

# Los Angeles Times

*Editorial*

## **Legislature should pass Fair Sentencing for Youth Act**

**The bill would not release violent inmates. It would only give those who got life sentences as juveniles the opportunity to have their cases reviewed.**

August 19, 2010

The Fair Sentencing for Youth Act, written by state Sen. Leland Yee (D- San Francisco), would allow courts to review the cases of juveniles sentenced to life without parole after they have served 10 years and allow some to be resentenced to 25 years to life. Already passed by the Senate, the bill is scheduled to be taken up by the Assembly on Thursday. We strongly urge lawmakers to pass it.

There has been a good deal of fear-mongering about SB 399, none of it warranted. The legislation would not free juveniles who have committed serious crimes, nor would it reduce their sentences. It would not guarantee that anyone sentenced at age 14 or 15 to life in prison will go free.

What SB 399 would do is bring California into closer accord with civilized sentencing norms and standards. No other country sentences juveniles to life without parole. Yet there are at least 270 serving such sentences in California prisons; only Florida and Pennsylvania have more. And California has the worst record of racial disparity in the imposition of life without parole for teens: African Americans are sentenced at a rate 18 times higher than white youths and five times higher than Latinos. These sentences are expensive as well. Keeping the current population incarcerated for the rest of their lives will cost the state about \$500 million.

SB 399 would also begin to align sentencing for juveniles with scientific evidence about their neurological capabilities. Yee, who is a child psychologist, emphasizes that the brain continues to mature well beyond adolescence, and that critical thinking skills, the ability to plan and impulse control are not fully developed before adulthood. Sentencing young offenders to life without parole ignores the fact that they do not have the cognitive abilities of adults. It also presupposes that their chances for rehabilitation are nonexistent, in defiance of knowledge that they may change as they mature.

All this bill offers juveniles is the possibility of a future, a chance at a chance. An offender who has served 10 years could ask a judge to reexamine his case. Even if a judge does resentence the offender, he must serve 25 years total before he is eligible for a parole board hearing. And parole need not be granted.

Not all youthful offenders should be released. Some will mature during their incarceration, repent their crimes and gain a moral compass. Others will not. But it is cruel to reject all hope and unjust to deny all discretion.