

[2017 Session] Support a Meaningful Opportunity for Release for Youth Sentenced to the Texas Department of Criminal Justice

Policy Background:

Currently, youth who are 17 and under cannot be sentenced to life without parole for capital felony offenses. Instead, such youth in Texas are subject to life sentences with the possibility of parole after 40 years.

This mandatory minimum sentence length, in addition to the lack of consideration of mitigating factors during sentencing, prohibits Texas from giving a meaningful opportunity for review to those youth who demonstrate that they have been rehabilitated.

Texas policy-makers should lower the mandatory minimum term before parole eligibility, and should require the Parole Board to consider mitigating factors during the parole hearing (e.g., the fact that the inmate was a youth during the commission of the crime; family environment; trauma history; capacity for rehabilitation, etc.).

Policy-makers should also make these changes retroactive to those currently serving life sentences for offenses committed as youth.

Key Facts:

- Over the last 15 years, the average parole grant rate in Texas for capital murder is 8%. Based on an 8% parole approval rate for the eligible “second look” population, this policy change would save Texas approximately \$3 million over the next biennium.

As of March 2017, 37% of initial parole considerations were approved. Based on a 37% approval rate, this policy change would save Texas approximately \$13.8 million over the next biennium.¹

- Children sentenced to life in prison without parole are often the most vulnerable members of our society. A national survey revealed that nearly 80% of juvenile lifers reported witnessing violence in their homes; more than half (54.1%) witnessed weekly violence in their neighborhoods.²

- This national survey further reported that 77% of girls and 20% of all youth lifers said they have been sexually abused.³

Relevant Bills:

- **Bill Number:** [HB 1274](#) [Moody, Wu]
Bill Caption: Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.
TCJE Materials: [Fact Sheet](#) | [Addendum: Second Look Cost Savings](#)
House Hearing Notice: [Criminal Jurisprudence](#), March 20, 2017
TCJE House Action: [Testimony in support](#)
- **Bill Number:** [SB 556](#) [Rodríguez]
Bill Caption: Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.
TCJE Materials: [Fact Sheet](#) | [Addendum: Second Look Cost Savings](#)

Other Materials:

- [The Second Look Book: A Collection of Stories From People Who Were Sentenced as Kids to Adult Prisons in Texas](#) [produced by TCJE, Epicenter, and Lone Star Justice Alliance, November 2017]
- ACLU Report: [How Parole Systems are Failing Youth Serving Extreme Sentences](#) [November 2016]

¹ Fiscal analysis conducted by TCJE. Numbers are based on current TDCJ prison population with an offense committed at 17 years old. “Second look”-eligible offenders are incarcerated by TDCJ for first degree offenses or capital murder committed at age 17 or under. To isolate savings in the next biennium, the study only considered offenders first eligible for parole after 9/1/2017 who would be eligible for parole under Second Look prior to 9/1/2019. This assumes \$18,537 annual costs for incarceration and \$3,909 annual costs for parole over the next biennium, based on Legislative Budget Board’s *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2013 and 2014*, February 2015.

² Ashley Nellis, Ph.D., *The Lives of Juvenile Lifers: Findings from a National Survey*, March 2012.

3 Ibid.