



John Howard Association of Illinois

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HOUSE BILL 4384: JUVENILE ASSESSMENT AND REVIEW

WHOM THIS BILL APPLIES TO:

- Anyone **sentenced to life for participation in a crime committed when he or she was younger than 18** may, **after 10 years of incarceration**, submit an application for review and assessment.
- An applicant cannot apply for such a review and assessment more frequently than **every two years**.

HOW THE ASSESSMENT AND REVIEW WORKS:

Submission of Initial Application: An inmate petitioner must submit an application for assessment and review to their IDOC counselors who will forward the application to the Prisoner Review Board (PRB). The counselor shall include with the submission petitioner's criminal history, *mittimus*, disciplinary history, supplemental program considerations, mental health evaluations, social evaluations, any information known of mental or physical abuse of the inmate or of the inmate's drug abuse, accomplishments and achievements during incarceration, and any other information or documentation the counselor deems relevant to fully describe the inmate at the time of his or her application.

Determination of Whether to Review Petitioner's Sentence: A three-member panel of the PRB will review the application and determine, by majority vote, whether the applicant shall be certified to seek parole. In making its determination, the panel may consider: petitioner's age and level of maturity at time of offense, susceptibility to outside pressure, potential for rehabilitation, nature and severity of the offense, degree of participation in the offense, prior juvenile / criminal history, behavior as an inmate in prison, likelihood to commit further offenses, and any other information the panel deems relevant.

Parole Hearings: If the panel certifies an inmate for a parole hearing, the inmate will be granted a full hearing before the PRB to determine whether he should be granted or denied parole. A full hearing consists of a hearing at the prison conducted by one member of the PRB, who then presents the case to the full Board. No member of the three-panel team may conduct the institutional hearing for a certified parole candidate.

Fair Notice to Those Most Affected:

Notice to State's Attorney: The prosecuting State's Attorney's office will be given reasonable notice, not less than 15 days prior to the hearing, to submit relevant information to the PRB for consideration.

Notice to Victims' Families: Victims' families will be provided with notice of the parole hearings as provided in the Rights of Crime Victims and Witnesses Act.

WHY WE NEED HB 4384

- The bill **corrects an unintended mistake** made in the 1990's when "tough on crime" sentencing laws combined to permit or even mandate a life sentence for a juvenile without any consideration given by a judge to the youth's maturity, mental development, level of involvement, and the likelihood for change, redemption and rehabilitation that are in young people.
- We know from experience and neuroscience that **children's brains are not developed until at least the age of 18**. The U.S. Supreme Court recognized this when it invalidated the juvenile death penalty in *Roper v. Simmons* holding that children are "categorically less culpable" than adults. This bill recognizes this scientific reality for the same age youth who have been sentenced to die in prison.
- This bill salvages **Illinois' long and proud commitment to recognizing differences between children and adults** and especially the capacity for change for the better in children. The first state to establish a juvenile court, a state that never permitted execution of young offenders, should at least permit the review of sentences of life imposed on children.
- Under International Law and standards, life sentences for juvenile offenders are unacceptable. **The United States incarcerates 2,373 children serving life sentences; the rest of the world incarcerates seven**. This bill improves Illinois' image abroad as the state attempts to invite international trade and the Olympics.

A NATIONAL MOVEMENT

States which prohibit the sentence of life for juveniles:

Alaska, Colorado, Kansas, Kentucky, Maine, New Mexico, New York, West Virginia, and the District of Columbia (9)

States with current, pending legislation to eliminate the sentence of life without parole for juveniles and permit review of sentences for those juveniles currently serving life: California, Florida, Illinois, Michigan and Nebraska. (5)

MAJOR NEWSPAPER EDITORIALS

Los Angeles Times, *Locking up Kids for Life: California can sentence criminals under 18 to life without parole. It's cruel and unusual punishment*, January 16, 2008: Citing international law and new neuroscience, "...it is perverse to condemn a minor to prison for life for committing a crime that he or she might find unthinkable on reaching adulthood."

San Francisco Chronicle, *Redemption and Rehabilitation*, January 18, 2008: "[a]ll of those arguments [in *Roper v. Simmons*, which invalidated the juvenile death penalty] also could be applied to laws that put juveniles in prison without the possibility of parole. . ."

St. Petersburg Times, *When It's Wrong to Throw Away the Key*, January 6, 2008: In supporting legislation aimed at giving kids sentenced to life a second chance, the TIMES rhetorically asked: "[h]as the state simply given up on any possibility that teenagers might one day turn their lives around?"

For more information on pending legislation in other states or a list of editorials and reports on this issue, please contact Shaena Fazal at (312)782-1901 or at shaena@john-howard.org.