

Dear Members of the New Mexico Senate

I am writing to support Senate Bill 43 and to provide my professional opinion that SB43 is backed by extensive research in adolescent brain science. My opinions are based upon 20 years of experience as a child and adolescent psychiatrist serving New Mexico's children and my research at the University of New Mexico concerning adolescent development. SB 43 would abolish juvenile life without parole and would create eligibility for a parole hearing for juvenile offenders after 15 years. Since this bill defers parole hearings until 15 years of a sentence have been served, youth offenders will only have an opportunity for parole after transformative brain development has occurred.

The adolescent brain is unbalanced. In adolescents, the parts of the brain that fuel increased emotional, social and reward-seeking behaviors outpace the parts of the brain that induce caution, forethought and oversight. The result is an unbalanced brain that more easily yields to the urges of the moment. Because adolescents are more compelled by emotional urges than either younger children or older adults, they more often make decisions that are impulsive and driven by passion or momentary excitement. The higher brain functions that might advise caution or impose values are less persuasive than the urges that promote immediate action. The result is that rates of accidents, suicides, violence, substance use, pregnancy and delinquency are all higher in youth than in any other comparable age group. Mortality rates increase by 200% between early school age and young adulthood.

The deficits of the adolescent brain are transient and stabilize by the mid-20s. Because adolescent brain development is a work in progress, the functional imbalance between emotional impulse governance and wiser frontal lobe governance does not last forever. By the mid-twenties, average brain development supports the requirements of adult responsibilities. In most instances, this brain development is transformative. Because SB 43 does not allow for parole review until juvenile offenders reach their early 30s, an opportunity for release will not happen until well-past this period of brain development.

Some adolescents are not capable of rehabilitation and will not be released. Many, but not all, youth have the capacity for change. Unfortunately, we don't know at the time of sentencing whether a youth will be rehabilitated—and in fact we can't know, because that is determined by time and by the decisions of the youth themselves. This legislation is not about release, but about the chance for the parole board to determine future risk to the community.

Parole hearings will occur after adolescents have matured into adults. Judges who sentence children as adults make impossible predictions about capacity for rehabilitation. Because brain development is incomplete in adolescence, determining future character based on teenage behavior is impossible. Fortunately, the passage of time is all that is required to know the answer. Under SB 43, after 15 years of time served, the parole board will be positioned to make a reliable assessment about the individual's current risk to the public safety.

In sum, SB 43 is backed by brain science that demonstrates the heightened capacity for change and rehabilitation in adolescents. I strongly urge you to support this bill.

Sincerely,



George Davis, M.D.