



**Testimony for the House Judiciary Committee
February 24, 2015**

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**HB 337 Correctional Services - Sentencing Review and Parole Eligibility - Juvenile
Offenders Sentenced as Adults**

SUPPORT

The ACLU of Maryland supports HB 337, which would prohibit courts from imposing a sentence of life without the possibility of parole on persons who were younger than 18 at the time of the offense and require that courts consider certain mitigating factors in sentencing these youth. Currently, there are nineteen Marylanders serving life without parole sentences for crimes that occurred when they were less than 18 years old.¹ It is time for Maryland to join the eleven other states that have banned life without parole sentences for juvenile offenders.

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In 2010, the Supreme Court abolished life without parole for youth convicted of non-homicide offenses. The Court reasoned, “An offender’s age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants’ youthfulness into account at all would be flawed.”² Two years later, in *Miller v. Alabama*, the Supreme Court held that mandatory life-without-parole sentences for children violate the Eighth Amendment’s prohibition against cruel and unusual punishment.³

Youth of color are disproportionately represented throughout the criminal justice system. The same is true for youth serving life without parole sentences—Although Blacks constitute only about 13 percent of the U.S. population, as of 2009, Blacks constitute 28.3 percent of all lifers, 56.4 percent of those serving life without parole, and 56.1 percent of those who received life without parole sentences for offenses committed as a juvenile.⁴ Black youth are currently serving life without parole sentences at 10 times the rate of non-minority children.⁵ The percentage of Black juvenile offenders serving life without parole for the homicide of a White victim (43.4 percent) is nearly twice the rate at which Black juveniles are arrested for suspected homicide of a White person (23.2 percent). In contrast, White juvenile offenders with Black victims are only about half as likely (3.6 percent) to be sentenced to life without parole for homicide as their proportion of arrests for suspected homicide of a Black victim (6.4 percent).⁶

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 337.

¹ Campaign for the Fair Sentencing of Youth, Maryland Fact Sheet (2015).

² *Graham v. Florida* (2010).

³ *Miller v. Alabama* (2012).

⁴ Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing, Hearing on Reports of Racism in the Justice System of the United States Submitted to the Inter-American Commission on Human Rights (153rd Session, October 27, 2014) (internal citations omitted).

⁵ Campaign for the Fair Sentencing of Youth, Maryland Fact Sheet (2015).

⁶ Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing, Hearing on Reports of Racism in the Justice System of the United States Submitted to the Inter-American Commission on Human Rights (153rd Session, October 27, 2014) (internal citations omitted).