

Sentencing youth for grave crimes

Mary Ann McGivern | Feb. 26, 2014 NCR Today

The Supreme Court has declared that life sentences for perpetrators under the age of 18 are unconstitutional. So states have been developing new sentencing laws. The Missouri legislature has a bill in the Senate, SB 790, that proposes minimum 50-year sentences for 16 and 17-year-olds who are convicted of crimes such as first-degree murder and minimum 25-year sentences for defendants under the age of 16.

But North Carolina's minimum sentence is 25 years, Arkansas's is 28 years, Louisiana's is 35 years, and Pennsylvania's is 35 years for 16 and 17-year-olds, and 25 years for younger defendants.

These are long sentences for youths, and they are minimums. Myself, I'd propose a minimum sentence totaling the age of the offender when he or she committed the crime. I'd make the maximum 25 or 35 years. I understand that we don't know what to do with a 14-year-old who kills someone. I agree that punishment is appropriate. And I'm in favor of taking steps that ensure public safety. But keeping someone locked up until he is 66, no matter whether or not he is rehabilitated, is expensive and satisfies only our desire to punish. We can do better.

Missouri generally has longer sentences than the states that surround us. That is one reason our prison population has continued to increase. The increase is slow but steady. (I suspect another reason is that the Parole Board is granting fewer paroles.)

A 50-year minimum for a 16-year-old is in effect a life sentence. Life expectancy is 77 for Missouri men, but prison life expectancy is shorter. And what's a person to do, released from prison at age 66 with no Social Security or family or work experience?

Most distressing for me is that the pending legislation makes no reference to brain development as the chief circumstance demanding sentencing revision. Children don't see themselves as actors with power; it doesn't occur to them that they can do damage. They don't foresee consequences very well. They have low impulse control.

The bill has a long ways to travel before it becomes law. And because the 50-year minimum is a life sentence, practically speaking, it still might eventually be ruled unconstitutional. Better to write a law now that offers mercy.

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