



## **Kids Sentenced as Adults – Parole Eligibility**

### **Senate Bill 256**

#### **Sponsors Senators Lehner and Manning**

Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. Thank you for the opportunity to provide written testimony in support of Senate Bill 256 (SB256) on behalf of PC Advocacy Initiative, an Ohio nonprofit corporation doing business as Players Coalition and recognized as a tax-exempt organization pursuant to Section 501(c)(4) of the Internal Revenue Code (“Players Coalition”).

Players Coalition, directly and in connection with its affiliate organization, PC Charitable Foundation, an Ohio nonprofit corporation recognized as a tax-exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code, works with professional athletes, coaches and owners across leagues to improve social justice and racial equality in our country. We work to make an impact at the federal, state, and local levels and have active members right here in Ohio. We want to thank Senators Lehner and Manning for sponsoring this important bill and to Chair Lang and Representative Seitz for their support and guidance.

The United States is the only country in the world that sentences kids to die in prison. We know that the human brain does not fully develop until an individual is in his or her mid-twenties. Compared to adults, kids are less capable of long-term planning, regulating emotion, impulse control, and evaluating risk and reward.<sup>[1]</sup> We also know that kids who commit crimes are often victims of crime themselves. Nationally, almost 80% of juvenile offenders witnessed violence in their homes and over half experienced violence weekly in their own neighborhoods.<sup>[2]</sup> Many of these kids have not received the support and protection they needed and deserved. Incarcerating them for the rest of their lives stacks one atrocity onto another.

Players Coalition supports SB256 because the bill will abolish the sentence of life without the possibility of parole for kids, and grant parole eligibility for kids who are sentenced to extreme sentences in adult prison. The Supreme Court of the United States and Supreme Court of Ohio have acknowledged that kids are different and deserve special consideration in our criminal justice system. These Courts have ruled that, for non-homicide offenses, kids cannot receive life sentences<sup>[3]</sup> or sentences that exceed their lifetime.<sup>[4]</sup> Even for homicide offenses, the Supreme Court of the United States has held that kids cannot receive mandatory life without parole because kids have “diminished culpability and heightened capacity for change.”<sup>[5]</sup> Despite the Supreme Court of the United States ruling that only the rarest kids, those who are “irreparably corrupt,”<sup>[6]</sup> should be given a life sentence, Ohio has continued to sentence kids to die in prison. In 2010, Ohio had just two kids serving life without the possibility of parole. After instruction from the Supreme Court of the United States that kids should have a “meaningful opportunity for release,”<sup>[7]</sup> Ohio now has 12 kids serving life without the possibility of parole. This



legislation is needed to help guide Ohio courts when sentencing kids as adults. And because kids of color are disproportionately represented, of those 12 individuals serving life without parole, 5 are black, despite black Ohioans only comprising 14.3% of the population.<sup>[8]</sup> In fiscal year 2018, 82% of all the kids who were bound over to the adult court system in Ohio were black.

The data shows that individuals who commit an offense as a kid have extremely low rates of recidivism after release from prison – around 1%.<sup>[9]</sup> Research also has shown that incarcerating kids for longer than 15 to 20 years has diminished returns for public safety.<sup>[10]</sup> SB256 does not guarantee release from prison, but it does give these individuals a pathway to redemption. SB256 is supported by case law, science, data, and research. SB256 is good public policy. It gives a second chance to Ohio's kids, some of whom were not even given a first chance. It is time for Ohio's juvenile offender laws to be accountable to Ohioans.

On behalf of Players Coalition, we ask that you support SB256. Thank you for the opportunity to provide written proponent testimony.

Sincerely,

Chris Hubbard, Cleveland Browns  
Kendall Lamm, Cleveland Browns  
Justin Morrow, Toronto FC

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<sup>[1]</sup> Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty, Laurence Steinberg and Elizabeth Scott, *American Psychologist*, December, 2003.

<sup>[2]</sup> Ashley Nellis, *The Lives of Juvenile Lifers*, The Sentencing Project, 2012  
<https://www.sentencingproject.org/wp-content/uploads/2016/01/The-Lives-of-Juvenile-Lifers.pdf>

<sup>[3]</sup> *Graham v. Florida*, 560 U.S. 48 (2011).

<sup>[4]</sup> *State v. Moore*, 149 Ohio St.3d (2016).

<sup>[5]</sup> *Miller v. Alabama*, 567 U.S. 460 (2012).

<sup>[6]</sup> *Montgomery v. Louisiana*, 577 U.S. \_\_\_ (2016)

<sup>[7]</sup> *Id.*

<sup>[8]</sup> <https://www.development.ohio.gov/files/research/P7003.pdf>

<sup>[9]</sup> Tarika Daftary-Kapur and Tina M. Zottoli, *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University, <https://www.msuddecisionmakinglab.com/philadelphia-juvenile-lifers>



<sup>[10]</sup> *Still Life America's Increasing Use of Life and Long-Term Sentences*, The Sentencing Project Research and Advocacy for Reform, 2017, <https://www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf>