and learn to manage their behaviors as their brain develops.

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, 24 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 as a juvenile 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 will remain in prison.

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.”

We strongly urge you to pass H-5144 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.