

March 17, 2023

**The Office of Governor Tim Walz and Lt.**

**Governor Peggy Flanagan**

75 Rev Dr Martin Luther King Jr Blv. #130, St Paul, MN 55155

**Senate Majority Leader, Kari Dziedzic**

95 University Avenue W. Minnesota Senate Bldg., Room 3113 St. Paul, MN 55155

**Senate Minority Leader, Sen. Mark Johnson**

95 University Avenue W. Minnesota Senate Bldg., Room 2401 St. Paul, MN 55155

**Speaker of the House, Rep. Melissa Hortman**

463 State Office Building St. Paul, MN 55155

**House Minority Leader, Rep. Lisa Demuth**

267 State Office Building St. Paul, MN 55155

**Sen. Ron Latz**

95 University Avenue W. Minnesota Senate Bldg., Room 3105 St. Paul, MN 55155

**Sen. Warren Limmer**

95 University Avenue W. Minnesota Senate Bldg., Room 2221 St. Paul, MN 55155

**Rep. Kelly Moller**

509 State Office Building St. Paul, MN 55155

**Rep. Jaime Becker-Finn**

559 State Office Building St. Paul, MN 55155

**Rep. Paul Novotny**

301 State Office Building St. Paul, MN 55155

**CC:** Attorney General Keith Ellison, Department of Public Safety Commissioner Bob Jacobson, Department of Corrections Commissioner Paul Schnell

Dear Governor Tim Walz, Majority Leader Sen. Kari Dziedzic and Speaker of the House Rep. Melissa Hortman,

We write to you in the hope that you will join us in supporting a common slate of bills before the Minnesota legislature this session. We are a diverse group of individuals and organizations who all care about safety and justice that includes those with experience as victims, defendants, prosecutors and defense attorneys. We have varied histories of pressing for (or resisting) reform, and each of us has our own particular interests in the bills before the legislature.

Though we have these various areas of expertise, we agree on a central premise: that true justice and accountability are achieved when there is a balance between personal liberty, supportive programming, and public safety. We have observed that Minnesota (like other states in the U.S.) has in some ways lost this balance by restricting freedom in ways that do not enhance public safety. Too often, that imbalance not only fails to provide public safety but has driven racial disparities, alienating some communities from others.

We are all committed to the goal of protecting public safety while addressing and reforming aspects of the criminal legal system that do more harm than good. Minnesota has a long and proud history of intentional and prudent review of our government's restrictions on liberty, and we seek to work within that tradition.

The following policies reflect a wide range of issues that we believe will have a meaningful impact on people's lives and move the state of Minnesota in the right direction. All of us believe in some of these bills more than others, but are united in our support of them all. We want to acknowledge and express our appreciation to leadership for the passage of HF28/SF26 to restore voting rights to Minnesotans serving felony probation. We hope you will join us and sign on to the full Justice for All Legislative Agenda. Below you will find a list of the bills we support followed by a list of those people and organizations who have already signed on.

*The Justice for All Agenda*

**1). Restore the Vote (Signed by Governor Tim Walz as of March 2023)**

**HF28 / SF26 (Frazier/Champion)**

**HF3 / SF3 (Greenman/Boldon)**

Voting rights restored to Minnesotans serving community supervision for a felony conviction. Will impact over 30,000 Minnesotans and have general impact across the state and not just in the urban area.

**Public Safety Innovation Package**

**HF25 / SF 524 (Frazier/Latz)**

**HF855 / SF 839 (Frazier/Oumou Verbeten)**

Accounts and grants established for violent crime reduction strategies, law enforcement and community safety, and case clearance support.

**Crime Victim Services Fund**

**HF 1437 /SF 1475 (Hollins /Gustafson)**

Increasing funding and establishing grants for organizations that provide direct services to victims of crime.

**364 Gross Misdemeanor**

**HF43 / SF 816 (Feist/Latz)**

A bill setting the maximum term of incarceration for a gross misdemeanor at 364 days; amending Minnesota Statutes 2022, section 609.03; proposing coding for new law in Minnesota Statutes, chapter 609. This bill effectively disrupts certain deportation processes which rely on “year or more” sentences for immigrant defendants.

**Juvenile Life without parole**

**HF1300 / SF1325 (Feist/Latz)**

Abolishes juvenile life without parole; creates release eligibility after 15 years for all juvenile convictions; creates a juvenile review board; applies retroactively.

**Prosecutor Initiated Resentencing**

**HF226 / SF586 (Moller/Latz)**

Enables prosecutors to review past sentences and petition for resentencing hearings (to include petitions for release from prison) when continued incarceration is not in the interest of justice. Provision prohibits resentencing for upward departures.

**Low Level Bail Reform**

**HF854 / SF 838 (Frazier/Oumou Verbeten)**

Limits the use of cash bail for non-violent misdemeanors.

**Juvenile Restorative Justice Funding**

**HF46 / SF55 (Feist/Champion)**

Establishes the Office of Juvenile Restorative Justice with local steering committees created to provide local juvenile restorative justice programs.

**Automatic Expungement**

**HF2023/SF2055 (Long / Champion)**

Creates a budget to develop and implement a system of automatic expungement, with contingencies based on offense severity and following criminal records.

**Clemency Reform**

**HF 2788 (Agbaje)**

Merges pardon extraordinary into pardons, creates clemency commission to evaluate petitions and hold hearings, allows grants with less than unanimous vote on Pardon Board.

**Aiding and Abetting**

**HF1406/SF1471 (Fraizer/Oumou Verbeten)**

Reclassifies aiding and abetting crimes related to murder offenses, refocusing charging for underlying felony law violation rather than aiding and abetting, effectively reducing penalties for murders committed by others. Reduces penalties for juveniles and young adult offenders, those whose offense lack premeditation, and those where gang-related coercion is a factor.

**No-Knock Warrant Ban**

**HF2290/SF2259 (Curran/Oumou Verbeten)**

Prohibits use of no-knock warrants.

**Retroactive Probation 5 Year Cap**

**HF 1607/SF1950 (Long/Oumou Verbeten)**

Reduces maximum probation sentences to five years.

**Sentencing Guideline Commission Restructure**

**No Bill Number or Author**

Provides for additional appointments to the Minnesota's sentencing guidelines commission.

**Ban on Pretextual Stops**

**HF1832/ SF2232 (Frazier/Mohamed)**

Prohibits police officers from making certain traffic stops.

The Members of the Justice for All Coalition

*Organizations:*

Urban League Twin Cities  
African American Leadership Forum (AALF)  
Center for the Study of Black Life and the Law  
(at MH)  
Minnesota Asset Building Coalition  
Minnesota Freedom Fund  
Until We Are All Free  
Council For Minnesotans of African Heritage  
(CMAH)  
MNCASA  
Veterans Defense Project  
Second Chance Coalition  
Until We Are All Free  
Violence Free Minnesota  
Minnesota Association of Black Lawyers  
(MABL)

*Individuals:*

Carlos Mariani (Advisor)  
Mark Osler (Co-Chair)  
Perry Moriearty (Co-Chair)  
Raj Sethuraju  
Linus Chan  
Richard S. Frase

**Contact:**

Justin Terrell  
Executive Director  
The Minnesota Justice Research Center  
(MNJRC)

[Justin@MNJRC.ORG](mailto:Justin@MNJRC.ORG)

**\*\*NOTE:** The MNJRC has conducted background research or advised on all of the above policies and is the convenor of this coalition.





The CAMPAIGN for the  
FAIR SENTENCING  
of YOUTH

**To: Members of the Minnesota Public Safety Finance and Policy Committee**

**Re: Statement of Survivors and Family Members of Victims of Youth Violence in Support of HF 1300, Eligibility for supervised release for individuals sentenced for crimes committed while under age of 18**

Chair Moller, Vice Chair Feist, and Distinguished Members of the House Senate Public Safety Finance and Policy Committee,

We are writing as people who have either directly suffered harm at the hands of a youth offender or have lost loved ones to youth violence, to add our voices to the diverse chorus that supports HF 1300, to create release eligibility for children serving extreme adult sentences. We are at a unique moment in which twenty-seven states and jurisdictions, including Arkansas, the District of Columbia, Maryland, Nevada, North Dakota, the District of Columbia, Illinois, Ohio, Oregon, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming, have all passed laws affirming that no child should ever be told that they have no hope but to die in prison.

As people who have personally experienced the tragic pain of losing a loved one to youth violence or suffering it ourselves, we do not lightly encourage you to support this crucial legislation. Our individual journeys have been marked by grief, anger, and many unanswered questions. And although our lives have forever been altered by the violent actions of people who were under 18 at the time, we are firm in our conviction that children never cease to be deserving of our compassion and concern, as they simultaneously represent the most vulnerable members of our community and our most valuable resource as we work for a more just future. When children cause harm, as they did in our lives, it is important to hold them accountable in trauma-informed, age-appropriate ways that leave room for the profound potential that they have to move beyond their worst moments and experience dramatic positive transformation. Because of our painful experiences, we are deeply committed to the hope of redemption and second chances, and a belief that all of us are more than the worst thing we have ever done. We encourage you to support youth sentencing policies that are in harmony with

these fundamental values. We believe that when a person who has served a lengthy sentence for a crime she or he committed as a child is able to demonstrate rehabilitation, we must give them an opportunity to lean into the future awaiting them outside prison walls.

The road we have traveled is a hard one, and many people whose lives have been impacted by youth violence have not arrived at the point where they can advocate for second chances for people who committed crimes when they were teenagers. We understand their feelings. But through our own process of healing, we have come to know many people who were incarcerated as children, some of whom served decades for crimes they committed before they were old enough to vote, sign a contract, serve on a jury or in the military, or, in some cases, even drive a car. We have seen with our own eyes that redemption is possible, that when a young person is given a second chance, they can accomplish so much good, and in this way, they can try to make up for the harm they caused. These individuals are making countless meaningful contributions to their communities by raising loving families, serving as mentors to at-risk youth, and working as school teachers, substance abuse counselors, restorative justice practitioners, social workers, and advocates for sentencing reform. It is truly a blessing to stand in solidarity with people whose lives bear witness that we should never give up on a child.

HF 1300 is about making sure all children have hope because every child matters. Every child is worthy of our care and concern. We have faith that Minnesota will benefit from following the example of twenty-six other states that have already passed this kind of legislation. We have been proud to advocate for bills like this in states as diverse as Arkansas, California, Maryland, Michigan, Ohio, and New Mexico, and and we are pleased to encourage Minnesota to join these states by passing HF 1300 to give the hope of a second chance to people who received lengthy sentences for crimes they committed when they were still children.

Very sincerely,

Rukiye Abdul-Mutakallim	Enako Jefferson
Jeanne Bishop	Isa Nichols
Sharletta Evans	Paul LaRuffa
Darryl Green	Jessica Revader
Regina Griego	Valencia Warren-Gibbs
Debbie Hailey	Linda White
Dorothy Hollway	



OFFICE OF THE RAMSEY COUNTY ATTORNEY

John J. Choi

March 14, 2023

Senator Ron Latz  
Minnesota Senate Bldg., Room 3105  
95 University Avenue W.  
St. Paul, MN 55155

Representative Sandra Feist  
409 State Office Building  
100 Rev Dr Martin Luther King Jr Boulevard  
St. Paul, MN 55155

**RE: *Support for Senate File 1325 and House File 1300 - Revising Juvenile Life Without Parole Statutes***

Dear Senator Latz and Representative Feist,

Thank you for your leadership on Senate File 1325 and House File 1300, legislation which provides needed safeguards in making our juvenile life without parole statutes constitutional; appropriately gives due consideration to brain development at the time the crime occurred; keeps rehabilitation at the center of our corrections response for this population; and continues to hold youth who have committed very serious crimes accountable.

As you know, in 2012, the U.S. Supreme Court in *Miller v. Alabama* held that because children are neurologically different from adults, they cannot be subject to a mandatory life sentence without the possibility of release. Minnesota is one of the few states yet to revise our relevant statutes in line with the *Miller* ruling.

Your bills make Minnesota's statutes constitutional by giving Minnesota youth sentenced to life in prison a chance to have their sentences reviewed for possible release after they have served 15 years in prison. This is a review and by no means a guaranteed release. A critical component of this is that the review includes important safeguards, particularly ensuring victims voices are heard – the release board must make reasonable efforts to notify victims of the release review hearing, and the board must consider victim input when making a decision.

345 Wabasha Street North, Suite 120 • Saint Paul, Minnesota 55102-1432  
651-266-3079 • [RamseyCountyAttorney.org](http://RamseyCountyAttorney.org)



*John J. Choi, Ramsey County Attorney*  
*345 Wabasha Street, Suite 120*  
*Saint Paul, MN 55102-1432*  
*Phone: 651-266-3079*



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I support these bills and also respectfully request that both of you continue to have conversations with the Minnesota County Attorneys Association about this legislation, as I am a member and want this legislation to pass with their support for this new procedure and its implementation.

Sincerely,

A handwritten signature in cursive script, appearing to read "John J. Choi".

John J. Choi  
Ramsey County Attorney

345 Wabasha Street North, Suite 120 • Saint Paul, Minnesota 55102-1432  
TELEPHONE: 651-266-3079 • FAX: 651-266-3015





# HENNEPIN COUNTY ATTORNEY'S OFFICE

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Mary F. Moriarty  
Hennepin County Attorney  
C-2000 Government Center 300 South 6th Street  
Minneapolis, MN 55487  
612-348-6221

3/1/23

Representative Sandra Feist  
100 Rev Dr Martin Luther King Jr Boulevard  
409 State Office Building  
St. Paul, MN 55155

Senator Ron Latz  
95 University Avenue W.  
Minnesota Senate Bldg., Room 3105  
St. Paul, MN 55155

Chair Latz, Rep. Feist, and Members of the House and Senate:

Thank you for giving me the opportunity to express my support for HF1300 and SF1325, legislation that aims to eliminate the practice of sentencing youth to life without parole.

Since 2005, the Supreme Court has recognized the unique developmental characteristics of adolescents and has placed important limits on sentences for youth, banning the use of capital punishment, limiting life without parole sentences to homicide offenses, and banning mandatory life without parole sentences. The Court has also applied these decisions retroactively.

The latest brain science clearly shows young people's brains are not fully developed until their mid-20s. This means that they are more likely to engage in impulsive behavior, be influenced by peer pressure, and have limited ability to assess risks and consequences. This research also means they are susceptible to developmentally-appropriate rehabilitative efforts that can be delivered in appropriately-secure settings.

Given this scientific evidence, it is clear that sentencing youth to life without parole is a disproportionate punishment that fails to consider the unique developmental characteristics of youth. Yet the unconstitutional law allowing for mandatory life without parole for youth remains enshrined in statute.

This bill would address Minnesota's unconstitutional statute while also ensuring that youth who commit serious offenses are held accountable in a way that recognizes our deeper understanding of brain development. While the proposed bill will mean that youth who committed serious offenses will have an opportunity for parole review, it does not mean that youth who have committed serious crimes will go unpunished. Rather, it allows for more flexibility in sentencing to enable judges to consider individual circumstances, age, level of culpability, and potential for rehabilitation. It will also ensure that youth are held accountable for their actions in a way that is proportionate and just.

Minnesota is behind other states in responding to this ruling and research. Some, including California, Illinois, and Massachusetts, have already eliminated juvenile LWOP sentences and have not seen negative impacts on public safety. It is time we join others in recognizing the unique developmental characteristics of young people and providing them a path toward rehabilitation and successful reintegration into society.

Sincerely,



Mary F. Moriarty  
Hennepin County Attorney



**VIOLENCE FREE**  
MINNESOTA  
THE COALITION TO END RELATIONSHIP ABUSE

March 16, 2023

Chair Kelly Moller  
Members of the Minnesota House of Representatives  
*Via Electronic Delivery*

**Re: Letter of Support for House File 1300**

Chair Moller and Members of the House Public Safety Committee:

Violence Free Minnesota (VFMN), the coalition to end relationship abuse, is writing in support of H.F. 1300 – a bill that would eliminate the sentence of life in prison without the possibility of release for youth under the age of 18. Violence Free Minnesota is a statewide coalition of over 80 member programs that provide advocacy and services to victim/survivors of domestic and sexual violence across the state.

Research shows us that brain development does not fully mature until the mid-to-late 20s, yet, we continue to give life sentences to youth as young as 14-years-old. Unfortunately, we also know that this practice is affecting children of color in disproportionate ways. The school-to-prison pipeline, the practice of pushing youth out of our education systems and into prison cells, only expands social disparities and contributes to counterproductive outcomes like reincarceration, and oftentimes, convictions as adults including life without parole.

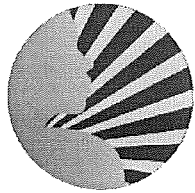
Nationwide, and across our state, criminal legal systems are incarcerating youth at alarming rates. This carceral practice of juveniles – both inhumane and unpractical – offers no remedies in the plight of restoring the lives and experiences of youth. Incarcerated children are still children, and the developmental realities of youth should eliminate the practice of sentencing youth to life without the possibility of release. We believe that age, individual circumstances, level of culpability, and possibility for rehabilitation should all be key considerations when determining sentencing of juveniles, and HF 1300 would make this possible in statute.

H.F. 1300 recognizes the problematic practice of sentencing youth to life without parole and provides youth with the opportunity to be rehabilitated, and ultimately become productive and contributing members of our society. It creates a pathway to discovering and addressing the needs of incarcerated youth in our state. We urge you to vote yes on this legislation.

Sincerely,

Guadalupe Lopez  
Executive Director  
Violence Free Minnesota

Shenika Chambers  
Policy Program Manager  
Violence Free Minnesota



The CAMPAIGN for the  
FAIR SENTENCING  
of YOUTH

## 2023 LEGISLATIVE ISSUE BRIEF

### *CREATING FAIR AND AGE-APPROPRIATE SENTENCES FOR CHILDREN WHO COMMIT SERIOUS CRIMES*

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Approximately 2,800 people in the United States have been sentenced to life without parole for crimes they committed as children.<sup>1</sup> Momentum to abolish extreme sentences for youth has swept the country. Since 2012, the number of states banning life-without-parole sentences for children has quintupled, from five to twenty-six.<sup>2</sup>

**Adolescent Development Research.** Well-established scientific studies have shown that adolescents' brains are not fully developed.<sup>3</sup> Children are less capable than adults in long-term planning, the regulation of emotion, impulse control, and the evaluation of risk and reward.<sup>4</sup> They are also more vulnerable, more susceptible to peer pressure, and heavily influenced by their surrounding environment, which is rarely in their control.<sup>5</sup> Well-established behavioral and brain development research demonstrates that children who commit crimes are more likely than adults to reform their behavior and be rehabilitated.<sup>6</sup>

**The U.S. Supreme Court.** Based on adolescent brain research, the United States Supreme Court has, over the past decade, repeatedly recognized that children are constitutionally different from adults for the purpose of criminal sentencing, and our policies must take these fundamental differences into account. In *Roper v. Simmons* (2005), the Court struck down the death penalty for children, finding that it violated the Eighth Amendment's prohibition against cruel and unusual punishment.<sup>7</sup> The Court emphasized empirical research demonstrating that children are developmentally different than adults and have a unique capacity to grow and change as they mature. In *Graham v. Florida* (2010), the Court struck down life-without-parole sentences for non-homicide offenses, holding that states must give children a "realistic opportunity to obtain release."<sup>8</sup> In *Miller v. Alabama* (2012), the Court struck down life-without-parole sentences for most homicide offenses, and ruled that sentencing courts must "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison" any time a child faces a potential life-without-parole sentence.<sup>9</sup> In 2016, the Supreme Court ruled in *Montgomery v. Louisiana* that its decision in *Miller v. Alabama* had established a new substantive rule prohibiting the imposition of life without parole for most juvenile offenders, thereby retroactively invalidating all such sentences that had been mandated by statute.<sup>10</sup> The Court stated, "the sentence of life without parole is disproportionate for the vast majority of juvenile offenders" convicted of homicide offenses.<sup>11</sup> Because adolescents' brains are still developing and these individuals have a greater capacity for rehabilitation, "the penological justifications for life without

parole collapse in 'light of the distinctive attributes of youth.'"<sup>12</sup>

Most recently, in *Jones v. Mississippi* (2021), the Court was asked to decide whether a court must make a finding of permanent incorrigibility before sentencing a child to life without parole.<sup>13</sup> The Court affirmed its prior decisions in *Miller* and *Montgomery*, requiring sentencing judges to consider youth and its attendant mitigating factors before sentencing a child to life without parole, and it declined to require a sentencing judge to make a specific factual finding of permanent incorrigibility.

The Court also explicitly acknowledged the trend among the states to abolish life without parole for children entirely. The Court noted in *Jones* that it was in no way limiting the right of states to enact protections for their children. The opinion notes: "The States, not the federal courts, make . . . broad moral and policy judgments in the first instance when enacting their sentencing laws."<sup>14</sup> Based on juvenile brain science and the demonstrated potential all children have for rehabilitation, the moral trend is clearly away from life without parole for children. In just the past three years, Oregon, Virginia, Ohio, Maryland, and Illinois have all abolished life without parole as a sentencing option for children. As the list of states that have abandoned life without parole for kids has grown to the point that they now constitute the majority, the states that have not yet taken this critical step should feel emboldened to follow their example and act in accord with our best values that every young person is more than the worst thing they have done and no child should ever be denied hope.

**Disproportionate Impact on Vulnerable Children.** Extreme sentences disproportionately impact the most vulnerable members of society. Nearly 80 percent of juvenile lifers reported witnessing violence in their homes; more than half witnessed weekly violence in their neighborhoods.<sup>15</sup> In addition, half of all children sentenced to life in prison without the possibility of parole have been physically abused and 20 percent have been sexually abused during their life.<sup>16</sup> Children of color are disproportionately sentenced to die in prison, with Black children serving life without parole at a per capita rate that is 10 times that of white children convicted of the same offense.<sup>17</sup>

**National and International Opposition.** The American Bar Association passed a resolution calling for states to eliminate life without parole as a sentencing option for youth, both prospectively and retroactively, and to "provide youthful offenders with meaningful periodic opportunities for release based on demonstrated maturity and rehabilitation."<sup>18</sup> The American Correctional Association and American Probation and Parole Association have passed similar resolutions.<sup>19</sup> Sentencing children to life without parole stands in direct contradiction to Article 37 of the United Nations Convention on the Rights of the Child, which prohibits children from being subject to "torture or other cruel, inhumane or degrading treatment or punishment," including the use of "capital punishment and life without the possibility of release."<sup>20</sup>

**Fiscal Burden on States.** It costs approximately \$2.5 million to incarcerate a child for life in the United States.<sup>21</sup> In contrast, a productive, tax-paying, college-educated adult contributes over \$1 million to society over their lifetimes.<sup>22</sup> If paroled after serving 10 years after being incarcerated at age 16, a child with only a high school education could potentially contribute \$218,560 in tax revenue if they work until age 66.<sup>23</sup> Formerly incarcerated children who obtain a college degree will contribute \$706,560 in tax revenue.<sup>24</sup>

## Legislative Recommendations

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Instead of condemning them to die in prison, children should be held accountable in an age-appropriate manner that comports with Constitutional and human rights standards for sentencing children. Any legislation seeking to address the extreme sentencing of children convicted of serious crimes should:

### **1. End the imposition of extreme sentences, including eliminating life without parole as a sentencing option for children.**

By enacting legislation that abolishes life-with-parole sentences for children, states can align local policy with current scientific research. National trends are moving away from this harsh approach and focusing instead on rehabilitation and possible reintegration into society. **Alaska, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Nevada, New Jersey, North Dakota, Ohio, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming** all prohibit life without parole as a sentencing option for children.<sup>25</sup> In addition to prohibiting the harshest of penalties, states should enact reforms that create age-appropriate, trauma-informed sentencing alternatives for children who commit serious crimes and are transferred to adult courts.

### **2. Ensure that child status and other youthful characteristics are considered at sentencing.**

Legislatures should adopt sentencing procedures that require trial courts to consider the key factors articulated by the U.S. Supreme Court before sentencing a child in adult court, including: (1) the child's age and his or her youthful features including immaturity, impetuosity, and failure to appreciate risks and consequences; (2) the child's family and home environment; (3) the circumstances of the offense, including the child's role and the way familial and peer pressures may have affected his or her behavior; (4) the child's lack of sophistication in dealing with a criminal justice system that is designed for adults; (5) intellectual capacity; (6) history of trauma and involvement in the child welfare system; (7) the possibility of rehabilitation; and (8) any other mitigating factor or circumstance. States as diverse as **Connecticut, Maryland, Nevada, and West Virginia** have enacted laws requiring judges to consider similar factors prior to sentencing children in adult court.<sup>26</sup>

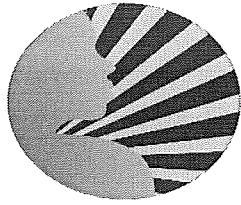
### **3. Create meaningful periodic opportunities for release for all children sentenced for serious crimes.**

Legislative reform should ensure a parole board or sentencing judge periodically evaluates the sentences of youthful offenders by considering: (1) a review of educational and court documents, (2) participation in rehabilitative and educational programs while in prison, (3)

age at the time of offense, (4) immaturity, (5) the diminished culpability of a juvenile including a corresponding inability to appreciate the risks and consequences of the conduct, (6) intellectual capacity, (7) the individual's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system, (8) the extent of the individual's role in the offense, and whether and to what extent an adult was involved, (9) efforts made toward rehabilitation, and (10) any other mitigating factors or circumstances, including evidence submitted by the individual's counsel. **Arkansas, the District of Columbia, Maryland, Nevada, Ohio, Oregon, Virginia, and West Virginia** have all passed laws allowing children to seek meaningful, periodic parole review or judicial re-sentencing hearings.<sup>27</sup>

1 Human Rights Watch, *The Rest of Their Lives: Life without Parole for Youth Offenders in the United States in 2008*. 2 Five states banned life without parole for children in 2012; 26 states plus the District of Columbia ban the sentence in 2021. 3 Laurence Steinberg, Elizabeth Cauffman, & Kathryn C. Monahan. *Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders*. Juvenile Justice Bulletin, U.S. Dept. of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (Mar. 2015). 4 Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty, Laurence Steinberg & Elizabeth Scott, *American Psychologist*, December, 2003. 5 *Id.* 6 Steinberg & Scott, *supra* at 6. 7 *Roper v. Simmons*, 543 U.S. 551 (2005). 8. *Graham v. Florida*, 130 S. Ct. 2011 (2010). 9. *Miller v. Alabama*, 132 S. Ct. 2455 (2012). 10. *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016). 11 *Id.* at 736. 12. *Id.* at 734. 13. *Jones v. Mississippi*, 593 U.S. \_\_\_, No. 18-1259 (2021). 14 *Id.*, slip op. at 21. 15 Ashley Nellis, *The Lives of Juvenile Lifers*, The Sentencing Project (2012). [sentencingproject.org/doc/publications/fj\\_The\\_Lives\\_of\\_Juvenile\\_Lifers.pdf](https://www.sentencingproject.org/doc/publications/fj_The_Lives_of_Juvenile_Lifers.pdf). 16 *Id.* 17 Human Rights Watch (2008). Submission to the Committee on the Elimination of Racial Discrimination. [hrw.org/en/reports/2008/02/06/submission-committee-elimination-racial-discrimination-0](https://www.hrw.org/en/reports/2008/02/06/submission-committee-elimination-racial-discrimination-0). 18 Resolution 107C, American Bar Association (Feb. 2015). [fairsentencingofyouth.org/resolutions-against-life-without-parole/](https://www.fairsentencingofyouth.org/resolutions-against-life-without-parole/). 19 Resolution 2014-1, Amer. Correctional Assoc. (Aug. 2014); Resolution, Amer. Probation & Parole Assoc. (Feb. 2015). [fairsentencingofyouth.org/resolutions-against-life-without-parole/](https://www.fairsentencingofyouth.org/resolutions-against-life-without-parole/). 20 U.N. Convention on the Rights of the Child, [ohchr.org/en/professionalinterest/pages/crc.aspx](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx). 21 Calculation = ((Average cost per year per inmate to incarcerate before age 50 x 34) + (National estimate for annual cost for inmate care after age 50 x 21)) x 2,500; At America's Expense: The Mass Incarceration of the Elderly, ACLU, June 2012. [aclu.org/files/assets/elderlyprisonreport\\_20120613\\_1.pdf](https://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf). 22 Philip A. Trostel, "The Fiscal Impacts of College Attainment," New England Public Policy Center at the Federal Reserve Bank of Boston Working Paper (2007); 23-24 [bos.frb.org/economic/neppc/wp/2007/neppcwp0702.pdf](https://www.bos.frb.org/economic/neppc/wp/2007/neppcwp0702.pdf); The Fiscal Consequences of Adult Educational Attainment, National Commission on Adult Literacy. [nationalcommissiononadultliteracy.org/content/fiscalimpact.pdf](https://www.nationalcommissiononadultliteracy.org/content/fiscalimpact.pdf) 25 Ak. Stat. § 33.16.010(a); S.B. 294, 91st Leg. (Ark. 2017); S.B. 394, 2017-2018 Reg. Sess. (Ca. 2017); S.B. 16-180, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); S.B. 796, 2015 Reg. Sess. (Conn. 2015); S.B. 9, 147th Gen. Assemb., Reg. Sess. (Del. 2013); DC Bill 21-683 (D.C. 2015), DC Bill 22-255 (D.C. 2018); H.B. 2116, 27th Leg. (Hawaii 2014); H.B. 1064, 102nd General Assembly (Il. 2022); *Iowa v. Sweet*, No. 14-0455 (Iowa May 27, 2016); Kan. Crim. Code § 21-4622; Ky. Rev. Stat. §640.040; S.B. 494, 2021 Reg. Sess. (Md. 2021); H 4307, 188th Gen. Court (Mass. 2014); A.B. 267, 78<sup>th</sup> Leg., Gen. Sess. (Nv. 2015); A.B. 373, 217<sup>th</sup> Gen. Sess. (N.J. 2017); H.B. 1195, 65th Leg. (N.D. 2017); S.B. 256, 133rd Gen. Assemb. (Oh. 2020); S.B. 1008, 80th Leg. Assemb., Reg. Sess. (Or. 2019); S.B. 140 2016 Reg. Sess. (S.D. 2016); S.B. 2, 83rd Leg., Special Sess. (Texas 2013); H.B. 405, 61<sup>st</sup> Leg., Gen. Sess. (Ut. 2016); H. 62, 2015 Reg. Sess. (Vt. 2015); H.B. 35, 2020 Reg. Sess. (Va. 2020); *Washington v. Bassett*, 2018 Wash. LEXIS 704 (Wash. 2018); HB 4210, 81st Legislature, 1st Sess. (W. Virg. 2014); H.B. 23, 62nd Leg., Gen. Sess. (Wv. 2013). 26 S.B. 796, 2015 Reg. Sess. (Conn. 2015); S.B. 494, 2021 Reg. Sess. (Md. 2021); A.B. 267, 78<sup>th</sup> Leg., Gen. Sess. (Nv. 2015); HB 4210, 81st Legislature, 1st Sess. (W. Virg. 2014). 27 Ak. Stat. § 33.16.010(a); S.B. 294, 91st Leg. (Ark. 2017); DC Bill 21-683 (D.C. 2015), DC Bill 22-255 (D.C. 2018); S.B. 494, 2021 Reg. Sess. (Md. 2021); A.B. 267, 78<sup>th</sup> Leg., Gen. Sess. (Nv. 2015); S.B. 256, 133rd Gen. Assemb. (Oh. 2020); S.B. 1008, 80th Leg. Assemb., Reg. Sess. (Or. 2019); H.B. 35, 2020 Reg. Sess. (Va. 2020); HB 4210, 81st Legislature, 1st Sess. (W. Virg. 2014).

**For more information, please contact Senior Policy Counsel Preston Shipp ([preston@cfsy.org](mailto:preston@cfsy.org)) or visit [cfsy.org](https://www.cfsy.org).**



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

## Incarcerated Children's Advocacy Network (ICAN)

### About ICAN

The Incarcerated Children's Advocacy Network (ICAN) is a national network of formerly incarcerated children that provides support for its members and empowers them to create positive change in their communities. ICAN identifies, mobilizes, and amplifies the experiences of these leaders in order to advocate for legal system reform and an end to the extreme sentencing of children.

Members of the ICAN network are individuals who committed harm as children and were given extreme or life sentences but received second chances due to laws that were created to give release opportunities for deserving people. Upon their release, these leaders have not just contributed to society financially, but have found meaningful ways to serve their communities. Among the hundreds who have been released, there are teachers, substance abuse counselors, ministers, truck drivers, entrepreneurs, re-entry specialists, factory workers, restorative justice practitioners, translators, and more. They are by all accounts a boon to American society, finding creative ways to serve their communities, and this nation would benefit from showing mercy to those who are able to prove to the parole board that they are ready to responsibly rejoin society.

Our ICAN support system includes some of the largest corporations in the world. Among them are: **Verizon, Google, Lyft and Starbucks**. They have dedicated their time, finances and resources to ICAN members nationwide in a variety of ways including providing: meaningful employment, safe transportation, technology training, professional development opportunities and many other resources.

### Mission

ICAN is committed to creating a truly equitable and transformative legal system that recognizes children's capacity for change and provides them with equal opportunity for success. We are dedicated to using our stories to bring awareness to the mistreatment of children by the legal system and the racial, class, and gender disparities in incarceration. As ICAN members, we support each other by providing community care, professional skill-building opportunities, and connecting members to the reintegration resources necessary to rebuild our lives and advocate for change.

## What Do ICAN Members Do?

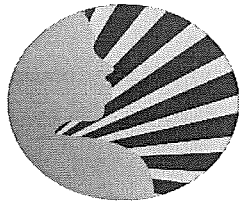
- **Speak publicly as subject-matter experts and living examples of positive change** to system-impacted children, legislators, stakeholders, and media networks about the realities of incarceration in order to change the damaging narratives about incarcerated youth.
  - **Create a safe space for formerly incarcerated youth** through mutual networks of support and understanding among its members, with regular check-ins and self-care retreats. ICAN members participate in monthly national calls as well as monthly Heart-to-Heart Conversations designed to address the unique needs of formerly incarcerated women.
  - **Benefit from resources, training, and educational opportunities** to help them be successful in their communities and empower them to use their voices for change.
  - **Advocate for changes in punitive policies** that impose harsh sentences on youth that fail to account for the fundamental differences between children and adults.
  - **Fight for racial equity and equity for all** by changing the carceral system that disproportionately targets children of color and subjects them to extreme sentences.
  - **Engage with survivors of youth violence, their families, and the families of incarcerated people** to emphasize accountability and remorse while increasing understanding of children's ability to change.
- Most importantly, ICAN members show through their daily lives** that everyone is deserving of a second chance and should not be defined by their worst mistakes. They are living examples of what second chances look like.

To get involved with the ICAN community, please contact Eddie Ellis at [eellis@cfsy.org](mailto:eellis@cfsy.org) or Catherine Jones at [cjones@cfsy.org](mailto:cjones@cfsy.org).

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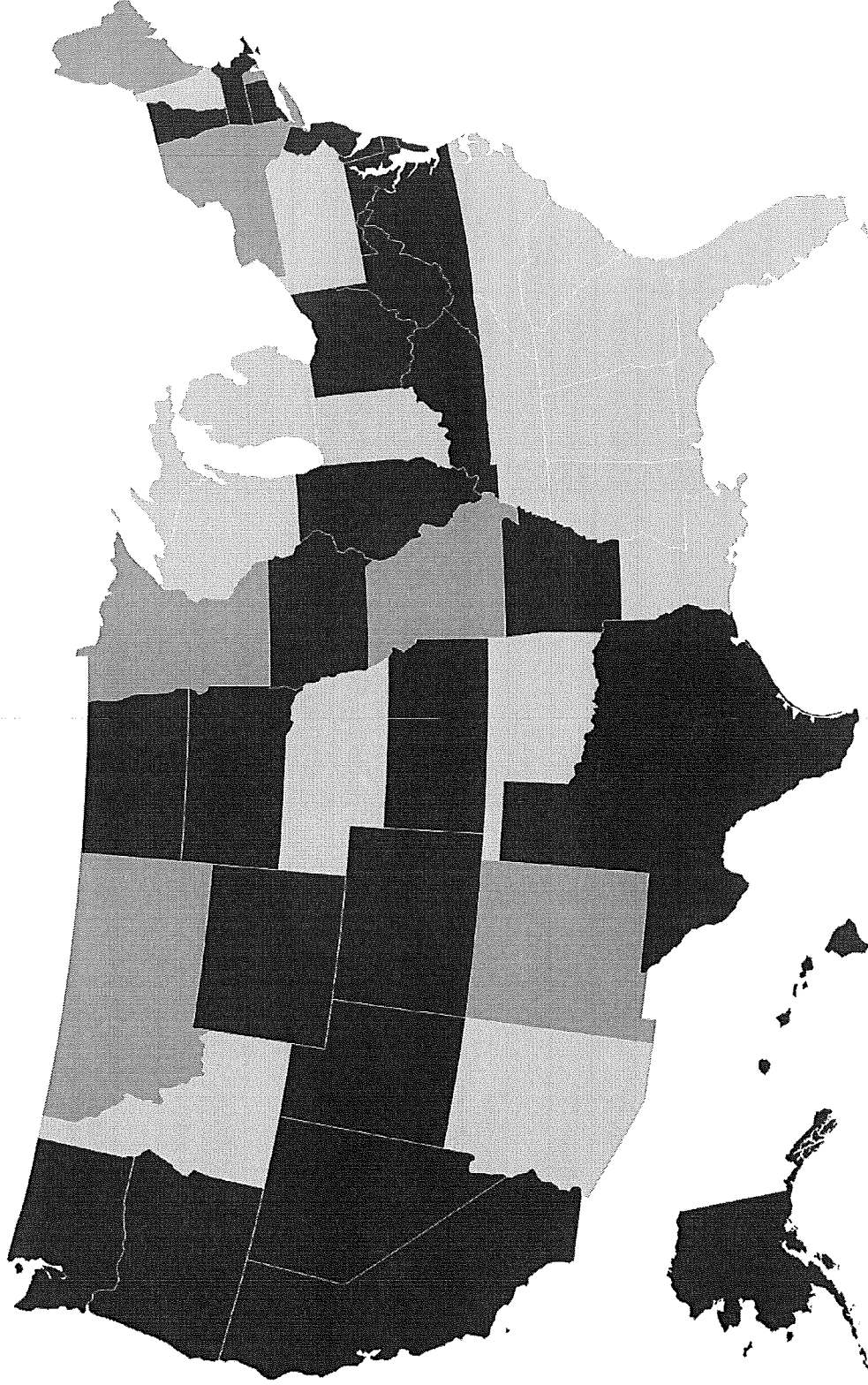
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## More than half of all US states have abolished life without parole for children

As of 10 February 2023, a majority of US states have banned juvenile life without parole (JLWOP). In total, 33 States and DC have banned or have no one serving life without parole for children

■ Banned JLWOP (26 states) ■ Permits but no one serving JLWOP (7 states) ■ Permits JLWOP (24 states)



State	Can children be sentenced to life without parole?	State	Can children be sentenced to life without parole?
Alabama	<input type="radio"/> Has not banned JLWOP	Montana	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP
Alaska	<input checked="" type="checkbox"/> Banned JLWOP	Nebraska	<input type="radio"/> Has not banned JLWOP
Arizona	<input type="radio"/> Has not banned JLWOP	Nevada	<input checked="" type="checkbox"/> Banned JLWOP
Arkansas	<input checked="" type="checkbox"/> Banned JLWOP	New Hampshire	<input type="radio"/> Has not banned JLWOP
California	<input checked="" type="checkbox"/> Banned JLWOP	New Jersey	<input checked="" type="checkbox"/> Banned JLWOP
Colorado	<input checked="" type="checkbox"/> Banned JLWOP	New Mexico	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP
Connecticut	<input checked="" type="checkbox"/> Banned JLWOP	New York	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP
Delaware	<input checked="" type="checkbox"/> Banned JLWOP	North Carolina	<input type="radio"/> Has not banned JLWOP
Florida	<input type="radio"/> Has not banned JLWOP	North Dakota	<input checked="" type="checkbox"/> Banned JLWOP
Georgia	<input type="radio"/> Has not banned JLWOP	Ohio	<input checked="" type="checkbox"/> Banned JLWOP
Hawaii	<input checked="" type="checkbox"/> Banned JLWOP	Oklahoma	<input type="radio"/> Has not banned JLWOP
Idaho	<input type="radio"/> Has not banned JLWOP	Oregon	<input checked="" type="checkbox"/> Banned JLWOP
Illinois	<input checked="" type="checkbox"/> Banned JLWOP	Pennsylvania	<input type="radio"/> Has not banned JLWOP
Indiana	<input type="radio"/> Has not banned JLWOP	Rhode Island	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP
Iowa	<input checked="" type="checkbox"/> Banned JLWOP	South Carolina	<input type="radio"/> Has not banned JLWOP
Kansas	<input checked="" type="checkbox"/> Banned JLWOP	South Dakota	<input checked="" type="checkbox"/> Banned JLWOP
Kentucky	<input checked="" type="checkbox"/> Banned JLWOP	Tennessee	<input type="radio"/> Has not banned JLWOP
Louisiana	<input type="radio"/> Has not banned JLWOP	Texas	<input checked="" type="checkbox"/> Banned JLWOP
Maine	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP	Utah	<input checked="" type="checkbox"/> Banned JLWOP
Maryland	<input checked="" type="checkbox"/> Banned JLWOP	Vermont	<input checked="" type="checkbox"/> Banned JLWOP
Massachusetts	<input type="radio"/> Has not banned JLWOP	Virginia	<input checked="" type="checkbox"/> Banned JLWOP
Michigan	<input type="radio"/> Has not banned JLWOP	Washington	<input checked="" type="checkbox"/> Banned JLWOP
Minnesota	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP	West Virginia	<input checked="" type="checkbox"/> Banned JLWOP
Mississippi	<input type="radio"/> Has not banned JLWOP	Wisconsin	<input type="radio"/> Has not banned JLWOP
Missouri	<input type="radio"/> Has not banned JLWOP but no one serving JLWOP	Wyoming	<input checked="" type="checkbox"/> Banned JLWOP



The Office of  
**Minnesota Attorney General Keith Ellison**  
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March 16, 2023

Senator Ron Latz  
Minnesota Senate Bldg., Room 3105  
95 University Avenue W.  
St. Paul, MN 55155

Representative Sandra Feist  
409 State Office Building  
100 Rev Dr. Martin Luther King Jr Boulevard  
St. Paul, MN 55155

**RE: Support for Senate File 1325 and House File 1300 - Revising Juvenile Life Without Parole Statutes**

Dear Senator Latz and Representative Feist:

Thank you for your long-standing commitment for justice. I urge you to support HF 1300 and SF 1325, legislation aiming to eliminate sentencing juveniles to life without parole. This legislation balances holding juveniles who commit serious crimes accountable and appropriately considers brain development at the time the crime occurred. Thirty-three states already recognize the limits of adolescent brain development.

In 2012, the United States Supreme Court held in *Miller v. Alabama* that children are neurologically different than adults and cannot be subject to a mandatory life sentence without the possibility of release. Minnesota is one of only a handful of states that still has not updated our statutes to be in line with the *Miller* ruling. It is rare for Minnesota to be far behind the other states and the time is now to join the clear majority of states following the Supreme Court's ruling. Other states that have already eliminated juvenile without parole statutes like California, Illinois, and Massachusetts have not seen negative public safety impacts.

Let me be clear: this bill does not allow for juveniles that have committed serious crimes to go unpunished or be held unaccountable. Rather, this bill addresses Minnesota's outdated and unconstitutional statute by allowing judges to have more flexibility in sentencing, provide

juveniles with an opportunity for rehabilitation, and create pathways for juveniles to be reintegrated into our society.

This bill ensures that victims voices are a critical and necessary part of the review process. After 15 years, a juvenile offender will have their sentence reviewed for the *possibility* of parole—not the guarantee of parole. Part of the review process' important safeguards include the release board making reasonable efforts to notify the victims of the release review hearing and the board must consider the victim's input when making a decision. This is the right thing to do.

In conclusion, I support HF 1300 and SF 1325 because it is time to address Minnesota's outdated and unconstitutional statute and this bill still holds juvenile offenders accountable while giving victims a voice in the review process.

Sincerely,

A handwritten signature in black ink that reads "Keith Ellison". The signature is written in a cursive style with a large, stylized "K" and "E".

Keith Ellison  
Minnesota Attorney General