

[2021 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 – and represents the harshest parole eligibility of all states that have banned juvenile life without parole.² This approach carries a huge price tag: While it costs approximately \$2.5 million to incarcerate a person for life, it costs approximately \$626,000 to incarcerate a person for 20 years.³ Many other states allow a parole hearing at that 20-year point, which can motivate young people to focus on rehabilitation, and can provide a path to redemption for those who can prove they merit a second chance.

Note: Texas spent more than \$750 million on prison healthcare during the 2019 fiscal year – a 53 percent increase from seven years earlier. This is the result of an aging prison population: People 55 and older increased by 65 percent from 2012 to 2019 and now account for one-half of the prison system’s hospitalization costs, but only one-eighth of Texas’ prison population.⁴ The aging population includes many people who have been incarcerated for decades, who have rehabilitated, and whose release would help lessen costs without compromising public safety.

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 686](#) [Moody, Buckley, Neave, White, Ramos]
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.
- **Bill Number:** [SB 687](#) [Lucio]
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

Other Bills Related to Parole for Young People

- **Bill Number:** [HB 2341](#) [Crockett]
Bill Caption: Relating to the release on parole of certain inmates convicted of an offense committed when younger than 25 years of age; changing parole eligibility.
- **Bill Number:** [HB 2177](#) [Moody]
Bill Caption: Relating to the release of certain inmates on parole; changing parole eligibility.

Other Materials

- TCJE's "Spend Your Values, Cut Your Losses" [portfolio](#) and [webpage](#) [Smart and Safe Solution #3]
- TCJE and Epicenter Op-ed: [Don't lock away juvenile lifers, especially in a pandemic](#) [November 2020]
- TCJE Law Review Article: [No Path to Redemption: Evaluating Texas's Practice of Sentencing Kids to De Facto Life Without Parole in Adult Prison](#) [October 2020]
- TCJE Webinar: [Second Look for Youth Serving Extreme Sentences](#) [October 2020]

- TCJE Report: [Second Look for Justice, Safety & Savings](#) [May 2020]

Also see the report's [Quick Guide](#) and [1-pager](#).

- TCJE Report: [On the Line: Insight from Youth Justice Visioning Sessions Across Texas](#)(opens in a new tab)[March 2019]
- Texas Smart-On-Crime Coalition 1-Pager: [Second Look](#)(opens in a new tab) [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 AP, [50-state examination](#), July 2017.

3 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)).

4 Texas Tribune, [Prison health care costs are higher than ever in Texas. Many point to an aging prison population.](#), November 25, 2019.