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# Senate Bill 260 – Justice for Juveniles with Adult Prison Sentences

## What is SB 260?

SB 260 is a new law that will go into effect on January 1, 2014. It gives a second chance to most people who were under the age of 18 at the time of their crime, tried as an adult and sentenced to an adult prison sentence. SB 260 holds young people responsible for the crimes they committed, but it recognizes that youth are different from adults and gives them a chance to demonstrate remorse and rehabilitation. It establishes a parole process with different criteria. The parole board is required to review the cases of people who were under the age of 18 at the time of their crime and look at them differently than it does people who were adults.

## Why California Needed to Change its Law

Over 6,500 people currently in California prisons were under the age of 18 at the time of their crime. They were juveniles, but tried as adults and sentenced to adult prison terms. Many are transferred to the adult system without consideration of their ability to change. Tremendous growth and maturity often occurs in the late teens through the mid-20s. The current system provides no viable mechanism for reviewing a case after a young person has grown up and matured. California law should motivate young people to focus on rehabilitation and give them for individuals who can prove they merit a second chance.

Existing sentencing laws ignore recent scientific evidence on adolescent development and neuroscience. Research has shown that certain areas of the brain, particularly those that affect judgment and decision-making, do not fully develop until the early 20's. The US Supreme Court stated in its 2005 *Roper v. Simmons* decision, “[t]he reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character.” Moreover, the fact that young adults are still developing means that they are uniquely situated for personal growth and rehabilitation. The US Supreme Court recently held unconstitutional mandatory life without parole sentences for people under the age of 18, and required courts to consider the youthfulness of defendants facing that sentence.<sup>[1]</sup> The California Supreme Court recently ruled that a sentence exceeding the life expectancy of a juvenile is the equivalent of life without parole, and unconstitutional in nonhomicide cases.<sup>[2]</sup> These decisions recognize that it is wrong to deny someone who commits a crime under the age of 18 the opportunity to demonstrate rehabilitation.

Piecemeal changes to California law since the 1990s have removed many safeguards and points for review that once existed for youth charged with crimes. California transfers without careful consideration of amenability to rehabilitation many youth under the age of 18 years old to the adult criminal justice system where they face adult prison terms. For example, laws now mandate the automatic transfer of youth as young as 14 years old to adult court for certain crimes, or permit a direct file in adult court without any review of the youth's circumstances in other cases. The role of judges and a careful, considered process before transferring youth to the adult criminal justice system has been severely limited.

<sup>1</sup> Miller v. Alabama (2012)

<sup>2</sup> People v. Caballero (2012)