

Iowa Supreme Court Strikes Down Life Without Parole for Juvenile Offenders

Background: In 2012, in the case of *Miller vs. Alabama* the U.S. Supreme Court ruled that a mandatory sentence of life in prison without parole, for juvenile offenders, was unconstitutional. This allowed hundreds of prisoners who would not have had it otherwise, the chance for release.

The court was quite divided in that decision, ruling 5-4 that mandatory sentencing of life without the possibility of parole for juveniles is a violation of the Eighth Amendment's ban on cruel and unusual punishment. This ruling required many states to review sentencing guidelines for juveniles. A sentencing judge must consider factors that are associated with youth and consider if there is a chance for rehabilitation. The ruling does not prohibit a life sentence for those convicted as juveniles but it does prohibit a *mandatory* sentence.

This ruling is consistent with previous rulings focused on juvenile crime. In 2005, the Court ruled that a person who commits a crime while under the age of 18 could not be sentenced to death, no matter the crime. Additionally in 2010, a ruling prohibited a life sentence for juveniles for any crime other than murder. Finally in 2012, the court eliminated mandatory life sentences for juveniles no matter the crime. Legislators will continue to monitor these rulings and the impact it will have on our state.

Iowa Supreme Court current decision: A couple weeks ago the Iowa Supreme Court went one step further than the U.S. Supreme Court and ruled that juveniles, in Iowa, convicted of first degree murder, cannot be sentenced to life in prison without parole.

The 4-3 ruling from the Iowa Supreme Court focused on the case of Isaiah Sweet, who was convicted of murdering his grandparents when he was 17. After his conviction, a judge sentenced him to life without parole after determining that Sweet was extremely dangerous and could not be rehabilitated. The sentence was appealed and the Supreme Court's decision overturned his sentence.

Justice Brent Appel, who wrote the majority opinion, determined that life without parole for a juvenile is too speculative since the person has not had a chance to show they can be rehabilitated. The decision was based on Iowa's constitutional ban on cruel and unusual punishment. Close to 40 offenders will be impacted by this ruling. These offenders will be individually evaluated by the Iowa Board of Parole to determine if and when they should be paroled.

Iowa and Massachusetts are the only two states to ban sentencing juveniles to life without parole as a result of court rulings. Currently, 17 states have statutory bans (they have actually been passed by their legislatures) on sentencing juveniles to life without parole, including: Alaska, Colorado, Connecticut, Delaware, Hawaii, Kansas, Kentucky, Montana, Nevada, New Mexico, Oregon, South Dakota, Texas, Utah, Vermont, West Virginia and Wyoming.

Last year, the Legislature passed a bill addressing sentencing reform. The new law allowed a juvenile who committed murder, to be sentenced to life without parole but judges would have been required to consider multiple factors during sentencing, including the offender's home life, mental health and maturity. This ruling nullifies that law, leaving Iowa judges with fewer sentencing options in these extreme cases.

It is apparent the trend through the courts over the years is to soften the consequences of wrongful and unlawful actions committed by youth. Is this a good step for our youth and for our society? I'm not so sure it is. I think the law we passed last year was better.

Juvenile Records Sealed in Iowa

On a separate but related issue, this past session the legislature passed and the governor signed into law a bill that keeps the majority of juvenile records sealed (this means the public would not know), unless a judge orders them unsealed. Until this new law what Iowa had always done was not to seal juvenile records and thus the public would be allowed to know the wrongs committed by youthful offenders against society and how the justice system handled those offenders.

Although most juvenile records would be sealed, some parties still would have access to the records, including court professionals, counselors, guardians, probation officers, the Department of Corrections and others who may be assisting the juvenile. Allowing these groups access ensures the juvenile receives the necessary help.

The new law requires juvenile records to be confidential, *unless* the juvenile committed a forcible felony. Forceable felonies include: felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking, arson in the first degree, or burglary in the first degree. A juvenile charged or convicted of these crimes would not have their record automatically sealed, but could request a judge seal the records under special circumstances.

There were arguments made on both sides of this issue: On one hand sealing juvenile records can allow juvenile offenders a fresh start and ensure the wrongs of their past don't destroy their future. This is to protect adults from the consequences of wrongs they committed as juveniles. On the other hand, sealing juvenile records, allows juvenile offenders to escape some of the consequences of the wrongs committed while in their youth, which would include having to answer to society for those wrongs because society would know what they have done.

If the law does not ensure people must face the consequences for the wrongs they have committed against society, then what will? Where is that final line of defense against those who would violate others' rights if it is not our laws? If family fails, friends fail, churches fail, and schools fail, then the law and the justice system is the last line of protection for society against offenders. Our government cannot allow that to fail.

I hear from many the concern that youth too often do not take into account the consequences of their actions when they make decisions. And they see it as a serious problem in our society today. How does this law which seals juvenile records and prevents the public from knowing the wrongs juveniles have committed help them to take more responsibility for their actions? I don't believe it encourages them to do so. In fact, it discourages them from doing that and actually removes one of the consequences the law had provided for their wrongful actions.

Another consideration is the fact that sealing juvenile records also blocks the public from knowing how the justice system is handling juvenile offenders. To be sure there are times where it is not best for the public to know, but in the case of this law change, less transparency is not better. Where it works to have transparency that is best because it keeps everyone honest and abiding by the law and thus builds the public's trust and confidence because they can see that law enforcement and the justice system is operating the way they intend it to through their legislature.

For those reasons I did not support this law change. Time will tell if it is for the better.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov. I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy