



7521 Main Street, Suite 103  
Omaha, Nebraska 68127

(402) 597-3100  
www.voicesforchildren.com

#### BOARD OF DIRECTORS

Eric Johnson  
*President*

Katie Weitz, PhD  
*Vice President*

Lorraine Chang, JD  
*Secretary*

Bruce Meyers  
*Treasurer*

Amy Boesen  
Gary Bren  
Wes Cole, MBA  
Al Davis  
Jeremy Fitzpatrick, JD  
Aaron Ford, MBA, MSW  
Noah Greenwald, JD  
Gatsby Gottsch Solheim, JD  
Susan Mayberger, MA  
Dulce Sherman, MA  
John Stalnaker, JD

Aubrey Mancuso, MSW  
*Executive Director*

February 27, 2019

**To:** Chairman Lathrop and Members of the Judiciary Committee  
**From:** Juliet Summers, Policy Coordinator at Voices for Children in Nebraska  
**Re:** **LB 132 – Change penalties for certain felonies committed by persons under nineteen years of age**

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 132, 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 than adults, even into their twenties. The Supreme Court has consistently ruled<sup>1</sup> that due to the process of brain development still occurring, youth are less culpable for their actions, more amenable to rehabilitation, and must be treated accordingly. They are also more likely to "age out" of criminal activity, particularly when paired with appropriate interventions. LB 132 would take a commonsense 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. To be clear, judges would still have the discretion to sentence minors to lengthy sentences of incarceration if warranted. By allowing the opportunity for individualized consideration at sentencing, however, the bill comports with what we know about children's capacity for change.

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 132 might not have changed the sentences that were imposed upon the youth I represented, but it would have allowed the judges to *discretion* to do so, based on the facts of the case and circumstances of the unique, developing young humans standing before them.

---

<sup>1</sup> See, e.g. *Roper v. Simmons*, 543 U.S. 551; *Graham v. Florida*, 560 U.S. 48; *J.D.B. v. North Carolina*, 564 U.S. 261; *Miller v. Alabama*, 567 U.S. 460

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 132 is an important step in this work. I'd like to thank Senator Pansing Brooks for bringing it, and would urge you to advance it.