

3 Easy Steps Send a Letter Opposing AB 665

AB 665 will be heard in committee soon, and it needs your support.

- 1. Sign your name at the end of the letter.**
- 2. Print your name AND your home address under your signature**
- 3. Send by fax, mail, or email!**

Two choices:

- Human Rights Watch will send the letter for you: Send us your letter, and we'll get it to the committee chairperson, and also send copies to all members of the committee. You can send it to Human Rights Watch via fax (310-477-4622) or by email (send to estrادل@hrw.org with the subject line: "AB 665 Opposition letters.")

Or

- Send it yourself by US Mail, or fax or email it directly to Assembly Members. The US Mail address and fax are on the letter for the Chair of the Committee. You can use this online portal to send by email:
<https://calegislation.lc.ca.gov/Advocates/>

The Honorable Reginald Jones-Sawyer, Sr.
California State Assembly Member
Chair, Assembly Public Safety Committee
State Capitol
Sacramento, CA 95814

Fax: 916.319.3745

RE: Opposition to AB 665 (Gallagher)

Dear Chairman Jones-Sawyer:

I oppose Assembly Bill 665, introduced by Assembly Member Gallagher and Senator Nielsen. If enacted, AB 665 would repeal a law enacted just over a year ago, SB 394 (Lara, Mitchell), and take away from youth sentenced to life without parole the opportunity to eventually, after 25 years, appear before the parole board. California would revert to being in violation of the US Constitution and Supreme Court's ruling in *Montgomery v. Louisiana*, creating long and costly litigation in each case.ⁱ Assembly Bill 665 is out of step with science, jurisprudence, and California's solid commitment to rehabilitation and second chances for youth. I strongly oppose this bill.

In January 2018, SB 394 went into effect, giving hope to youth who had been sentenced to life in prison without the possibility of parole. The law was enacted in response to several US Supreme Court rulings that made clear California had youth (who were under age 18 at the time of a crime) serving the unconstitutional sentence of life without parole. In 2012, the US Supreme Court held in *Miller v. Alabama* that mandatory life without parole sentences are cruel and unusual, in violation of the Eighth Amendment for most youth under age 18, and should only be used in the rarest of circumstances.ⁱⁱ In 2016, in *Montgomery*, the Court offered states a way to address these unconstitutional sentences, and that mechanism is what was codified by SB 394. Senate Bill 394 provides youth sentenced to life without parole the chance to go before the Board of Parole Hearings after serving 25 years in prison. Parole is only possible if the person is grown, matured, and no longer poses a danger.

Senate Bill 394 was also grounded in the now widely-accepted conclusions of science that youth are neurologically and developmentally different from adults in ways that are highly relevant to their culpability and ability to grow and mature. Many other state and federal laws recognize this fact. Senate Bill 394 made California law more just and consistent with other policies and practices.

The United States is the only country in the world that imposes life without parole on youth under the age of 18. California's use of life without parole sentences for youth has been particularly unjust. Racial disparities in the imposition of this sentence are among the worst in the country: In California, African American youth are sentenced to life without parole at a rate that is 18 times that of white youth. In this state, in 56% of the cases in which a youth sentenced to life without parole had an adult codefendant, the adult got a lesser sentence than the youth.

Punishment should be proportionate to culpability and should reflect the capacity of people to change and mature. When California condemns a young person to a life behind bars, it disregards the human capacity for growth, and the very real physical and psychological differences between youth and adults. Life without parole for youth is a violation of international law and fundamental human rights.

Assembly Bill 665 would return California to the same, untenable unconstitutional status prior to remedy created by SB 394, and fails to offer any alternative to the protracted litigation that will certainly follow. Assembly Bill 665 would also be a return to old perspectives that were based not on science, but fear. California has long left behind the idea that a young person cannot change direction in life. It is no longer acceptable to throw away the life of 16- or 17-year-olds who have committed a serious crime. Instead, our state provides opportunities for people who have committed serious crimes to show they have grown and matured and are not a danger.

I oppose this bill on constitutional grounds and because I believe no person under the age of 18 should be sentenced to life in prison without the possibility of parole. I respectfully urge your no vote.

Sincerely,

CC: Assembly Member Tom Lackey (Vice Chair)
Assembly Member Rebecca Bauer-Kahan
Assembly Member Tyler Diep
Assembly Member Sydney Kamlager-Dove
Assembly Member Bill Quirk
Assembly Member Miguel Santiago
Assembly Member Buffy Wicks
Senator Holly Mitchell
Human Rights Watch (Fax: 310-477-4622)

ⁱ *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

ⁱⁱ *Miller v. Alabama*, 132 S. Ct. 2455 (2012).