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ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY IN SUPPORT OF 26-H 7132, RELATING TO CRIMINAL OFFENSES -- HOMICIDE April 16, 2026

The ACLU of Rhode Island strongly supports passage of this bill with amendment, which would follow up on the General Assembly's efforts that culminated in 2021 with the passage of "Mario's Law," the state law designed to give youthful offenders under the age of 22 with long prison sentences the opportunity to apply for parole after 20 years. Unfortunately, that law exempted individuals who had been sentenced to life without parole (LWOP). This bill would help address that omission by banning the imposition of life without parole sentences on any individual under 21 years of age.

The psychological research is clear that juveniles have an underdeveloped sense of responsibility, are more vulnerable to peer pressure, are less capable than adults of perceiving and comprehending long-term consequences and have much less control of their environment in ways that change with age. The imposition a sentence that denies parole consideration ever to a young person is the epitome of cruel and unusual punishment and violates basic human rights standards.

It is important to emphasize that this legislation does not mandate the release of any offender given a lengthy prison sentence; the Parole Board always maintains the discretion to deny parole to anyone they determine is not prepared to reenter, or should not be returned to, the community. Rather, this bill ensures that children sentenced as adults will not be forever denied the opportunity to demonstrate how they have matured and changed since their childhood offense.

It is worth noting the incredibly broad range of national organizations that support parole eligibility for children who are sentenced as adults. They include the American Bar Association, the American Correctional Association, the American Probation and Parole Association, the American Psychological Association, the National PTA, and the United States Conference of Catholic Bishops.

However, we believe that one amendment to the bill is essential. As worded, it would not appear to cover the handful of individuals presently incarcerated at the ACI who are serving LWOP sentences for offenses committed when they were under 21. As with Mario's Law, it is critical that the law be applied retrospectively. It is completely irrational to recognize the cruelty of an LWOP sentence for the future but not the past. We therefore urge an amendment to address this oversight.

In sum, no person under the age of 21 should be treated as irredeemable and locked away automatically for the entirety of their life. The ACLU of Rhode Island respectfully urges the committee's support and passage of this important, humane, and fiscally responsible legislation along with an amendment to assure its retroactive application.