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February 13, 2018

To: Chair Ebke and members of the Judiciary Committee

From: Juliet Summers, Policy Coordinator at Voices for Children in Nebraska

Re: LB 781 – Change sentencing provisions relating to minors

All children deserve society's protection to grow into healthy, productive adults. We should respond to youth crime in a thoughtful and effective way that responds to youth needs, preserves community safety, and contributes to Nebraska's future prosperity. Voices for Children in Nebraska supports LB 781, because it allows judges the discretion to tailor sentences for youth based on their unique needs and circumstances, and in doing so, gives both children and communities the protection they need.

Teenagers can look grown-up, but they are still very much under construction. As this committee knows, youth have poorer impulse control, are more susceptible to peer pressure, and are less capable of weighing long-term consequences, even into their twenties. The Supreme Court has consistently ruled (*Roper v. Simmons*, *Graham v. Florida*, *J.D.B v. North Carolina*, and *Miller v. Alabama*) that due to the process of brain development still occurring, youth are less culpable for their actions and more amenable to rehabilitation, and must be treated differently. They are also more likely to "age out" of criminal activity, particularly when paired with appropriate interventions. LB 781 would take a common sense next step to these court decisions and our own recent path of legislative juvenile justice reform, by offering judges the discretion to sentence minors below statutory mandatory minimums.

As a former juvenile public defender, I represented youth facing mandatory minimums in District Court proceedings. I don't want to minimize their behaviors or the consequences of their crimes to victims and the broader community. But the nature of mandatory minimums is inflexibility: inflexibility to the different circumstances, histories, personal characteristics, and capacity for change presented by youth defendants. Whether or not the judges might have ruled differently in the cases I represented, their hands were tied by the sentencing statute. LB 781 might not have changed the sentences that were imposed upon the youth I represented, but it would have allowed the judge to discretion to do so, based on the facts of the case and circumstances of the unique, developing young humans standing before them.

Our responsibility to protect children requires us to hold them accountable in a way that gives them the opportunity for rehabilitation, redemption, and hope for a second chance. We believe LB 781 is an important step in this work. We thank Senator Pansing Brooks for bringing it, and we urge you to advance it.