

BILL: Senate Bill 272

SHORT TITLE: Under 18-indefinite/life sentence-special parole eligibility

DATE: Wednesday, May 11, 2016

POSITION: **SUPPORT**

COMMITTEE: Senate Government Oversight and Reform Committee

CONTACT: John Ellem

Chair Coley, Vice Chair Seitz, Ranking Member Yuko, and Government Oversight and Reform Committee members:

My name is John Ellem and I submit this testimony for the official record for HB 521. I had the privilege to serve for seven terms, from 2001 to 2014, in the West Virginia House of Delegates. As a ranking Republican from Parkersburg and the minority chair of the Judiciary Committee, it was my honor to co-sponsor H.B. 4210 in 2014, which abolished life without parole for juveniles in West Virginia.

H.B. 4210 has been hailed as the model bill of its kind addressing lengthy juvenile sentences, a fact that we in West Virginia are proud to claim. I encourage our western neighbors in Ohio to adopt similar legislation. H.B. 4210 eliminated life without parole as a sentencing option for juveniles under 18, providing parole eligibility after a child serves 15 years. Additionally, for all youth in the adult criminal court, it requires the sentencing judge to consider the mitigating factors of youth as established by the U.S. Supreme Court in *Miller v. Alabama*, including childhood trauma, family and community environment, and the child's role in the offense. The judge must also consider the results of a comprehensive mental health examination. Lastly, the bill ensures that parole board provides youth with a meaningful opportunity for release by considering their diminished capacity as juveniles and their subsequent growth and increased maturity.

I strongly encourage this committee to report favorably on HB 521, which would similarly provide parole eligibility for all children under 18 and require the parole board to consider youthful and other factors when evaluating youth for parole. West Virginia has a practical yet no-nonsense attitude toward crime and rehabilitation, so H.B. 4210 fit into this tradition by ensuring public safety while also focusing on the potential all young people have to change. Youth do not receive a get-out-of-jail free card simply by receiving parole eligibility; rather, they must convince the parole board that they have been truly rehabilitated.

Scientific research has shown that youth brains are not as developed as those of adults. As a parent, I understand this, and that children in violent or neglectful home environments can make tragic mistakes. As a person of faith, I do believe there is an opportunity for redemption for us all, but most specifically for our children.

H.B. 4210 passed in West Virginia with widespread bipartisan support. Criminal justice reform has bipartisan appeal nationwide. Legislation ending life-without-parole sentences for children fits squarely into this "smart-on-crime" mentality. Moreover, as a fiscal conservative, I was also concerned that we were incarcerating children long past the point where they represent a threat to public safety. We owe it to our children and our communities to return these individuals to the community as the contributing citizens they all have the potential to become.

Respectfully submitted,

John N. Ellem

Parkersburg, West Virginia