



March 31, 2025

To: Chairperson Bosn and members of the Judiciary Committee

From: Juliet Summers, Executive Director of Voices for Children in Nebraska

Re: Support for LB 584, to change sentencing provisions for crimes committed by a person younger than 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 584 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 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, twenty-eight states and Washington D.C. have banned juvenile life without parole (JLWOP) sentences entirely as of 2023.³ Another five 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

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, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming

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

This widespread trend in banning and reducing JLWOP sentences signals a crucial normative and practical shift towards evidence-based, age-appropriate youth justice. It is also a pragmatic cost-saving measure, because estimates indicate that it costs approximately \$2.5 million to incarcerate a child for life in the United States. In contrast, a productive, tax-paying, college-educated adult contributes over \$1 million to society over their lifetimes. 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. Formerly incarcerated children who obtain a college degree will contribute \$706,560 in tax revenue.⁵

Our responsibility to protect children and our communities requires us to hold youth accountable in a way that gives them the opportunity for rehabilitation, redemption, and hope for a second chance to become a contributing member of society. At Voices for Children, we believe LB 584 is an important step in this work. I'd like to thank Senator Spivey for bringing this important issue forward and would respectfully urge the committee to advance it. Thank you.

⁵ Calculations provided by the Campaign for the Fair Sentencing of Youth