BOSTON – Monday, January 28, 2013 – Governor Deval Patrick today filed, “An Act to Reform the Juvenile Justice System in the Commonwealth,” legislation that will create a fairer justice system for the Commonwealth’s youth by extending the juvenile court jurisdiction from 17 years old to 18 years old and eliminating mandatory life sentences without parole for juveniles convicted of first degree murder.

"Every violent felon should be held accountable for their actions, even youth. But in sentencing every felon's circumstances should be considered, too, and youth itself is a special circumstance,” said Governor Patrick. “It is time for the Commonwealth's laws to reflect the value, in accord with the Supreme Court, that young people deserve every opportunity for rehabilitation and reform."

The Governor’s legislation comes on the heels of the United States Supreme Court ruling in Miller v. Alabama, which held that mandatory criminal sentences of life in prison without the possibility of parole, imposed on defendants who were less than 18 when they committed their crimes, were unconstitutional.
“Governor Patrick has proposed this legislation to create an improved justice system for our youth and for our Commonwealth,” said Massachusetts Child Advocate Gail Garinger. “As every parent knows, teenagers are different from adults — they can act in the moment, be impulsive, and be unduly influenced by their peers and by adults. After the Supreme Court’s decision in Miller v. Alabama, Massachusetts judges must take these differences into account in sentencing, even when the adolescent has committed the worst of acts — the taking of another’s life. It is wrong to give up on any young person without considering the circumstances of his crime, his life experiences, and without asking whether he is capable of being rehabilitated before we sentence him to spend the rest of his life in prison without the possibility of parole.”

"Governor Patrick’s legislation does more than simply comply with the Supreme Court’s Miller decision,” said Public Safety Secretary Andrea Cabral. “The bill retains the possibility of life without parole for the worst offenders, but also brings balance to juvenile justice by providing sentencing guidance to the courts for teenagers convicted of first degree murder ensuring appropriate custody, counseling and educational opportunities are available to those who may eventually reenter society.”

The Governor’s legislation recognizes the importance of providing juveniles with age-appropriate resources for rehabilitation. It builds on established research that proves an adolescent brain affects behavior and judgment, but that rehabilitation is possible. Fair treatment of juveniles requires both holding them accountable for their actions and ensuring the highest degree of public safety in order to keep the Commonwealth’s neighborhoods safe and secure.

“Governor Patrick’s leadership on this issue is critical and I applaud him for taking on criminal justice reform so early in the session,” said Representative Linda Dorcena Forry. “We need a holistic approach to crime reform. Criminal proceedings are complex—there are many factors that need to be taken into consideration including age—and our judges must have the ability to make the best decision for each case.”

“I applaud Governor Patrick for his commitment to create a more fair justice system in the Commonwealth for juveniles,” said Representative Kay Khan. “Extending the Juvenile Court’s jurisdiction from the 17th birthday to the 18th birthday is legislation I filed for the past two sessions and is included in the Governor’s bill. I am optimistic for this legislation as it has already gained significant support. I also look forward to partnering with the Governor and the Legislature on juvenile sentencing issues.”

“Governor Patrick understands that children are different from adults,” said Brian Gutman of the Mass Coalition for the Fair Sentencing of Youth. “By putting all juvenile cases in the juvenile court and providing for parole eligibility in certain cases, the Governor’s proposal helps to ensure that children involved in these cases will not grow up, grow old, and die in a Massachusetts prison.”

Massachusetts statutes currently mandate life without parole for juveniles convicted of first degree murder, and the Governor’s legislation is necessary in order to comply with the Supreme Court’s decision.

Specifically, the legislation will:

- Address the Supreme Court’s holding in Miller v. Alabama by eliminating mandatory sentences of life without parole for juveniles between the ages of 14 and 18 adjudicated as youthful offenders for first-degree murder. It will allow the juvenile court to sentence these individuals to either life with parole eligibility after
Juvenile Justice Legislation Filed

15 to 25 years served, or to life without parole after first considering several factors, such as the person’s immaturity; the person’s ability to appreciate the risk associated with, and consequences of, the person’s criminal misconduct, and whether the person acted alone; the person’s intellectual capacity; the likelihood that the youthful offender is capable of change and would benefit from rehabilitation; and any victim impact statement.

- Allow a juvenile adjudicated as a youthful offender for murder in the first degree under the felony-murder rule or on a theory of joint venture, to be parole eligible in after 10-25 years served, or sentenced to life without parole after considering the mitigating factors, including the extent of the juvenile’s participation in the crime.
- Return the trial of juveniles accused of murder to the juvenile court, to better serve young offenders with services and oversight that are appropriate for their age.
- Raise the age of adult criminal responsibility from 17 to 18 by increasing the maximum age for jurisdiction of the juvenile court and Department of Youth Services (DYS), in most cases raising the age limit from 17 to 18 years, and eliminating the jurisdiction of the Superior Court and District Court over 17 year-olds.
- Require prosecutors to notify the court and the juvenile during or before the pretrial conference if they intend to seek a sentence of life without parole for a juvenile accused of first degree murder.
- Require that prior to sentencing, the judge must hear evidence regarding the aggravating and mitigating factors and may only enter a sentence of life without parole if the judge finds, in writing, that there is clear and convincing evidence that the sentence is necessary for the safety of the public, is in the interest of justice and a lesser sentence would not satisfy these interests.
- Require that a juvenile between the ages of 14 and 18 adjudicated as a youthful offender for second-degree murder be sentenced to life with parole eligibility after 15 years served.
- Amend the definition of CORI to exclude adjudications concerning juveniles under the age of 18, increased from age 17.
- Allow for delinquent juveniles committed to DYS until age 18 to voluntarily accept DYS post-discharge transitional services until age 21 and permit youthful offenders committed to DYS until age 21 to voluntarily receive DYS post-discharge transitional services until age 23.

###

Follow us on Twitter - View our Photos - Watch our Videos
Juvenile Justice Legislation Filed