



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

March 12, 2020

SB 1038

Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act)

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 1038. The Conference represents the public policy interests of the three (arch)dioceses serving Maryland, the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 1038 would prohibit a court from imposing a sentence of life without parole on a person who was less than eighteen years of age at the time the offense was committed. Additionally, it would require a court to consider certain factors when considering a motion for a sentence reduction made by a person who was convicted as an adult for an offense committed while they were a minor. Those factors include, but are not limited to, age, nature of the offense, good behavior, academic achievement, family circumstances and demonstrated rehabilitative nature.

The U.S. Supreme Court has ruled on the constitutionality of mandatory sentences of life without parole for those who commit crimes under the age of eighteen. First, in 2010, the Court held that life sentences without parole for youthful offenders are unconstitutional for non-homicide crimes. *Graham v. Florida*, 560 U.S. 48 (2010). Next, it held that life sentences without parole for youthful offenders are unconstitutional even for homicide crimes. *Miller v. Alabama*, 567 U.S. 460 (2012). Specifically, the Court noted certain inherent characteristics of youthful offenders, such as “diminished capacity” and “greater prospects for reform”. *Id.* at 471. Most recently, the Court ruled that the *Miller* holding should be applied retroactively to allow those sentenced to mandatory life without parole to mitigate their sentences. *Montgomery v. Louisiana*, 577 U.S. ___ (2016).

The United States Conference of Catholic Bishops has echoed the Supreme Court on this issue, reasoning that “Abandoning the parole system, as some states have done, combined with the absence of a clear commitment to rehabilitation programs within prisons, turns prisons into warehouses where inmates grow old, without hope, their lives wasted.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000). Pope Francis has also expressly labeled life imprisonment a “hidden death penalty”. (*Address to the International Association of Penal Law*, Oct. 2014).

These examples of established case law and Catholic social teaching help to formulate our position that society should avoid the imposition of life-without-parole sentencing, particularly for youthful offenders. Such sentences destroy all hope for incarcerated children and ignore the inherent possibilities for rehabilitation. It is therefore important that the State of Maryland recognize the vulnerability of youthful offenders and provide for them proper hope for rehabilitation. It is for these reasons that we urge your support and favorable report on Senate Bill 1038.