TEXAS CRIMINAL JUSTICE COALITION

Lindsey Linder, Policy Attorney
Work: (512) 441-8123, ext. 110
llinder@TexasCJC.org
www.TexasCJC.org

FACT SHEET 2017
SB 556

SUPPORT A MEANINGFUL OPPORTUNITY FOR RELEASE FOR YOUTH SENTENCED TO ADULT FACILITIES

Youth are routinely sent to Texas adult prisons either because they are (1) 17 years old at the time of the commitment offense and therefore adults under Texas law, (2) certified to stand trial as adults, or (3) completing their determinate sentences after aging out of the juvenile justice system. However, **tremendous growth and maturity often occur in one's late teens through mid-20s.** Research has shown that certain areas of the brain, particularly those that affect judgment and decision-making, do not fully develop until the early 20's.[1] The U.S. Supreme Court stated in its 2005 *Roper v. Simmons* decision, "[t]he reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character."[2]

Moreover, the fact that young adults are still developing means that they are uniquely situated for personal growth and rehabilitation. In 2012, the U.S. Supreme Court held unconstitutional mandatory life without parole sentences for people under the age of 18, and required courts to consider the youthfulness of defendants facing that sentence.[3] This decision, coupled with the *Roper* decision, recognize that **it is wrong to deny someone who commits a crime under the age of 18 the opportunity to demonstrate rehabilitation.**

However, Texas sentencing laws ignore recent scientific evidence on adolescent development and neuroscience, and the state's current parole system provides no viable mechanism for reviewing a case after a young person has grown up and matured. **Texas law should motivate young people to focus on rehabilitation and provide a path to redemption for those who can prove they merit a second chance.**

KEY FINDINGS

- It costs approximately $2.5 million to incarcerate juveniles for life, whereas it costs taxpayers approximately $625,720 to incarcerate a juvenile for 20 years.[4] **Early release for those individuals who have demonstrated that they have sufficiently matured and rehabilitated can save the state approximately $1,874,280 per person.**[5] Furthermore, a youth incarcerated at age 16 who is paroled after serving 20 years could potentially contribute up to $164,010 in tax revenue by working until age 66.[6]

- Research proves that the brain's frontal lobe is not fully developed until a person is in his or her mid-20s, so teenagers often struggle with shortsighted decision-making and poor impulse control.[7] **Choices at this age are often the result of poor judgment and susceptibility to peer pressure rather than deficiencies of character.**[8]

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT SB 556 BY SENATOR RODRIGUEZ

Texas should consider joining with other states that have provided a "second look" at the sentences of individuals who were convicted for crimes committed prior to their 18th birthday. Texas could provide a single early parole hearing focused on the extent to which the person has demonstrated that he or she has successfully rehabilitated and matured. Such an early parole consideration will not only save taxpayer dollars, it will do so without compromising public safety.

Citations on reverse.

Citations

[1] *See generally,* S. Johnson, R. Blum, and J. Giedd, *Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Health Policy*, Journal of Adolescent Health, Vol. 45(3), (Sept. 2009).
[2] *Roper v. Simmons,* 543 U.S. 551, 570 (2005).
[3] *Miller v. Alabama*, 132 S.Ct. (2012).
[4] ACLU, *At America's Expense: The Mass Incarceration of the Elderly*, June 2012, https://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf. Calculation = ((Average cost per year per inmate to incarcerate before age 50 x 34) + (National estimate for annual cost for the care of an inmate after age 50 x 21)).
[5] Ibid. Calculation = (Average cost per year per inmate to incarcerate before age 50 x 20).
[6] Ibid.
[7] Steinberg, Laurence, "A Social Neuroscience Perspective on Adolescent Risk Taking," Dev. Rev., Steinberg and Scott, 2008, 1,009.
[8] Steinberg and Scott, 1,009.