

March 14, 2021

Dear Members of the New Mexico House of Representatives,

My name is Mary Carmack-Altwies. I am the District Attorney for the First Judicial District, serving Santa Fe, Los Alamos, and Rio Arriba Counties. I write to you now in full support for SB247 (“Juvenile Life Sentences w/out Parole”), which abolishes sentences of life without the possibility of parole for individuals who were under the age of 18 at the time their crimes were committed and provides for parole eligibility to all individuals sentenced as children after serving 15 years of their adult sentence. My support for this bill is based on a recognition that young people have the capacity to change, and on my desire as a prosecutor to advance a justice system that aims to rehabilitate young people so that one day they can return to their families and communities and make positive contributions to society, rather than imprison them for life. I urge the members of the committee to vote in favor of the bill.

As the U.S. Supreme Court recognized in a series of cases between 2005 and 2012, adolescence is marked by “transient rashness, proclivity for risk, and inability to assess consequences.” Because of these transient hallmarks of youth, sentencing judges are not able to meaningfully predict a child’s life trajectory. As amended, the bill delays parole eligibility until fifteen years into a sentence. This means that the first opportunity for review will occur in the defendant’s early 30s, well beyond the developmental threshold necessary to make a meaningful prediction about a young-person’s public safety risk. Fifteen years is an accepted period of eligibility in states with far more severe criminal sentencing structures than New Mexico. West Virginia, Arkansas, Nevada, Oregon, and D.C. all set early review eligibility at fifteen years. For us here in NM, fifteen years ensures that the young people impacted by SB247 will do at least as much time as an adult would do on a second-degree murder charge.

We simply do not know what a 15-year-old will be like by the time they are 30. SB247 creates the opportunity for us to take this much-needed second look at who a young person has grown to become instead of just focusing on the wrongs that they did. While we know it is true that most children have a heightened potential for rehabilitation and reform, we also know that not everyone will reform and no longer pose a threat to the community. SB247 represents a reasonable and measured balance between the need for accountability and public safety and society’s need to give those who made mistakes as children the hope for a shot at redemption.

This can all be achieved while maintaining safety and consideration for victims. Through the victim-inclusive activities of DA’s offices across the state, as well as the victim-inclusive

policy of the Parole Board and the New Mexico Corrections Department, I am sure that the disposition of each potential parolee's hearing will sufficiently respect the impact on victims. A report issued by the Alliance for Safety and Justice called Crime Survivors Speak, which surveyed victim's views on safety and justice, found the following: 61% of victims prefer shorter sentences and more spending on prevention and rehabilitation. On a 2 to 1 margin, victims prefer that the criminal justice system focus more on rehabilitating people who commit crimes than punishing them. And interestingly, by a 3 to 1 margin, victims want people held accountable through options other than prison, like drug treatment or mental health services. The voice of victims is important; it is diverse and not monolithic.

I lend my unreserved support for this bill and urge the members of the House of Representatives to support the reform.

Respectfully submitted,

Mary Carmack-Altwies
First Judicial District Attorney