



February 7, 2024

Chair Van H. Wanggaard and Vice-Chair André Jacque
Senate Committee on Judiciary and Public Safety

Wisconsin State Capitol
2 E. Main Street
Madison, WI 53703
Via Internet

In support of SB 801:

Dear Chair Wanggaard and Vice-Chair Jacque

The Sentencing Project wishes to express its strong support for Senate Bill 801, which would allow sentence review at 15 years in most instances¹ for people who were under 18 at the time of their offense and sentenced to life or lengthy terms of imprisonment. This bill also eliminates juvenile life without parole (JLWOP) and requires a judge to consider several possible mitigating factors at the time of sentencing, including amenability to rehabilitation.

The Sentencing Project has long advocated for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. Senate Bill 801 is a key step in that forward thinking.

Research findings regarding adolescent brain development demand age appropriate responses to youth offending. This legislation will align Wisconsin with the evolving standards of decency for youth who face harsh sentences, as affirmed by *Miller v. Alabama* and *Montgomery v. Louisiana*. Wisconsin remains in a minority of states that have not banned JLWOP.

The Brain Science

Because they have not developed into adulthood, youth respond more impulsively and without adequate understanding of the consequences. Youth are also more likely to submit to peer pressure—especially negative peer pressure—in adolescent years. Developments in science can now explain that these key differences between youth and adults are because of sections of the human brain that are underdeveloped, including those that allow us to stop, think decisions through, and analyze consequences.

¹ In certain instances, a review would occur after 20 years.

Wisconsin is rare in routinely charging 17-year-olds in adult courts. The Sentencing Project's research on the prevalence of life imprisonment documents that approximately 130 young people in Wisconsin are serving lengthy terms from 50 years in prison to life without the possibility of parole. Some were as young as 13 at the time of their offense. Young people age out of crime and delinquency; incarcerating our youth puts them at risk of physical danger by others in the prison, inflicts trauma, and reduces young people's likelihood of success. Eliminating life and long-term prison sentences and requiring a judge to consider the impact of youthful decision making on criminal behavior is key for developing age appropriate responses to crime, including limiting sentence lengths for youth.

According to the Wisconsin Department of Corrections, Wisconsin spends \$38,644 per incarcerated person each year. Ending life and long term sentences for youth would produce fiscal savings that could go toward funding age appropriate evidence-based programming and services to support youth and prevent crime. Life sentences are an ineffective and costly investment that do not provide long term public safety solutions.

Ending life sentences for juveniles is well overdue for Wisconsin.

Sincerely,

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