



The CAMPAIGN for the
FAIR SENTENCING
of YOUTH



March 1, 2018

Chairman Robert Bell
Chairman Todd Gilbert
Members of the Courts of Justice Committee
Virginia House of Delegates

Dear Chair Bell, Chair Gilbert, and Members of the Courts of Justice Committee,

Thank you for your serious consideration of Senate Bills 890 and 96. We are grateful to Senator Wagner and Senator Marsden for their leadership in introducing these bills and their recognition that children who commit serious crimes can mature and change. After the amendments adopted and recommended by Subcommittee #1, however, we believe that, rather than complying with the meaning and spirit of the recent U.S. Supreme Court cases addressing youthful offenders, passage of the amended version of SB 890 as recommended by the subcommittee would be detrimental to youth in Virginia.

When striking down life-without-parole sentences for youth who commit non-homicide offenses in *Graham v. Florida* (2010), the U.S. Supreme Court ruled that states must give these children a “*meaningful opportunity for release* based on demonstrated maturity and rehabilitation.” Geriatric release provides individuals with an opportunity for release at age 60. For a teenager, this first opportunity for review would occur after serving 43 to 46 years in prison. This is the functional equivalent of a life-without-parole sentence for a teenager. Giving release eligibility after more than 40 years in prison does not constitute providing a *meaningful* opportunity for release as required by the U.S. Supreme Court. Passing this legislation would further validate geriatric release as a mechanism for good-faith compliance with *Graham* and its progeny, which it is not. For this reason, we commend the patrons’ expressed intention to ask the full Courts of Justice Committee to strike SB 890 and SB 96 from the docket when they come before the committee on Friday with the Subcommittee’s recommended amendments.

Thank you,

Claire Guthrie Gastañaga, J.D.
Executive Director
ACLU of Virginia

Nikola Nable-Juris, J.D.
Senior Policy Counsel
The Campaign for the Fair Sentencing of Youth

cc: Senator Frank Wagner, Senator David Marsden, Secretary Brian Moran