



## SB 43 Prohibiting Life Without Parole for a Child

**Summary:** Sponsored by Sen. Antoinette Sedillo Lopez, and known as the “Second Chance Bill,” SB 43 would end life imprisonment for children and provide youth sentenced as adults a second chance. Following a series of recent US Supreme Court decisions and a 2018 decision from our state Supreme Court, New Mexico needs a statutory fix to ensure that individuals who were under age eighteen at the time of their offense have a meaningful opportunity for release. The bill would bring our state’s youth sentencing into compliance with recent court decisions and national best practices.

**History:** Senator Sedillo Lopez introduced similar legislation, SB 247 Juvenile Life Sentences Without Parole, during the 2021 Session. It passed Senate Health & Public Affairs, Senate Judiciary, and the Senate Floor by a vote of 28:11. It then passed House Judiciary but was never heard on the House Floor.

### Why Is This Bill Good for New Mexico?

- SB 43 would ban juvenile life without parole (JLWOP) sentences, following 25 other state and the District of Columbia. Ohio, Arkansas, Nevada, West Virginia, the Dakotas, and our neighbors in Texas, Colorado, and Utah have already passed this type of legislation.
- It would establish eligibility for a parole determination hearing for after 15 years of a sentence for youth who were sentenced as adults.
- In 2018, the NM Supreme Court invited the legislature to create a statutory fix to modernize the juvenile sentence practices, noting that NM is behind many states.
- This bill will prevent the costly and time-consuming litigation in individual cases to comply with the requirements of recent Supreme Court decisions regarding the sentencing of people under age 18.
- Brain science and psychology reveal that youth are different from adults in important ways, including decision-making, impulsivity, and response to peer pressure. Science also reveals that youth possess a unique ability for reform and rehabilitation.
- The bill does not allow for automatic release, but instead gives youth the opportunity for review. The Parole Board, with its specialized training, can determine who has been sufficiently rehabilitated for release and who needs more time for further growth.
- The opportunity for parole review provides a strong incentive for youth to improve their behavior, making prisons a safer place for both correctional staff and individuals in prison.
- While data are limited, a recent study suggests recidivism rates are extremely low among juvenile lifers who were released following sentencing reform. After 1.5 years, only 1% recidivated.
- This bill creates consistency and predictability for all victims and communities across the state by standardizing youth sentences in accordance with the requirements of the Constitution.
- Imprisoning juveniles for life comes with an extremely high price tag. On average, it costs \$2.5 million to incarcerate a juvenile for life in the United States. In contrast, by working from age 26 to age 66, an average worker with a high school education generates \$218,560 in tax revenue, and an average worker with a college education generates \$706,560 in tax revenue.

*The bullet points above are from the Coalition for the Fair Sentencing of Youth.*

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