

ENDING LIFE WITHOUT PAROLE FOR CHILDREN IN MICHIGAN

(SB 119-23 & HB 4160-64)

WHY THIS MATTERS

- Michigan has the largest number of people serving JLWOP in the nation, with 270 individuals serving life-without-parole sentences for crimes they committed when they were under the age of 19. In fact, approximately 49 individuals in Michigan still have not been resentenced as required by the Supreme Court decision of *Montgomery v. Louisiana* in 2016, which found that all mandatory life-without-parole sentences were retroactively unconstitutional.
- Children under 18 have lesser culpability and a heightened capacity for change. Their brains are "primed for learning and particularly receptive to intervention and rehabilitation."⁽¹⁾
- Based on the Supreme Court holdings and the science of adolescent brain development, 26 states and jurisdictions have passed laws abolishing life without parole for children, including Texas, Virginia, Nevada, Ohio, West Virginia, and Maryland.

SUMMARY OF BILLS

- SB 119-23 and HB 4160-64 would eliminate life without parole for youth under 19, provide a minimum sentence of 10 years and a maximum sentence of no more than 60 years, and allow for parole review after 10 years where incapacities of youth must be considered.
- The review process would require consideration of the individual's age and immaturity, family home environment, and circumstances of the offense — including the role the individual had in the offense and any influence of peer pressure.

"This legislation gives us the opportunity to rectify this at the state level. Our understanding of effective criminal justice policies has changed over time, and so too should our laws. There are people in Michigan prisons who were sentenced as children to life without parole, and their cases need to be reviewed and given another look."

**CURT VANDERWALL,
MICHIGAN
REPRESENTATIVE**

"We shouldn't turn our backs on juvenile offenders and throw away the key. Instead, we should ensure that Michigan's juvenile justice system provides a chance for rehabilitation, reintegration, and redemption."

**JEFF IRWIN,
MICHIGAN SENATOR**

1 Hanson, Jamie, et al. "Does Science Still Matter at the Supreme Court?" The Crime Report, John Jay College of Criminal Justice, 2 June 2021, <https://thecrimereport.org/2021/06/01/how-the-supreme-court-ignored-science-in-the-rush-to-judge-teens/>.

SB 119-23 & HB 4160-64 FACTS AND FIGURES

1st

Michigan has more individuals serving a juvenile life without parole sentence than any other state.

74%

Seventy-four percent of individuals still awaiting resentencing are Black, which is one of the worst racial disparities of this kind in the country.

\$2.5 mil

It costs approximately \$2.5 million to incarcerate a child for life in the United States.

THINGS YOU SHOULD KNOW

Parole eligibility ≠ automatic release from prison

- The bill merely provides an opportunity for parole for those who were sentenced as children; it does not in any way guarantee release.

The bill will not make Michigan less safe

- Research shows that incarcerating youths for longer than 15 to 20 years has diminished returns for public safety. (2)
- A recent study of individuals sentenced to life without parole as children who were released over the last five years due to changes in the law found a recidivism rate of a mere one percent. (3)

Michigan will join the majority

- Twenty-six states and the District of Columbia already ban life without parole for children, while seven other states have no one serving the sentence.
- Michigan is therefore behind other states—including traditionally conservative states—in the way it holds children accountable.

"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,
Campaign for the
Fair Sentencing
of Youth**

2 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

3 Tarika Daftary-Kapur and Tina M. Zottoli, Resentencing of Juvenile Lifers: The Philadelphia Experience, Montclair State University, www.msudecisionmakinglab.com/philadelphia-juvenile-lifers