

Subject Eligibility for release of individuals sentenced for offenses committed as a juvenile

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Overview

Two United States Supreme Court decisions, *Miller v. Alabama* (2012) and *Montgomery v. Louisiana* (2016), prohibited mandatory life sentences without the possibility of release for juveniles, but permitted the use of life sentences without release in rare circumstances where the juvenile committed murder and the crime reflects “permanent incorrigibility.” In 2021, the U.S. Supreme Court issued a new decision, *Mississippi v. Jones*. The majority opinion in *Jones* maintained the prohibition on a mandatory sentence of life without parole for a person who commits a serious offense while a juvenile, but the court announced that such life sentences are constitutional as long as the sentencing judge considers youth as a mitigating factor. The majority opinion described this as consistent with *Miller* and *Montgomery*. In a concurrence, Justice Thomas described it as “a strained reading” of *Montgomery*. The dissent asserted that the decision announced a new standard.

Minnesota Statutes permit sentencing juvenile offenders to life without release. In two opinions in the same case, *State v. Ali I* (2014) and *State v. Ali II* (2017), the Minnesota Supreme Court addressed those statutes. In *Ali I*, the court found that sentences imposing life without the possibility of parole on an offender who committed the offense while a juvenile are unconstitutional without additional findings in a *Miller* hearing. The court relied on section 244.05, subdivision 4 to require eligibility for release after the offender serves 30 years unless the court made the findings required under *Miller*. The court further found that the *Miller* hearing must be treated as a hearing for a mitigated sentence and, therefore, the jury requirements under *Blakely* do not apply. In *Ali II*, the court found that consecutive sentences involving parole eligibility are constitutional even if they result in a de facto sentence of life without the possibility of release. The United States Supreme Court denied the request to review that decision. The Minnesota Supreme Court has not revisited the issue since the *Jones* decision.

This bill establishes that an offender who commits an offense as a juvenile and is sentenced to life imprisonment or a period of confinement that would exceed 15 years must be made eligible for release after serving 15 years in custody.

Summary

Section	Description
1	Supervised release; offenders who commit crimes on or after August 1, 1993. Makes a conforming change.
2	Minimum imprisonment, life sentence. Provides that an inmate serving a life sentence who committed the offense when the person was under 18 years of age is not eligible for release until that person has served 15 years of imprisonment.
3	Eligibility for early supervised release; offenders who were under 18 at the time offense. Provides that an inmate serving a sentence that includes more than 15 years of incarceration and who committed that offense when the person was under 18 years of age is eligible, and must be considered, for early supervised release after serving 15 years of incarceration. Establishes that the opportunity for early supervised release applies to all consecutive sentences to which the person is sentenced.
4	Supervised release, life sentence. Makes a conforming change.
5	Juvenile review board. Subd. 1. Board. Establishes the Juvenile Review Board. Subd. 2. Members. Provides that the board consists of the commissioner of corrections, commissioner of human services, commissioner of public safety, attorney general, and three at-large members with expertise in the neurodevelopment of youth. Subd. 3. Terms, compensation, and removal. States that the terms, compensation, and removal of members is governed by Minnesota Statutes, section 15.0575. Subd. 4. Powers and duties. Establishes that the board has the authority to release inmates who were under 18 at the time they committed an offense after the inmate has served 15 years or at an earlier time established by the court. Permits the board to grant release on multiple consecutive sentences. Requires

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the board to conduct an initial release hearing as soon as practicable after the inmate becomes eligible for release and requires a hearing by July 1, 2022, for any inmates who were eligible on or before July 1, 2021. Directs the board to conduct subsequent review hearings no sooner than six months after the prior hearing and no later than three years later. Permits the board to direct that the inmate serve supervised release time on intensive supervised release.

Subd. 5. Administrative services. Directs the commissioner of corrections to provide administrative support for the board and permits the commissioner to utilize the services of other agencies and accept donated services.

Subd. 6. Development report. Directs the board to require the preparation of a development report by a mental health professional to address the cognitive, emotional, and social maturity of the inmate. Permits the board to rely on a report that was prepared in the previous 12 months.

Subd. 7. Victim statement. Directs the board to notify any victim before a hearing and accept a written or oral statement by any victim.

Subd. 8. Review hearing; notice. Directs the board to notify an inmate of the date and time of the hearing at least 90 days before the hearing. Notice must include that the inmate has the right to counsel, the right to access the inmate's file, and the right to submit written arguments to the board before the hearing.

Subd. 9. Considerations. Directs the board to consider multiple factors in determining whether to grant release, including the development report, the inmate's conduct and progress while incarcerated, and the risk the inmate poses to the community. Directs the board to consider the neurological development of juveniles in making its decisions. Prohibits the board from granting release to a person who has not successfully completed appropriate treatment or participated in appropriate mental health treatment. Also requires an inmate to have a comprehensive individual release plan before release.

Subd. 10. Findings of the board. Directs the board to issue its decision within 30 days of a hearing. If the board denies release, it must identify specific steps an inmate can take to increase the likelihood of release at a future hearing.

Subd. 11. Review by court of appeals. Establishes that the court of appeals has the authority to review decisions of the board on two grounds: whether the order conforms with the section, and whether the findings of fact and order were unsupported by the entire record as submitted.

Section	Description
6	Executed sentences. Makes a conforming change.
7	Administrative review. Makes a conforming change granting the court of appeals the authority to review decisions by the Juvenile Review Board.
8	Life without release. Makes a conforming change.
9	Offender under age 18; life imprisonment. Establishes that a court must sentence an offender who commits a heinous offense, as defined in the statute, when the person was under 18 years old to life in prison with the possibility of release.
10	Mandatory life sentence without release; certain first-time and repeat egregious offenders. Provides that a court must sentence an offender who commits an offense under the conditions identified in the dangerous sex offender statute when the person was under 18 years old to life in prison with the possibility of release.
11	Life sentences; minimum term of imprisonment. Establishes that a court must sentence an offender who commits an offense under the conditions identified in the dangerous sex offender statute when the person was under 18 years old to life in prison with the possibility of release after serving no more than 15 years.
12	Effective date. Establishes that the changes to eligibility for release for juveniles is retroactive to individuals sentenced to life without the possibility of release and for those sentenced to terms that exceed 15 years.



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