

[2019 Session] “Second Look”: Provide an Earlier Parole Review to People Sent to Adult Facilities as Youth

Policy Background

After a series of U.S. Supreme Court cases, states were required to eliminate mandatory life without parole sentences for youth under 18 years of age. Texas now requires people who would have received that sentence to instead serve 40 years before becoming eligible for parole, a de facto life sentence that provides no reasonable opportunity to build a life outside of prison. Yet tremendous growth and maturity often occur in a person’s late teens through mid-20’s, with certain areas of the brain – particularly those affecting judgment, impulse control, and decision-making – beginning to fully develop in one’s early 20’s.¹ The fact that young adults are still developing means they are uniquely situated for personal growth and rehabilitation, and should be given an earlier opportunity to demonstrate that they have successfully rehabilitated and matured.

Texas’ extreme mandatory minimum sentence before parole eligibility is an outlier, with many states allowing a parole hearing at 20 years. That earlier hearing motivates young people to focus on rehabilitation, and it provides a path to redemption for those who can prove they merit a second chance. But Texas remains far more punitive, an approach that carries a huge price tag: It costs approximately \$2.5 million to incarcerate a person for life, whereas it costs approximately \$626,000 to incarcerate a person for 20 years.²

Proposed Solution

Halve the mandatory minimum term before parole eligibility for all individuals sentenced to capital murder or a first degree felony while under the age of 18; and require the Parole Board to consider mitigating factors during the parole hearing (e.g., growth, maturity, rehabilitation, the hallmark features of youth, and youthfulness at the time of the offense).

Relevant Bills

- **Bill Number:** [HB 256](#) [Moody]
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: [Flyer](#)

House Hearing Notice: [Juvenile Justice & Family Issues, March 13, 2019](#)

TCJE House Action: [Testimony in support](#)

House Hearing Video: [Juvenile Justice & Family Issues, 3/13/19](#)

- **Bill Number:** [SB 155](#) [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: [Flyer](#)

Other Materials

- Texas Smart-On-Crime Coalition 1-Pager: [Second Look](#) [2019]
- TCJE Blog Post: [Second Look at the Texas Book Festival](#) [November 2018]
- TCJE, Epicenter, and Lone Star Justice Alliance: [The Second Look Book: A Collection of Stories from People Who Were Sentenced as Kids to Adult Prison in Texas](#) [November 2017]

¹ See generally, S. Johnson, R. Blum, and J. Giedd, *Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Health Policy*, Journal of Adolescent Health, Vol. 45(3), (Sept. 2009); Laurence, Steinberg, “A Social Neuroscience Perspective on Adolescent Risk Taking,” Dev. Rev., Steinberg and Scott, 2008, 1, 009.

² ACLU, *At America’s Expense: The Mass Incarceration of the Elderly*, June 2012. Calculation = ((Average cost per year per inmate to incarcerate before age 50 x 34) + (National estimate for annual cost for the care of an inmate after age 50 x 21)).