



SENATOR PEGGY LEHNER
6th District

Sponsor Testimony- SB 256
House Criminal Justice Committee
November 19th 2020

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. Thank you for the opportunity for Senator Manning and me to present sponsor testimony on SB 256, which will bar life sentences without parole for juvenile offenders.

In recent years, juvenile life without parole has become an important discussion all over the nation, and the U.S. Supreme Court has also issued several groundbreaking decisions that have changed how states look at sentencing juveniles with life in prison. In *Graham v. Florida* (2010), the Supreme Court banned life without parole for juveniles convicted of non-homicide crimes and in *Miller v. Alabama* (2012), the Supreme Court banned mandatory life without parole sentences for those juveniles convicted of homicide crimes. In 2016, Justice Kennedy wrote in the *Montgomery v. Louisiana* (2016) majority opinion that, “children are constitutionally different from adults in their level of culpability” and that the severest punishment must be reserved for “the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.”¹

Since 2012, 28 states and the District of Columbia have changed laws for juveniles convicted of homicide. Before then, 24 states had required life without parole for those crimes. Currently, 29 states still allow juvenile life without parole.² I would also like to stress that by eliminating juvenile life without parole, it is not guaranteed that offenders would be released. This legislation would only provide juveniles *the opportunity* for parole review after serving 18 years in prison.

¹ *Montgomery* Slip Op. at 17.

² <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>

There is an exception that a juvenile who committed one or more homicide offences would serve 25 years before being eligible for parole. Also an offender who is serving time for an aggravated homicide offense would not be eligible for parole review unless it is a part of their original sentence.

In the United States, we are seeing a trend of moving away from harsher sentences for youth, because they do have a unique opportunity for rehabilitation. We have also learned that a young adult's brain is not fully developed until the age of 25. The prefrontal cortex is one of the last regions to mature in the brain, which is the region that helps individuals exercise good judgement, cognitive analysis, moderation of correct behavior in social situations, weighing consequences, and impulse control.³ It is not fair to punish a child in the same way as an adult, because a child is still developmentally immature. That does not mean the child should be automatically forgiven, especially when a severe crime has been committed. But it does mean our courts should allow rehabilitation to happen, without a blanket sentence of life in prison without the possibility of parole. If our prisons are truly meant for rehabilitation, then we should let them rehabilitate these young adults, because they do have the capacity to change and mature. According to the Sentencing Project, "many juvenile lifers are engaged in constructive change during their incarceration when they are permitted the opportunity to do so and two-thirds have attained a high school diploma or GED."⁴ This legislation will help move Ohio's juvenile justice system forward.

Thank you for your time and I would be happy to take any questions from the committee.

³ Arain, Mariam, et al. [Maturation of the adolescent brain](#). *Neuropsychiatr Dis Treat*. 2013; 9: 449–461. Published online 2013 Apr

⁴ <https://www.sentencingproject.org/wp-content/uploads/2016/01/The-Lives-of-Juvenile-Lifers.pdf>