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Testimony from:  
Jesse Kelley, Government Affairs Specialist, R Street Institute

In SUPPORT of HB 256, "AN ACT relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility."

March 13, 2019

House Committee on Juvenile Justice & Family Issues

Chairman Dutton and members of the committee,

My name is Jesse Kelley, and I am the Government Affairs Specialist for the R Street Institute, which is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including juvenile justice reform, which is why HB 256 is of special interest to us.

Currently, Texas youth who are 17 and under can be adjudicated life sentences with the possibility of parole after 40 years if convicted of a capital felony offense. HB 256 would allow for a parole hearing in a more reasonable timeframe for this category of individuals. Maintaining a mandatory minimum sentence for juveniles does not provide Texas law enforcement and judicial officials a meaningful opportunity to review, on a case-by-case basis, those youth who have demonstrated rehabilitation.

Many of the Texas inmates who would stand to benefit from the measure were sent to prison in the 1990s, during a tough-on-crime era of long sentences and soaring incarceration. However, in the past decade, the country has moved away from intensely retributive sentencing. Specifically, the U.S. Supreme Court has not only banned death sentences for youth under 18 years old but also has ruled that mandatory life sentences without parole for young people were unconstitutional.

Young people can be guilty of serious offenses with significant consequences for victims, and the state has a duty to ensure accountability and protect the public. But the state also has special responsibilities not to treat minors in ways that can permanently harm their development and rehabilitation. After all, nearly all youth will return to their communities one day, and for this reason, the justice system should equip them to be able to do so successfully.

HB 256 would create a path to redemption for young people convicted of felonies by providing the opportunity for earlier parole hearings for eligible youth. If passed, this legislation could provide as many as 2,000 individuals who were incarcerated as youth a shot to stand eligible for parole in the next two years.

For these and other reasons, we support advancing HB 256 and are happy to make ourselves available for additional questions.

Thank you for your consideration,

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