March 11, 2019

The Honorable Reginald Jones-Sawyer, Sr.
California State Assembly Member
Chair, Assembly Public Safety Committee
State Capitol
Sacramento, CA 95814

Fax: 916.319.3745

RE: Opposition to AB 665 (Gallagher)

Dear Chairman Jones-Sawyer:

Youth ALIVE! opposes Assembly Bill 665, introduced by Assembly Member Gallagher and Senator Nielsen. If enacted, AB 665 would repeal a law enacted just over a year ago, SB 394 (Lara, Mitchell), and take away from youth sentenced to life without parole the opportunity to eventually, after 25 years, appear before the parole board. California would revert to being in violation of the US Constitution and Supreme Court’s ruling in Montgomery v. Louisiana, creating long and costly litigation in each case.¹ Assembly Bill 665 is out of step with science, jurisprudence, and California’s solid commitment to rehabilitation and second chances for youth. We strongly oppose this bill.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an alliance to treat violence as a public health crisis and developing young leaders in the process. Youth ALIVE! has been invested in serving Oakland communities historically plagued by gun violence. Tasked as one of Oakland’s primary anchors in serving victims of violent crime, Youth ALIVE! has maintained a successful track record of implementing evidence-based violence intervention and prevention services.

In January 2018, SB 394 went into effect, giving hope to youth who had been sentenced to life in prison without the possibility of parole. The law was enacted in response to several US Supreme Court rulings that made clear California had youth (who were under age 18 at the time of a crime) serving the unconstitutional sentence of life without parole. In 2012, the US Supreme Court held in Miller v. Alabama that mandatory life without parole sentences are cruel and unusual, in violation of the Eighth Amendment for most youth under age 18, and should only be used in the rarest of circumstances.¹ In 2016, in Montgomery, the Court offered states a way to address these unconstitutional sentences, and that mechanism is what was codified by SB 394. Senate Bill 394 provides youth sentenced to life without parole the chance to go before the Board of Parole Hearings after serving 25 years in prison. Parole is only possible if the person and grown, matured, and no longer poses a danger.

Senate Bill 394 was also grounded in the now widely-accepted conclusions of science that youth are neurologically and developmentally different from adults in ways that are highly relevant to their culpability and ability to grow and mature. Many other state and federal laws recognize this fact: people under the age of 18 cannot sign a contract, join the

Youth ALIVE! is a 501c3 nonprofit organization. Our Tax ID is 94-3143254.
military, or vote. California recently raised the age at which one can buy cigarettes to age 21, the same age required to use alcohol. Our laws recognize that young people are not mature enough for these responsibilities. Senate Bill 394 made California law more just and consistent with other policies and practices.

Assembly Bill 665 would return California to the same, untenable unconstitutional status prior to remedy created by SB 394, and fails to offer any alternative to the protracted litigation that will certainly follow. Assembly Bill 665 would also be a return to old perspectives that were based not on science, but fear. California has long left behind the idea that a young person cannot charge direction in life. It is no longer acceptable to throw away the life of 16- or 17-year-olds who have committed a serious crime. Instead, our state provides opportunities for people who have committed serious crimes to show they have grown and matured and are not a danger. Youth ALIVE! opposes this bill on constitutional grounds and because we believe no person under the age of 18 should be sentenced to life in prison without the possibility of parole. We respectfully urge your no vote.

Sincerely,

Anne Marks
Executive Director


CC: Assembly Member Tom Lackey (Vice Chair)
    Assembly Member Rebecca Bauer-Kahan
    Assembly Member Tyler Diep
    Assembly Member Sydney Kamlager-Dove
    Assembly Member Bill Quirk
    Assembly Member Miguel Santiago
    Assembly Member Buffy Wicks
    Senator Holly Mitchell
    Human Rights Watch (Fax: 310-477-4622)