

“Second Look”: Provide an Earlier Parole Review for People Sent to Adult Facilities as Kids

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 they 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.

Proposed Solution

For certain individuals sentenced to capital murder or a first degree felony while under the age of 18: Texas leaders should allow them to become eligible for a parole hearing at the 20-year mark, and they should 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 213](#) [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.

Other Materials

- TCJE [testimony on youth justice, including Second Look](#), submitted to the House Criminal Justice Reform, Interim Select Committee [August 2022]
- TCJE's 2021 legislative portfolio: [Spend Your Values, Cut Your Losses](#) (opens in a new tab) (Smart and Safe Solution #3), with [corresponding webpage](#) (recommendation 3)(opens in a new tab)[2021]
- TCJE and Epicenter op-ed: [Don't lock away juvenile lifers, especially in a pandemic](#) (opens in a new tab)[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](#) (opens in a new tab) (St. Mary's School of Law) [October 2020]
- TCJE webinar: [Second Look for Youth Serving Extreme Sentences](#) (opens in a new tab)[October 2020]
- TCJE report: [Second Look for Justice, Safety & Savings](#) (opens in a new tab)[May 2020] *Also see the report's Quick Guide* (opens in a new tab) *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](#) (opens in a new tab)[November 2018]
- TCJE, Epicenter, and Lone Star Justice Alliance report: [The Second Look Book: A Collection of Stories from People Who Were Sentenced as Kids to Adult Prison in Texas](#) (opens in a new tab)[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)).