

**Subject** Juvenile life sentence without release

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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 parole for juveniles, but permitted the use of life sentences without parole in rare circumstances where the juvenile committed murder and the crime reflects “permanent incorrigibility.”

Minnesota Statutes permit sentencing juvenile offenders to life without parole. 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 parole eligibility 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 parole. The United States Supreme Court denied the request to review that decision.

This bill establishes that an offender who commits an offense as a juvenile and is sentenced to life imprisonment must be made eligible for parole after serving 25 years.

## Summary

Section	Description
1	<p><b>Minimum imprisonment, life sentence.</b></p> <p>Provides that an inmate serving a life sentence under the heinous crimes provision or the egregious first-time and repeat sex offender provision who committed the offense when the defendant was under 18 years of age and was certified as an adult or designated an extended jurisdiction juvenile is not eligible for parole until that person has served 25 years of imprisonment.</p>

Heinous crimes are the following:

Section	Description
	<ul style="list-style-type: none"><li>▪ first or second degree murder, or attempted first or second degree murder;</li><li>▪ third degree murder or first degree assault; and</li><li>▪ criminal sexual conduct in the first, second, or third degree when committed with force or violence.</li></ul> <p>Egregious first-time and repeat criminal sexual assault offenders are those who commit certain first or second degree criminal sexual conduct offenses with either two heinous elements, or a prior offense and one heinous element.</p> <p>Further provides that an inmate serving a life sentence for first degree murder who committed the offense when the defendant was under 18 years of age and was certified as an adult or designated an extended jurisdiction juvenile is not eligible for parole until that person has served 25 years of imprisonment.</p>
2	<p><b>Supervised release, life sentence.</b></p> <p>Makes a conforming change eliminating the term “mandatory.”</p>
3	<p><b>Life without release.</b></p> <p>Makes a conforming change identifying the exception created by section 4 of this bill.</p>
4	<p><b>Offender under age 18; life imprisonment with possibility of release.</b></p> <p>Consistent with section 1 of the bill, provides that an inmate serving a life sentence under the heinous crimes provision who committed the offense when the defendant was under 18 years of age and was certified as an adult or designated an extended jurisdiction juvenile is not eligible for parole until that person has served 25 years of imprisonment.</p>
5	<p><b>Mandatory life sentence without release; egregious first-time and repeat offenders.</b></p> <p>Consistent with section one of the bill, provides that an inmate serving a life sentence under the egregious first-time and repeat sex offender provision who committed the offense when the defendant was under 18 years of age and was certified as an adult or designated an extended jurisdiction juvenile is not eligible for parole until that person has served 25 years of imprisonment.</p>
6	<p><b>Effective date; retroactivity.</b></p> <p>Makes sections 1 through 5 effective the day following final enactment and states that the bill applies retroactively.</p>



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