



TESTIMONY IN SUPPORT OF 2026—H 7132

I write in enthusiastic support of 2026—H 7132 which would ban the imposition of a life without parole sentence, Rhode Island's harshest criminal penalty, for children. There are many common sense, humane, and public safety reasons for doing so. These include:

1. Developmental Differences and Reduced Culpability

- a. **Brain Immaturity:** Scientific research shows that adolescent brains, particularly the prefrontal cortex (responsible for impulse control and judgment), do not fully develop until the mid-20s. This lack of maturity leads to "transient rashness" and an inability to assess long-term consequences.
- b. **Susceptibility to Influence:** Juveniles are more vulnerable to negative peer pressure and often lack the autonomy to escape "horrific, crime-producing settings" or unstable home environments.
- c. **Reduced Moral Blame:** Because their characters are not yet fully formed, a child's crimes are seen as less indicative of "irretrievably depraved character" compared to adults.

2. High Potential for Rehabilitation

- a. **Capacity for Change:** Unlike many adult offenders, children have a heightened capacity for reform as they mature and "age out" of delinquent behavior.
- b. **Proven Success:** Formerly incarcerated "juvenile lifers" who have been released often lead exemplary lives as productive community members, with extremely low recidivism rates (e.g., 1.14% in a Philadelphia study).

- c. Incentive for Growth: LWOP is criticized for being "death by incarceration" because it removes all motivation for a child to participate in vocational or educational programs, as they have no prospect of release.

3. Failure of Traditional Sentencing Goals

- a. No Deterrent Effect: Research indicates that the threat of life imprisonment does not deter adolescents, who often live in the present and do not contemplate future legal consequences.
- b. Disproportionate Harshness: A life sentence is objectively harsher for a 16-year-old than a 60-year-old, as the child will serve many more decades.
- c. Fiscal Responsibility: Long-term incarceration of rehabilitated individuals is a significant public expenditure. Advocates argue these funds are better used for crime prevention and community support.

4. Human Rights and Equality

- a. International Isolation: The United States is the only country in the world that still sentences children to life without the possibility of parole, which critics call "inhumane and unjust".
 - b. Racial Justice: Statistics show significant racial disparities, with Black youth being disproportionately sentenced to LWOP compared to white youth for similar offenses.
5. Prohibiting the possibility of a life without parole sentence for children is consistent with decades of United States Supreme Court decisions establishing and upholding the fact that children are constitutionally different from adults in their levels of culpability when it comes to sentencing. Differences in maturity and accountability informs the protections of the Eighth Amendment's prohibition on cruel and unusual punishment that limits sentencing a child to die in prison. As a result, thirty-two (32) states have taken some form of legislative action regarding the possibility of life without parole for children.
6. The research supporting the arguments made here is readily available at:

- The Sentencing Project Report. Why Youth Incarceration Fails: An Updated Review of the Evidence. By Richard Mendel. March 1, 2023. Available at:

<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

- The Juvenile Law Center. Juvenile Life Without Parole (JLWOP). Available at: <https://jlc.org/issues/juvenile-life-without-parole#:~:text=The%20United%20States%20is%20the,crimes;%20and%20in%20Miller%20v.>
- The Sentencing Project Policy Brief. Juvenile Life Without Parole: An Overview. By Joshua Rovner. April 7, 2023. Available at: <https://www.sentencingproject.org/policy-brief/juvenile-life-without-parole-an-overview/>
- United States Supreme Court decisions establishing and upholding the fact that for the purpose of sentencing children are constitutionally different from adults:
 - ROPER V. SIMMONS, 543 U.S. 551 (2005) (prohibiting the imposition of capital punishment for children)
 - GRAHAM V. FLORIDA, 130 S.C.T. 2011 (2010) (banned the use of life without parole for juveniles not convicted of homicide)
 - MILLER V. ALABAMA, 132 S.C.T. 2455 (2012) (banning automatic life without parole for children)
 - MONTGOMERY V. LOUISIANA 136 S.C.T. 718 (2016) (makes Miller ruling retroactive)

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