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March 15, 2023

To: Chairperson Wayne and Members of the Judiciary Committee
From: Anahí Salazar, Policy Coordinator for Voices for Children in Nebraska
RE: Support for LB 127, to change sentencing provisions for crimes committed by a person under eighteen years of age

Every young person deserves the chance to grow into a healthy, productive adult. We should respond to youth behavior in a thoughtful and effective way that preserves community safety, contributes to Nebraska's future prosperity, and gives both children and communities the protection they need, no matter the offense. Voices for Children supports LB 127 because it distinguishes youth offenses from other offenses, acknowledging even in the most tragic of cases, developmental factors simply make youth defendants different. Eliminating life without parole as a sentencing option for individuals up to age 18 will acknowledge this truth, bringing Nebraska into line with a growing majority of states.

Sentencing youth to life without the possibility of parole is inconsistent with empirical, evidence-based knowledge of child and adolescent development. Children and youth are not little adults. Youth have poorer impulse control, are more susceptible to peer pressure, and are less capable of weighing long-term consequences because their brains are still developing and changing, even into their twenties. For these reasons, the Supreme Court has consistently ruled that youth are less culpable for their actions and more amenable to rehabilitation, and as a result, must be treated differently.¹

The sentence of life without parole is contrary to the mission of justice and our understanding of youth crime. The Supreme Court held in 2016 and reaffirmed in 2018 that life without parole sentences as imposed by mandatory statute on a minor are unconstitutional.² Since then, however, twenty-five states and Washington D.C. have banned juvenile life without parole (JLWOP) sentences entirely as of January 2020.³ Another seven states do not have any individuals serving a life without parole sentence for a crime committed as a minor, though they have not yet banned the practice entirely.⁴ This widespread trend in banning and reducing JLWOP sentences signals a crucial normative and practical shift towards evidence-based, age-appropriate youth justice. LB 127 follows in that vein. Nebraska is an outlier in maintaining a sentencing statute whereby children may live incarcerated, without hope of release, for the rest of their lives.

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. At Voices for Children, we believe LB 127 is an important step in this work. I'd like to thank Senator Day for bringing this important issue forward and would urge the committee to advance it. Thank you.

¹ See *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

² *Miller v. Alabama*, 567 U.S. 460; *Montgomery v. Louisiana*, 136 S. Ct. 718

³ Alaska, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maryland, Nevada, New Jersey, North Dakota, Ohio, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

⁴ Maine, Minnesota, Missouri, Montana, New Mexico, New York, and Rhode Island.