



THE SECOND CHANCE BILL

A BILL TO END LIFE IMPRISONMENT FOR CHILDREN AND PROVIDE YOUTH SENTENCED AS ADULTS A SECOND CHANCE.

Bringing New Mexico's youth sentencing into compliance with recent court decisions and national best practices.

WHY IS REFORM REQUIRED?

- Following a series of recent US Supreme Court decisions, and a 2018 decision from our own New Mexico Supreme Court, New Mexico needs a statutory fix to ensure that individuals who were under age eighteen at the time of their offense have a meaningful opportunity for release.

WHAT WOULD THE BILL DO?

- **First:** Explicitly bans Juvenile Life Without Parole ("JLWOP") sentences, following 25 other states and the District of Columbia.
- **Second:** Establish eligibility for a parole determination hearing after 15 years of a sentence for youth who were sentenced as adults.

HOW MANY PEOPLE WOULD BE AFFECTED?

- There are 75 people in New Mexico serving sentences of greater than 15 years for crimes committed as children. The retroactive component of reform would give these individuals the opportunity for parole hearings.

WHY NOW?

- In 2018, the New Mexico Supreme Court invited the legislature to create a statutory fix to modernize the State's juvenile sentencing practices, noting that New Mexico is behind many other states.
- By bringing this bill now, the legislature will prevent the costly and time-consuming litigation in individual cases to comply with the requirements of recent Supreme Court decisions regarding the sentencing of people younger than 18 years old.

WHY SHOULD THE PUBLIC SUPPORT THIS BILL?

- Twenty-five (25) states and the District of Columbia now prohibit life-without-parole sentences for youth. Ohio, Arkansas, Nevada, West Virginia, the Dakotas, and our neighbors in Texas, Colorado, and Utah have already passed this type of legislation.
- Brain science and psychology reveal that youth are different from adults in important ways, including decision-making, impulsivity, and response to peer pressure. Science also reveals that youth possess a unique ability for reform and rehabilitation.
- The bill does not allow for automatic release, but instead gives youth the opportunity for review. The Parole Board, with its specialized training, can determine who has been sufficiently rehabilitated for release and who needs more time for further growth.
- The opportunity for parole review provides a strong incentive for youth to improve their behavior, making prisons a safer place for both correctional staff and individuals in prison.
- While data are limited, a recent study suggests recidivism rates are extremely low among juvenile lifers who were released following sentencing reform. After 1.5 years, only 1% recidivated.
- This bill creates consistency and predictability for all victims and communities across the state by standardizing youth sentences in accordance with the requirements of the Constitution.
- Imprisoning juveniles for life comes with an extremely high price tag. On average, it costs \$2.5 million to incarcerate a juvenile for life in the United States. In contrast, by working from age 26 to age 66, an average worker with a high school education generates \$218,560 in tax revenue, and an average worker with a college education generates \$706,560 in tax revenue.