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Editorial: Why 'throw away key' for juveniles?

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Even tough-on-crime Texas has abolished life without parole for juveniles who commit crimes, including murder.

But not California. This state has 249 offenders serving life-without-parole sentences for crimes they committed as 14- to 17-year-olds. Most are in for murder or "felony murder" (aiding and abetting); four for other crimes (robbery, kidnapping). California is among only 11 states that impose life without parole on juveniles for crimes that don't involve taking a life.

A U.S. Supreme Court decision Monday overturned state laws, including California's, that allow life without parole for juveniles not convicted of murder. Now is a good time for California to rethink its policy of sentencing some 14-to-17-year-olds to adult prison in perpetuity.

The logic of change was clear for Texas legislators in 2009. Holding out the possibility of parole, even with a life sentence, gives young offenders an incentive to behave in prison. It recognizes that juveniles are different from adults in susceptibility to peer pressure and reckless decisions – and in capacity to mature.

Young prisoners who have no hope of rejoining society, no matter what they do to improve themselves, can be a dangerous management problem for prison workers – as well as a threat to other inmates. Keeping a 14-year-old in prison until he grows old and dies also is very expensive.

The case before the high court involved a Florida 16-year-old who tried to rob a restaurant with three other teens. Charged as an adult, he was sentenced to three years' probation with 12 months in a pretrial jail. Arrested later for violating probation, the state suggested a sentence of four years; the prosecutor, 30 years. The judge imposed life without parole.

Writing for the 6-3 majority, Justice Anthony Kennedy concluded that such a sentence violates the Eighth Amendment's prohibition against "cruel and unusual" punishment. No other state imposes life without parole for armed burglary. Only 11 impose life without parole for juveniles who commit non-murder crimes. More broadly, life without parole for juveniles is "rejected the world over."

States, wrote Kennedy, must give juveniles "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

What to do? California lawmakers could follow Texas, and abolish life without parole for juveniles.

Or they could take up a bill that already passed the Senate and is making its way through the Assembly. Senate Bill 399 would give juveniles sentenced to life without parole the

opportunity to have their cases reviewed after 10 years. If appropriate, the court could resentence to 25-years-to-life, with the possibility of parole.

A diverse array of groups supports SB 399, from prison guards to churches. As a first step, pass this bill. And keep the discussion going about simply eliminating life without parole for juveniles.

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