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Testimony Submitted to the Maryland Senate Judicial Proceedings Committee in Support of SB 259

Submitted by Woman's Democratic Club of Montgomery County, Maryland

February 11, 2016

Chairperson Zirkin, Vice-Chair Gladden, and Senators Brochin, Cassilly, Hough, Lee, Muse, Norman, Ramirez, Raskin, and Ready:

On behalf of the 400-member Women's Democratic Club of Montgomery County, we ask you to support SB 259, legislation that would prohibit Maryland's courts from imposing a sentence of life imprisonment without the possibility of parole on any individual who was under the age of eighteen (18) at the time an offense was committed. We support the enactment of SB 259 for the following reasons.

First, the members of the Woman's Democratic Club are parents, grandparents, aunts and uncles, and we know that scientific evidence is correct when it concludes that the adolescent brain does not fully mature until the mid-to-late twenties. We have seen firsthand how youth often make impulsive and emotion-driven decisions, poorly evaluate risks, and are highly susceptible to peer pressure. At the same time, we have been privileged to see how youth can grow and mature into responsible adults despite adolescent challenges. As a result, we believe that no child ever deserves a sentence to die in prison. Every child who committed crimes while under age eighteen should receive a meaningful opportunity to demonstrate their growth in prison and be considered for release.

Second, in holding that the mandatory imposition of life sentences without the possibility of parole on juveniles violates the U.S. Constitution's Eighth Amendment prohibition on cruel and unusual punishments, the U. S. Supreme Court recognized that, "Children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform. . .they are less deserving of the most severe punishments." *Miller v. Alabama*, 132 S. Ct. 2455, 2464 (2012). The Court reiterated this view just three weeks ago in the case of *Montgomery v. Louisiana*, as it noted that, "*Miller*. . .established that the penological justifications for life without parole collapse in light of 'the distinctive attributes of youth.'" *Montgomery v. Louisiana*, 577 U. S. ____ (2016). While the Supreme Court's rulings are limited to mandatory life sentences without parole for juveniles, the Woman's Democratic Club believes that any sentence of life without parole for a juvenile offender lacks penological justification.

WOMAN'S DEMOCRATIC CLUB

OF MONTGOMERY COUNTY, MARYLAND

Third, children who receive lengthy penalties are most often victims themselves in childhood. On a national basis, more than three-quarters of youth serving life without parole witness violence in their own homes and over half have been victims of physical or sexual abuse. We believe that these children, who have been failed on every level, can be rehabilitated when provided education, counseling, and other forms of support. Indeed, we believe that children have far greater potential for rehabilitation than many adults. Furthermore, we do not believe that judges or juries have the ability to find, as a matter of fact at the time of sentencing, that a child has no possibility for rehabilitation in the future. That judgment requires a predictive ability that is simply beyond the capacity of any trier of fact.


Fourth, there are stark racial disparities in the imposition of juvenile life without parole sentences. Nationally, African-American children are sentenced to life without parole at a per capita rate of ten times that of their Caucasian counterparts. The demographic composition of Maryland children serving this sentence is comparably skewed. The racial disparity alone is reason enough to question the validity of this draconian punishment.

Fifth, Maryland needs to take its place as a leader on the abolition of juvenile life without parole sentences. The United States is the only country in the world that imposes life-without-parole sentences on its juveniles. This is a disgrace that should, at a minimum, be remedied in our state. Currently, fourteen (14) states outright ban life without parole for children, including Texas, Kentucky, Kansas, Nevada, Wyoming, Colorado, Massachusetts, Connecticut, and our neighbor of West Virginia. Maryland should join the growing number of states that recognize children can grow and change and should never be sentenced to die in prison. Maryland has led the nation (and the U.S. Supreme Court) in abolishing the death penalty, passing marriage equality, and working to keep its citizens safe from deadly firearms. It is time for Maryland to lead the nation in abolishing life without parole sentences for juveniles.

We understand that some members of the law enforcement community support keeping life-without-parole sentences for juveniles to encourage plea bargains for lesser sentences. We do not believe that an unjust sentence should be retained for use as bargaining leverage, particularly against those least able to understand the legal system. Such an argument could be (and surely was) made as a justification to retain the death penalty in Maryland. But, the Woman's Democratic Club does not believe that easier plea bargains can justify keeping an unjust and unconscionable punishment as part of the legal system. Each punishment must stand on its own merits as a constitutional and just punishment, or it should not stand at all.

As Maryland citizens, we are proud of our state's action in eliminating the death penalty, enacting marriage equality, and taking decisive action on firearms. We ask you to support SB 259 in the Maryland General Assembly and eliminate the equally unjust life-without-parole sentences for children under eighteen and establish age-appropriate sentencing alternatives that recognize all children's potential for growth and change.

Respectfully Submitted,



Linda B. Kolko, President

The Women's Democratic Club of Montgomery County, Maryland