

MODERNIZE SENTENCING FOR PEOPLE INCARCERATED AS YOUNG ADULTS

HB 1325/SB 5451

This bill increases the age for sentence review consideration from 18 to 25, which aligns state code with modern brain science, decreases incarceration costs, and meaningfully advances efforts to address racial disparities in sentencing. Many other states and jurisdictions, such as California and Washington D.C., have passed or are in the process of passing similar legislation. It is time for Washington to do the same. This bill does not guarantee release, but rather offers the opportunity for incarcerated individuals who qualify to go before the Indeterminate Sentence Review Board for consideration.

CURRENT LAW DOES NOT CONSIDER MODERN BRAIN SCIENCE

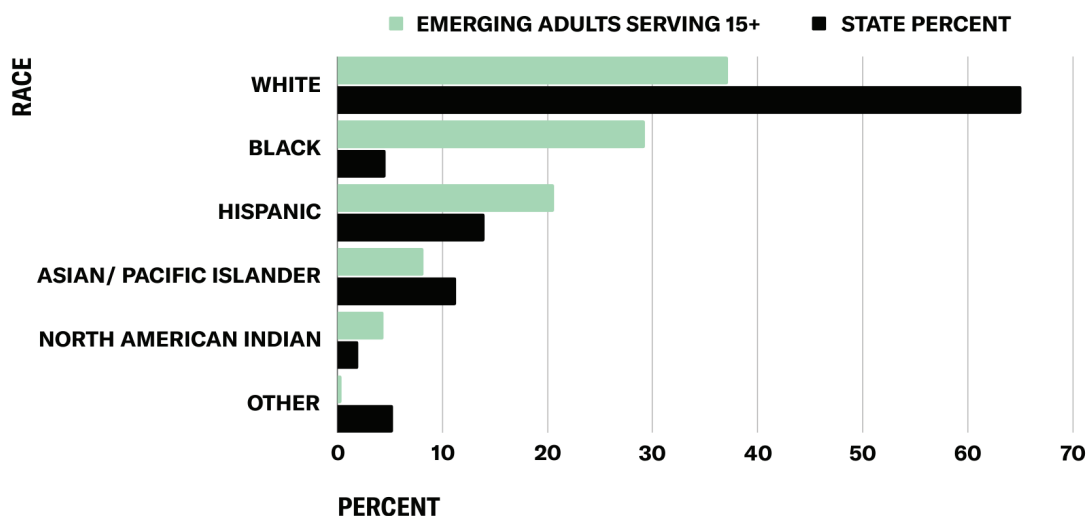
Contemporary scientific research has demonstrated that young people's brains continue to develop into their twenties and are rarely fully developed before age 25. Questions of fairness and constitutionality regarding sentencing laws that do not consider developments in brain science have been raised by both the United States Supreme Court, in *Miller v. Alabama*, and repeatedly by the Washington State Supreme Court.¹ In 2014, in

recognition of this research, Washington passed legislation offering people who were sentenced for offenses they committed while under the age of 18 the opportunity to have their sentence reviewed. Making an incremental change to existing law to increase the age for sentence review from 18 to 25 would address potential legal concerns. It would also make state law more consistent with the growing national understanding, based on brain science, that this younger population should be uniquely considered in the criminal legal system.

¹ Miller v. Alabama, 567 U.S. 460 (2012)

EMERGING ADULTS IN DOC CUSTODY

INCARCERATED PEOPLE WHO RECEIVED A 15+ YEAR SENTENCE AS A YOUNG ADULT (AGE 18-25) BY RACE



MODERNIZE SENTENCING FOR PEOPLE INCARCERATED AS YOUNG ADULTS



HB 1325/SB 5451

THIS BILL ADVANCES RACIAL JUSTICE

Massive racial disparities in sentencing for young adults contribute to the disproportionate and harmful impacts of the criminal legal system and mass incarceration of communities of color. Racially disproportionate sentences are exceptionally high among those who are given long determinate sentences as young adults. For example, Black people make up 4.3% of the state's population, yet account for 29.3% of those currently incarcerated who were sentenced as young adults and are serving a 15+ year sentence. In addition, there are more Black people currently incarcerated serving a determinate *de facto* life sentence (50+ years) they received as young adults than white people in the same situation. It would advance racial justice and offer hope to a large population of incarcerated people, many of whom are people of color, who have been harmed by a determinate sentencing system that did not consider their young age or capacity for change.

THIS BILL ALLOWS FOR REDEMPTION

As the Washington Supreme Court recently emphasized via *In re the Matter of the Personal Restraint of Derrius Forcha-Williams*, it is the responsibility of the legislature to ensure our sentences and sentencing procedures are fair and consistent with current science, and that they reflect our commitment to being a just and equitable society. HB 1325 does not guarantee post-conviction release but offers hope for incarcerated individuals who qualify to explore resentencing options. It also considers both how young people were when they entered the system, their commitment to rehabilitation, and their capacity for change in the years since their original sentencing. Allowing them the potential opportunity to have their sentence reviewed ignites hope and encourages successful reintegration into their communities to contribute in ways they couldn't before.

Passing legislation to increase the age of consideration for a sentencing review from 18 to 25 would not only bring Washington's sentencing system in line with modern brain science, but it would also advance racial justice and account for the human potential for personal growth and change. HB 1325 modernizes our state's sentencing practices, welcoming Washington into a growing group of jurisdictions that recognize that young adults and the decisions they make should be considered in light of developmental brain science.