

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1217

**DATE:** March 11, 2013

**Version:** As introduced

**Authors:** Mullery and others

**Subject:** Life without possibility of release; juveniles

**Analyst:** Rebecca Pirius, 651.296.5044

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd/hrd.htm](http://www.house.mn/hrd/hrd.htm).

This bill addresses the U.S. Supreme Court's holding in *Miller v. Alabama*. The Supreme Court held unconstitutional sentencing schemes that mandate life without the possibility of release for juvenile offenders where mitigating factors are not considered at sentencing. A court may still sentence a juvenile to life without possibility of release, but only if the court reviews mitigating factors (such as maturity and rehabilitation) at post-trial sentencing (not at the certification stage).

Under current law, section 609.106 mandates life without the possibility of release for offenders, regardless of age, who commit first-degree murder under circumstances deemed "heinous." (Pursuant to statute, a juvenile, age 14 or older, may be certified as an adult. A juvenile, age 16 or older, who is alleged to have committed first-degree murder is under the jurisdiction of the adult court, not juvenile court.)

The bill creates an exception to the mandatory life sentence without the possibility of release for juveniles. Section 3 of the bill creates a new subdivision under section 609.106 (heinous crimes), which provides that a juvenile may be sentenced to life with the possibility of release if it is proven by a preponderance of the evidence that the juvenile's relative youth and potential for rehabilitation outweighs the public's interest in a life sentence without the possibility of release. It provides the court with factors to consider in its determination, including: defendant's age, education, background, and mental and emotional development at the time of the offense; severity of the offense; victim and community impact; peer influence in the commission of the crime; juvenile delinquency and programming history; and other aggravating or mitigating circumstances. Sections 1 and 2 provide cross-references in section 244.05 – relating to the commissioner of correction's release authority and minimum terms of imprisonment, which would be set at 30 years.