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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 23-S 376, RELATING TO CORRECTIONAL INSTITUTIONS -- PAROLE March 21, 2023

The ACLU of Rhode Island strongly supports this bill, which requires that juveniles sentenced to long prison sentences as adults be reviewed by the parole board no later than fifteen years into their sentence.

The psychological research is clear that juveniles have an underdeveloped sense of responsibility, are more vulnerable to peer pressure, are less capable than adults of perceiving and comprehending long term consequences and have much less control of their environment in ways that change with age. The imposition of very long prison sentences on a person under 18 years of age constitutes, in our view, cruel and unusual punishment and violates basic human rights standards.

It is important to emphasize that this legislation does not mandate the release of these individuals after fifteen years; the Parole Board always maintains the discretion to deny parole to anyone they determine is not prepared to reenter, or should not be returned to, the community. Rather, this bill ensures that children sentenced as adults come before the parole board after more than a decade of adulthood, granting them the opportunity to demonstrate how they have matured and changed since their childhood offense.

It is worth noting the incredibly broad range of national organizations that support parole eligibility for children who are sentenced as adults. They include the American Bar Association, the American Correctional Association, the American Probation and Parole Association, the American Psychological Association, the National PTA, and the United States Conference of Catholic Bishops.

Support of this legislation would also place Rhode Island in line with similar reforms adopted in more than twenty other states, including our nearby states of Connecticut, Massachusetts, and Vermont. Passage of this legislation would also complement so-called "Mario's Law," the law the General Assembly passed two years ago providing for the consideration of parole after 20 years of individuals sentenced for offenses committed before their 22nd birthday.

In short, no person under the age of 18 should be treated as irredeemable and locked away automatically for the majority of their life. The ACLU of Rhode Island respectfully urges the committee's support and passage of this important, humane, and fiscally responsible legislation.