



PREVENTING VIOLENCE  
AND DEVELOPING  
YOUTH LEADERS

YOUTH ALIVE!  
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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

**HONORARY  
ADVISORY COUNCIL**

HON. DIANNE FEINSTEIN  
United States Senator

EDWARD JAMES OLMOS  
Actor

HON. BARBARA LEE  
United States Representative

**RE: Opposition to AB 665 (Gallagher)**

**BOARD OF DIRECTORS**

Dear Chairman Jones-Sawyer:

ALISA DEWYS  
Consultant  
Resources Global Professionals  
San Francisco, CA

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.<sup>i</sup> 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.

ANGELA JENKINS  
Public Affairs Director  
East Bay Area  
Kaiser Permanente  
Oakland, CA

CAITLIN LANG  
Principal & Owner  
Liquid Form Design  
Oakland, CA

MICHAEL NIETO  
Assistant District Attorney  
Alameda County  
District Attorney's Office  
Oakland, CA

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.

KRISTA REINHARD  
Marketing Consultant  
Oakland, CA

LA'BAN WADE II  
Housing Coordinator  
UC Berkeley  
Berkeley, CA

STAN WEISNER, PH.D.  
Director  
Behavioral & Biological Sciences  
UC Berkeley Extension  
Berkeley, CA

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.<sup>ii</sup> 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.

**EMERITUS**

HON. NANCY SKINNER  
Senator  
California State Legislature  
Oakland, CA

**EXECUTIVE DIRECTOR**

ANNE C. MARKS  
Executive Director  
Youth ALIVE!  
Oakland, CA

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



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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 change 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

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<sup>i</sup> *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

<sup>ii</sup> *Miller v. Alabama*, 132 S. Ct. 2455 (2012).

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)