

Specialized Parole and Resentencing Laws Focused on Emerging Adults

New and proposed reforms in CA, IL, CO, D.C., and FL

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Several jurisdictions have enacted laws providing early release mechanisms for “youthful offenders”—people serving sentences for crimes committed during adolescence or emerging adulthood (ages 18-25).¹ These laws create a meaningful opportunity for people in this population to obtain either early parole release or a sentence reduction after serving a portion of the initial sentence. These laws, and a contemporary wave of other justice reforms that are focused specifically on emerging adults² are based primarily on the following premises:

- 1.** Emerging adulthood is a distinct developmental stage for which adult treatment is unfair and ineffective.
- 2.** The transition to adulthood occurs over time and generally lasts at least until a person reaches their mid-20s.³
- 3.** During the transition to adulthood, youth are malleable and amenable to positive influence and rehabilitation.
- 4.** Most youth mature and desist from crime.⁴

Essentially, emerging adults are viewed as less culpable and more malleable by virtue of their age, and the statutes and proposals examined in this factsheet codify that conception.

This factsheet provides an overview of different mechanisms states have considered and implemented to provide early release opportunities for people incarcerated for crimes committed during emerging adulthood. First, it examines youth parole statutes in California and Illinois, and a similar bill in Colorado.⁵ Second, it surveys recent bills in Washington, D.C. and Florida to establish resentencing hearings.⁶ Where data regarding the outcomes or impacts of these laws are available, they are provided.

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It is important to note the limitations of laws expanding discretionary parole release and their potential to exacerbate racial inequity. Where states provide opportunities for discretionary parole release, research has shown that release determinations exacerbate existing racial disparities in the criminal legal system. For example, researchers have found racial disparities in the discretionary decisions of parole boards and of corrections officers, whose choices in enacting discipline in prison can effect parole outcomes.⁷ Further, among those who are released on parole, people who are Black or Latinx are disproportionately harmed by discretionary parole policies, as they are more likely than white people released on parole to be under supervision, re-jailed pending a violation hearing, and re-incarcerated for parole violations.⁸

Emerging Adult Parole Laws:

California

Purpose. The California legislature enacted its first Youth Offender Parole law in 2013⁹ (and expanded its scope in 2015 and 2017).¹⁰ The law was enacted in response to a growing body of scientific evidence regarding adolescent development and a series of decisions by the United States and California Supreme Courts recognizing the developmental differences between young people and adults.¹¹ The Senate Rules Committee analysis stated that young people are “uniquely situated for personal growth and rehabilitation” and designed the bill to provide a “viable mechanism” in the California legal system “for reviewing a case after a young person has served a substantial period of incarceration and can show maturity and improvement.”¹²

This law has two central components: first, it provides individuals convicted of a crime committed before age 26¹³ an opportunity for a parole hearing after serving a specified minimum number of years of the original sentence.¹⁴ Second, it requires the parole board to give “great weight” to factors of youthfulness when making the parole determination for these individuals.¹⁵

Eligibility. Persons convicted of a crime committed before age 26 become eligible for a youthful offender parole hearing after serving 14 years for those serving determinate sentences,¹⁶ 19 years for those serving life sentences of less than 25 years to life,¹⁷ and 24 years for those sentenced to 25 years to life.¹⁸ Persons who were under age 18 at the time of the offense and are serving sentences of life without the possibility of parole also become eligible after serving 24 years of their sentence.¹⁹ The California legislature excluded several crimes and sentences from the Youth Offender Parole Hearing Act, including: convictions of felony sex offenses, convictions under California’s “habitual criminals” statute, and life sentences without the possibility of parole for persons

who were over 18 years old at the time of the crime.²⁰ In 2019, the legislature additionally authorized the Secretary of the Department of Corrections and Rehabilitation to adopt regulations that provide a mechanism through which individuals can become eligible for parole earlier than the statutory timeframes.²¹ The goal of this expansion was to “incentivize rehabilitation by allowing people to advance their youth parole eligible date through earning credits, starting with educational merit credits.”²²

The Parole Hearing. The statute requires the California Board of Parole Hearings—a board of commissioners that conducts all parole hearings in the state²³—to hold a youth offender parole hearing for each eligible individual to consider the person’s release.²⁴ The Board is to conduct this hearing within six months of the individual becoming eligible for the hearing.²⁵ The hearing is governed by California’s general parole statutes,²⁶ but in making its determination, the Board is required to give “great weight” to factors of youthfulness such as “the diminished culpability of youth as compared to that of adults, the hallmark features of youth, and any subsequent growth and maturity of the individual.”²⁷ The Board may consider psychological evaluations and risk assessment instruments in assessing growth and maturity, as long as the instruments are administered by licensed psychologists.²⁸ The Board may additionally review statements from “family members, friends, school personnel, faith leaders, and representatives from community-based organizations” about the individual before the crime, or the person’s growth and maturity since the crime occurred.²⁹ If the Board chooses not to grant parole, the individual will have another opportunity for a parole hearing—at which the Board must also apply “great weight” to factors of youthfulness.³⁰ The Board will schedule this next hearing after considering the views and interests of the victim(s) and of public safety, as provided under California’s general parole statute.³¹

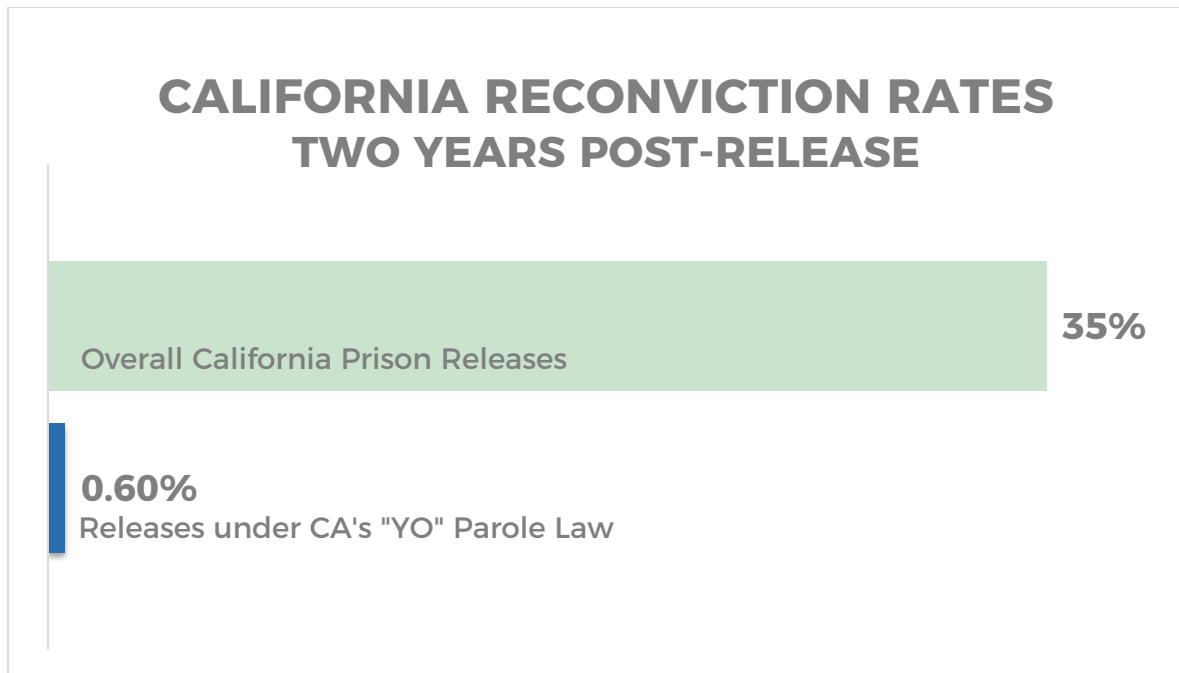
Early Outcomes of California’s Youth Offender Parole Hearing Act

The California Department of Corrections and Rehabilitation (CDCR) has reported recidivism data collected in August 2019 on 815 people who have been released through youthful offender parole hearings from August 2016 through July 2018.³² Virtually all of those released under this statute during this period were under age 23 at the time of the offense.³³

The CDCR reported that only two of the 346 people released between August 2016 and July 2017³⁴—0.6% of those released—have been reconvicted of a crime within two years of their release. Only two of 445 people released between August 2017 and July 2018³⁵—or 0.4% of those released—have been reconvicted of a crime within one year of their release.³⁶

In contrast, the overall two-year reconviction rate for all individuals released from felony sentences in California in October 2015 was 35%.³⁷ [See *Figure 1*].

Figure 1. Two-Year Reconviction Rates: Releases under California’s “Youth Offender” Parole Law³⁸ vs. Overall California Prison Releases³⁹



Illinois

Purpose. In 2018, the Illinois legislature enacted a bill in response to advancements in science on brain development and Supreme Court jurisprudence allowing for early parole review for persons who were under age 21 at the time of the crime for which they are incarcerated.⁴⁰ The legislature aimed “to empower the Prisoner Review Board [the body that makes parole determinations in Illinois⁴¹] . . . to use their discretion to evaluate individual circumstances”⁴² and to be able to reevaluate whether or not early release is “appropriate” once a young person has had time to “mature and rehabilitate in prison.”⁴³

Eligibility. Under this law, an individual convicted for committing a crime before age 21, who was sentenced on or after June 1, 2019, can petition for early release on parole after serving a minimum of 10 years, or 20 years if convicted of aggravated criminal sexual assault or first degree murder.⁴⁴ An individual may file a petition for parole review three years before becoming eligible under this statute.⁴⁵ The statute excludes individuals convicted of predatory criminal sexual assault of a child,⁴⁶ and those serving a sentence of “natural life imprisonment”

for first degree murder accompanied by aggravating factors,⁴⁷ e.g., “exceptionally brutal or heinous behavior indicative of wanton cruelty.”⁴⁸ The statute further excludes persons convicted of first degree murder accompanied by aggravating factors⁴⁹ who were under age 18 at the time of the crime and were sentenced to 40 or more years in prison.⁵⁰

The Parole Hearing. The parole hearings under this law are governed by Illinois’s general parole hearing statutes,⁵¹ and individuals are entitled to counsel for these hearings.⁵² A parole hearing under this statute must be conducted by the Parole Review Board,⁵³ with at least one member of the Board who is “qualified in the field of juvenile matters.”⁵⁴ The final determination is made by a panel of three Board members, two of whom are “qualified in the field of juvenile matters.”⁵⁵ In considering the standard factors affecting all release determinations,⁵⁶ the panel in youth parole cases is required to “consider the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration.”⁵⁷ While a psychological evaluation is not required, if one is submitted for consideration by the Board, it must be prepared by a person with expertise in adolescent brain development and behavior.⁵⁸

The Board will not parole a person if it determines that:

- “(1) there is a substantial risk that the eligible person will not conform to reasonable conditions of parole or aftercare release; or
- (2) the eligible person’s release at that time would deprecate the seriousness of his or her offense or promote disrespect for the law; or
- (3) his release would have a substantially adverse effect on institutional discipline.”⁵⁹

Persons for whom the panel does not grant early release on parole are entitled to either one or two more opportunities to go before the Board, depending on the crime for which they were convicted. Individuals serving a sentence for first degree murder or aggravated criminal sexual assault are eligible for second and final opportunity to go before the Board 10 years after the parole denial.⁶⁰ All other individuals eligible under the statute have a second opportunity to go before the Board five years after the parole denial.⁶¹ If the Board again declines to grant parole, those individuals have a third and final opportunity to go before the Board five years after the second parole denial.⁶²

Colorado's Proposed Parole Bill

Purpose. In January 2020, the Colorado legislature introduced a bill similar to the parole review statutes in California and Illinois.⁶³ Like in these other states, this bill was introduced in light of recent scientific research about human brain development.⁶⁴ Colorado's proposed legislation would provide individuals convicted of crimes committed as emerging adults with the opportunity for early release on parole if the person exhibits growth and rehabilitation while incarcerated.⁶⁵ As of June 10, 2020, this bill was postponed indefinitely by the Senate Committee on Appropriations.⁶⁶

Eligibility. The proposed Colorado bill would make individuals who received sentences other than life without the possibility of parole for a crime committed between ages 18 and 24 eligible for early release on parole after serving half of the original sentence.⁶⁷ This bill would apply retroactively to any individual already incarcerated, as well as those who would be sentenced after the bill became effective.⁶⁸

The Parole Hearing. Under this bill, an eligible individual would go before the Colorado State Parole Board.⁶⁹ An individual would enjoy a presumption in favor of early release on parole as long as the person: has not incurred any disciplinary violations in the past five years, has not incurred any "Class I code" disciplinary violations in the previous ten years, and has completed all programming that was required as part of the original sentence.⁷⁰ Despite this presumption, the Parole Board would have discretion over the final parole determination.⁷¹ The bill does not specify factors that the Parole Board should consider, but states that the Board should consider "at a minimum, whether the purpose of sentencing would be better served by granting parole to the offender rather than continuing incarceration."⁷²

Pending Sentence Review and Re-Sentencing Legislation for Emerging Adults

Lawmakers in Washington, D.C. and Florida have recently proposed bills that would have a similar impact as the emerging adult parole laws in California and Illinois.⁷³ Instead of proposing early parole hearings for individuals convicted of crimes committed as emerging adults, these bills would create the opportunity for sentence reduction. This alternative approach reflects the decisions these jurisdictions made at the turn of the century to effectively abolish parole release.⁷⁴ In the late 20th century, skepticism about prison rehabilitation programs, public sentiments towards crime, and calls for longer and more uniform criminal sentences led to a wave of new federal and state sentencing legislation.⁷⁵ Among other changes, the federal government and a number of states began to move away from applying indeterminate sentences with the

possibility of parole, instead issuing only determinate sentences followed by periods of supervised release.⁷⁶ In 1983, Florida adopted this approach and abolished parole, and in 2000, D.C. lawmakers did the same.⁷⁷

Washington, D.C.

Purpose. In recognition of research on the developmental differences between adolescents and fully developed adults, the Council of the District of Columbia enacted the Comprehensive Youth Justice Amendment Act of 2016 to institute a number of reforms for young people in the District’s juvenile justice system.⁷⁸ In introducing this omnibus bill, the Council’s Committee on the Judiciary stated that: “[t]he juvenile justice system should [be], and increasingly has been, recognizing that the developmental differences between adolescents and adults must give way to a different approach that recognizes both their reduced culpability and their capacity for rehabilitation and growth.”⁷⁹ One of the reforms enacted as part of this bill, the Incarceration Reduction Amendment Act of 2016 (IRAA), provides individuals incarcerated for offenses committed under the age of 18 an opportunity to petition the court for early release.⁸⁰ The D.C. Council is currently considering an amendment that would expand the IRAA to cover persons who were emerging adults (under age 25) at the time of the offense.⁸¹

Eligibility. Under the existing law, after serving 15 years in prison,⁸² an individual may file a motion in the original sentencing court for a reduction of sentence, if the “controlling offense” was committed before the person’s 18th birthday.⁸³ A bill currently before the D.C. Council would expand the statute to include persons convicted of offenses that were committed while over age 18 and under age 25.⁸⁴

The Resentencing Hearing. Eligible individuals must apply directly to the sentencing court for a sentence reduction.⁸⁵ The sentencing court “shall hold a hearing” on the individual’s motion to reduce the sentence, at which the person who is incarcerated and the person’s counsel may speak and the parties may introduce evidence.⁸⁶ In making its determination regarding the re-sentencing, the court considers a number of factors, including: age at the time of offense; history and characteristics of the individual; whether the individual “has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction”; the individual’s “family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system”; “the extent of the [individual’s] role in the offense and whether and to what extent an adult was involved in the offense”; and “the diminished culpability of juveniles as compared to that of adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing them to lengthy terms in prison, despite the brutality or cold-

blooded nature of any particular crime.”⁸⁷ The statute does not specify the relative weight of each of these factors.⁸⁸

An individual whose first motion is denied may again move for a reduced sentence three years after the initial denial. Where the individual is again denied resentencing, a third opportunity is available three years after the second denial.⁸⁹ If the motion is granted, the individual’s sentence will be reduced.⁹⁰ In determining the proper sentence, a court may issue any sentence less than the minimum term otherwise required by law.⁹¹

Early Outcomes of D.C.’s Incarceration Reduction Amendment Act of 2016

Early reports show that the Incarceration Reduction Amendment Act of 2016 (IRAA), which went into effect on April 4, 2017, has provided the basis for 49 hearings for early release that have led to the release of 41 men from incarceration (and 8 denials of release), all of whom were under age 18 at the time of the offense.⁹² The most recent reports show a 0% recidivism rate among those people released under the IRAA.⁹³ Prior to the COVID-19 outbreak in March of 2020, approximately 90% of those people released under the IRAA were employed.⁹⁴

Florida

Purpose. In 2014, the Florida legislature responded to a series of Supreme Court cases establishing constitutional limits on juvenile sentences by enacting a new sentencing statute for individuals convicted of crimes committed as juveniles.⁹⁵ Under this law, persons incarcerated for a crime committed when under age 18 are entitled to a sentence review hearing after serving a certain portion of the original sentence.⁹⁶ Earlier this year, lawmakers in both chambers of the Florida legislature introduced bills that would have provided the possibility of a sentence review hearing to persons who were over age 18 and under 25 at the time of the offense.⁹⁷ In March, both of these bills died in committee.⁹⁸

Eligibility. Currently, an individual imprisoned in Florida is eligible for a sentence review hearing if the person was under age 18 at the time of the offense and the person has served a certain portion of that sentence.⁹⁹ The minimum portion of the sentence an individual is required to serve depends on the nature of the conviction and length of the original sentence.¹⁰⁰ If the underlying offense was a capital felony homicide,¹⁰¹ the individual will be entitled to a review hearing after serving 25 years of the sentence, unless that individual was previously convicted of one of ten enumerated offenses,¹⁰² or conspiracy to commit one of those offenses.¹⁰³ A person serving a sentence of over 25 years for a non-capital homicide committed before turning age 18 is also entitled to review after 25

years of imprisonment.¹⁰⁴ A person serving a sentence of more than 15 years for a homicide where that individual did not actually kill, intend to kill, or attempt to kill the victim is entitled to a review hearing after serving 15 years.¹⁰⁵ A person serving a sentence of 20 or more years for a non-homicide offense is entitled to review after serving 10 years.¹⁰⁶

The bills recently before both chambers of Florida's legislature would have extended the possibility of a sentence review hearing to persons convicted of crimes committed between the ages of 18 and 25.¹⁰⁷ Under these bills, a person serving a sentence of more than 20 years for an offense classified as a "life felony" would have been entitled to a sentence review hearing after serving 20 years, and a person serving a sentence of more than 15 years for an offense classified as a "felony of the first degree" would have been entitled to a sentence review hearing after serving 15 years.¹⁰⁸ Individuals previously convicted of premeditated murder, felony murder, or murder in the second degree would have been ineligible for review.¹⁰⁹ The proposed legislation would have applied retroactively, unlike the current Florida sentencing law.¹¹⁰

The Sentence Review Hearing. Under both the current law and the recent bills, an individual eligible for a sentencing review hearing must submit an application to the original sentencing court.¹¹¹ The Department of Corrections is required to notify the individual of this option 18 months before the person becomes eligible,¹¹² and all persons that qualify for a review hearing are entitled to counsel.¹¹³

The court is required to consider a number of factors in determining whether to modify an person's sentence.¹¹⁴ According to both the current law and the recent House and Senate bills, a court must consider: whether the person "demonstrates maturity and rehabilitation"; whether the person "remains at the same level of risk to society as he or she did at the time of the initial sentencing"; "[t]he opinion of the victim or the victim's next of kin"; whether the person "was a relatively minor participant in the criminal offense or acted under extreme duress or the domination of another person"; whether the person "has shown sincere and sustained remorse for the criminal offense"; whether the person's "age, maturity, and psychological development at the time of the offense affected his or her behavior"; completion of a high school equivalency diploma or other available "educational, technical, work, vocational, or self-rehabilitation program"; whether the person "was a victim of sexual, physical, or emotional abuse before he or she committed the offense; "[t]he results of any mental health assessment, risk assessment, or evaluation of [that individual] as to rehabilitation"; and any other factor the court deems appropriate.¹¹⁵ Neither current law nor the recently proposed bills specify the relative weight the court should give to each of these factors.¹¹⁶

The current law does not provide individuals the opportunity to apply for a second sentence review hearing if the person's sentence was not modified at

the initial hearing.¹¹⁷ Both the House and Senate bills would have provided for such a second hearing, and both bills specified how long after the first hearing the individual would become eligible for that second hearing.¹¹⁸ Under the Senate bill, all individuals who were not resentenced at the first hearing would have been eligible for a second hearing five years after the initial hearing.¹¹⁹ Under the House bill, persons with longer sentences would have become eligible for a second hearing in 10 years, while persons with relatively shorter sentences would have become eligible again in five years.¹²⁰

Lastly, under the current law, if the reviewing court finds that the person “has been rehabilitated and is reasonably believed to be fit to reenter society,” the court is required to modify the individual’s sentence and impose a probation period of at least five years.¹²¹ The House bill would have likewise required a court to resentence an individual and impose a probationary period upon making such a determination about a person’s rehabilitation and fitness to reenter society.¹²² The Senate bill would have alternatively given the resentencing court more discretion upon making such a determination: if the court determines that the individual “has been rehabilitated and is reasonably believed to be fit to reenter society” the bill provided that the court “may modify the sentence and impose a term of probation,” but unlike the House bill and the current law,¹²³ the bill did not require the court do to so.¹²⁴ Under both the House and Senate bills, the minimum probation period permitted would have remained five years for individuals serving over 20 years for a “life felony,” but unlike the current law, the court would have been able to impose a minimum of three years of probation for individuals serving over 15 years for a first degree felony.¹²⁵

A Snapshot View

	California	Illinois	Colorado*	D.C.*	Florida*
Type of Policy	Opportunity for early release on parole	Opportunity for release on parole	Opportunity for early release on parole	Opportunity for sentence reduction	Opportunity for sentence reduction
Policy Enacted	2014 (amended in 2015, 2017, 2019)	2018 (amended in 2019) ¹²⁶	Proposed legislation ¹²⁷	Proposed legislation ¹²⁸	Proposed legislation that recently died in committee ¹³³
Eligible Ages (at time of offense)	Under age 26	Under age 21	Under age 25	Under age 25	Under age 25 ¹³²
Minimum Time Served	14, 19, or 24 years served, depending on the sentence	10 or 20 years served, depending on the sentence	50% of sentence	15 years served	15 or 20 years, depending on the sentence ¹³¹
Decision - Making Body	Hearing and determination made by the Board of Parole Hearings	Hearing and determination made by the Prisoner Review Board , including members qualified in "juvenile matters"	Hearing and determination made by the State Parole Board	Hearing and determination made by the sentencing court	Hearing and determination made by the sentencing court ¹³⁰
Automaticity of Hearing	Automatic , hearing must be held within 6 months of the minimum date of eligibility	Not automatic , may file a petition for parole review 3 years before becoming eligible for parole review	Not specified	Not automatic , individuals may file motions to reduce the sentence with the sentencing court	Not automatic , individuals may file an application to the sentencing court requesting a sentence review hearing. ¹²⁹

References

- CA Penal Code § 3051 (2019).
 730 Ill. Comp. Stat. Ann. § 5/5-4.5-115 (2019).
 S.B. 20-076, 72nd Gen. Assemb., 2nd Reg. Sess. (Colo. 2020).
 Bill 23-0127, Council of the District of Columbia (2019).
 H.B. 1131, 2020 Leg., Reg. Sess., Sec. 4 (Fla. 2020); S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

* denotes proposals

End Notes

¹ The term "emerging adults" describes the developmental period during which youth transition from juvenile capacities and full dependence on adults, to the maturity and independence of adulthood. Arnett, J.J. (2004). *Emerging Adulthood: The Winding Road from the Late Teens through the Twenties*. New York: Oxford University Press.

² States across the country have recently enacted a number of reforms to make aspects of the criminal legal system more appropriate for youth, including: raising the upper age of juvenile justice system jurisdiction; enacting laws that provide a means for emerging adults to pursue criminal record expungement; establishing separate correctional facilities for emerging adults that offer educational and vocational programming, counseling, and treatment; establishing specialized courts for emerging adults that use restorative justice principles; and creating specialized probation programs for young people. See more about these different recent reforms at <https://www.eajustice.org/recent-reforms>. The Supreme Court has also played a pivotal role in this movement, establishing through a series of opinions that children are constitutionally different from adults, and, in turn, that certain criminal sentences that might be appropriate for adults are inappropriate for juveniles. See e.g., *Roper v. Simmons*, 543 U.S. 551 (2005) (holding the death penalty unconstitutional for individuals who were under age 18 at the time of the underlying offense); *Graham v. Florida*, 560 U.S. 48 (2010) (holding unconstitutional life sentences without the opportunity for parole for individuals who committed non-homicide offenses while under age 18); *Miller v. Alabama*, 567 U.S. 460 (2012) (holding that mandatory life sentences without the opportunity for parole for those under age 18 at the time of the underlying offense violates the Eighth Amendment); *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016) (holding that the decision in *Miller* should be applied retroactively).

³ Steinberg, L., and Icenogle, G. (2019). "Using Developmental Science to Distinguish Adolescents and Adults Under the Law." *Annual Review of Developmental Psychology* 1:21-40, 30-31, available at: <https://doi.org/10.1146/annurev-devpsych-121318-085105>; Giedd, J.N., Blumenthal, J., Jeffries, N.O., Castellanos, F.X., Liu, H., Zijdenbos, A., Paus, T., Evans A.C., and Rapoport, J.L. (1999). "Brain Development During Childhood and Adolescence: A Longitudinal MRI Study." *Nature Neuroscience* 2: 861-863; Howell, J.C., Feld, B.C., Mears, D.P., Farrington, D.P., Loeber, R., and Petechuk, D. (2013). "Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know." Study Group on the Transitions Between Juvenile Delinquency and Adult Crime. Final report to National Institute of Justice (grant number 2008-IJ-CX-K402); Steinberg, L.D. (2014). *Age of Opportunity: Lessons from the New Science of Adolescence*. New York: Mariner Books.; Gardner, M. and Steinberg, L. (2005). "Peer Influence on Risk-Taking, Risk Preference and Risky Decision Making in Adolescence and Adulthood: An Experimental Study." *Developmental Psychology*, 41(4), 625-635.

⁴ Laud, J.H. and Sampson, R.J. (2003). *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. Cambridge, MA: Harvard University Press; Elliott, D.S. (1994). *Serious Violent Offenders: Onset, Developmental Course, and Termination—The American Society of Criminology 1993 Presidential Address*. *Criminology* 32:1-21; Ezell, M.E. and Cohen, L.E. (2005). *Desisting from Crime: Continuity and Change in Long-Term Crime Patterns of Serious Chronic Offenders*. Oxford, UK: Oxford University Press; Piquero, A.R., Farrington, D.P., and Blumstein, A. (2007). *Key Issues in Criminal Career Research: New Analyses of the Cambridge Study in Delinquent Development*. Cambridge, UK: Cambridge University Press; Bersani, B.E., Nieuwebeerta, P., and Laub, J.H. (2009). Predicting Trajectories of Offending over the Life Course: Findings from a Dutch Conviction Cohort. *Journal of Research in Crime and Delinquency* 46:468-494; Doherty, E.E. and Ensminger, M.E. (2014). Do the Adult Criminal Careers of African Americans Fit the "Facts"? *Journal of Criminal Justice* 42:517-526; Bersani, B.E. and Doherty, E.E. (2018). *Desistance from Offending in the Twenty-first Century*. *Annual Review of Criminology* 1:311-334.

⁵ See CA Penal Code § 3051 (2019); 730 Ill. Comp. Stat. § 5/5-4.5-115 (2019); S.B. 20-076, 72nd Gen. Assemb., 2nd Reg. Sess. (Colo. 2020). In 1987, New York State implemented a mechanism for emerging adults to achieve early conditional release on community supervision or early release on parole through its "shock incarceration" program. 1987 N.Y. Sess. Law Serv. 261 (McKinney). Participants of this program spend six-months in an environment of "intensive regimentation and discipline" participating in programs including substance abuse treatment, physical activity, educational programming, and vocational training. NY Correct. Ch. 43, Art. 26a § 865 (2). See also Greene, J. A. & Schiraldi, V. (2016). *Better by Half: The New York City Story of Winning Large-Scale Decarceration while Increasing Public Safety*. *Federal Sentencing Reporter*, 29(1) at 22. Available at:

https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pci/files/fsr2901_04_greeneschir_aldj.pdf. This program has since expanded to provide this opportunity to persons who were between ages 16 to 50 at the time of the offense. NY Correct. Ch. 43, Art. 26a § 865.

This type of program has been criticized as outdated and ineffective, and reporting based on interviews with dozens of individuals who have gone through the program has criticized it for having an abusive environment. See Blakinger, K., (2019, May 21). *New York Prisoners Offer 'Tough Love' Boot Camp Programs. But Prisoners Say They're "Torture" and "Hell,"* Retrieved from <https://theappeal.org/new-york-prisons-offer-tough-love-boot-camp-programs-but-prisoners-say-theyre-torture-and-hell/>.

⁶ D.C. Code Ann. § 24-403.03; "Comprehensive Youth Justice Amendment Act of 2016," 2016 District of Columbia Law 21-238 (Act 21-568 § 301) 21st Council Session (2015-2016); "The Second Look Act," S.B. 1308, 2020 Leg., Reg. Sess. (Fla. 2020); "The Second Look Act," H.B. 1131, 2020 Leg., Reg. Sess. (Fla. 2020).

⁷ See, e.g., Huebner, B. & Bynum T. (2008). *The Role of Race and Ethnicity in Parole Decisions*. *Criminology*, 46(4): 907-938. The Sentencing Project. (2018). *Report of The Sentencing Project to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance Regarding Racial Disparities in the United States Criminal Justice System*, p. 9. Retrieved from: <https://www.sentencingproject.org>.

⁸ Bradner, K. & Schiraldi, V. *Racial Inequities in New York Parole Supervision*. Columbia Justice Lab. Retrieved from <https://justicelab.columbia.edu/>; Steen, S. & Opsal, T. (2007). "Punishment on the Installment Plan: Individual-Level Predictors of Parole Revocation in Four States." *The Prison Journal* 87(3): 344-366. Available: <http://journals.sagepub.com/doi/pdf/10.1177/0032885507304526>.

⁹ 2013 Cal. Legis. Serv. Ch. 312 (S.B. 260).

¹⁰ 2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST); 2017 Cal. Legis. Serv. Ch. 577 (A.B. 1308) (WEST).

¹¹ The bill cites two cases, *Miller v. Alabama*, 567 U.S. 460 (2012) (holding unconstitutional mandatory life sentences without any opportunity for parole for people who committed the convicted offense while under age 18), and *People v. Caballero*, 55 Cal. 4th 262 (2012) (holding that a sentence exceeding the natural life expectancy of a juvenile is unconstitutional in non-homicide cases). 2013 California Senate Bill No. 260, California 2013-2014 Regular Session, 11-12.

¹² S. Rules Comm., Office of S. Floor Analyses, *Analysis of S. Bill 260*, at 11-12. (Cal. 2013).

¹³ When the Act was first enacted, only persons who were under age 18 at the time of the controlling offense were eligible for youthful parole hearings. 2013 Cal. Legis. Serv. Ch. 312 (S.B. 260) (WEST). Since enactment, the legislature has twice expanded the eligibility of the statute, raising the upper age limit from 18 to 23 in 2015 (2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST)), and from age 23 to 26 in 2017. 2017 Cal. Legis. Serv. Ch. 577 (A.B. 1308) (WEST). In 2017, the legislature also expanded the law to include people serving sentences of life without the opportunity for parole for crimes that occurred while they were under age 18. 2017 Cal. Legis. Serv. Ch. 684 (S.B. 394) (WEST).

¹⁴ Cal. Penal Code § 3051.

¹⁵ *Id.* at § 4801(c).

¹⁶ CA Penal Code § 3051(b)(1) (such persons are eligible on the first day of the 15th year of incarceration).

¹⁷ *Id.* at § 3051(b)(2) (such persons are eligible on the first day of the 20th year of incarceration).

¹⁸ *Id.* at § 3051(b)(3) (such persons are eligible on the first day of the 25th year of incarceration).

¹⁹ CA Penal Code § 3051(b)(4) (such persons are eligible on the first day of the person's 25th year of incarceration).

²⁰ *Id.* at § 3051(h) (2019). Additionally, a person is not eligible if, after turning age 26, the person commits another crime for which either malice aforethought is a necessary element or if the person was sentenced to life in prison. *Id.*

²¹ CA Penal Code § 3051(j) (2019) (not including individuals with life sentences without the possibility of parole, even for individuals who were under age 18 at the time of the offense).

²² 2019 Cal. Legis. Serv. Ch. 577 Sec. 1 (A.B. 965) (WEST).

²³ CA Penal Code § 5075; *Id.* at § 3040.

²⁴ CA Penal Code § 3051. There is no individual Board that conducts only youthful offender parole hearings.

²⁵ *Id.* at § 3051(a)(2)(C).

²⁶ *Id.* at §3051(d); *Id.* at § 3041. Under California's parole statutes, the Board, or a panel of its members, "shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual." *Id.* at § 3041(b)(1).

²⁷ *Id.* at § 3051(f)(1); *Id.* at § 4801(c). The statute does not define the meaning of “great weight” and the California Supreme Court is currently considering whether the Board of Parole has properly applied the “great weight” standard.

²⁸ *Id.* at § 3051(f)(1).

²⁹ *Id.* at § 3051(f)(2).

³⁰ *Id.* at § 4801(c).

³¹ CA Penal Code § 3051(g); *Id.* at § 3041.5(b)(3).

³² California Department of Corrections and Rehabilitation, Division of Internal Oversight and Research. (2019). [Unpublished report]. The CDCR released data on persons released from April 2014 through August 2016 as well, but emerging adults were not eligible for these parole hearings until January 1, 2016, at the earliest. See 2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST) (eff. Jan. 1, 2016).

³³ All persons released under this statute between August 2016 and January 2018 were under age 23 at the time of the offense. 2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST). People who were ages 22–26 at the time of the underlying offense became eligible for youthful offender parole hearings on January 1, 2018. 2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST); 2017 Cal. Legis. Serv. Ch. 577 (A.B. 1308) (WEST). However, as parole decisions are issued about five months after a youthful parole hearing, most, if not all, of the release determinations between January 2018 and July 2018 remained to be made of people who were under age 23 at the time of offense. California Department of Corrections and Rehabilitation, Youth Offender Parole Hearings. (n.d.). Retrieved from <https://www.cdcr.ca.gov/bph/youth-offender-hearings-overview/>.

³⁴ The people released during this period were persons who were 23 years old or younger at the time of the offense. See 2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST) (eff. Jan. 1, 2016).

³⁵ During this period, on January 1, 2018, people ages 23–26 at the time of the offenses also became eligible for early release through a youth offender parole hearing. 2017 Cal. Legis. Serv. Ch. 577 (A.B. 1308) (WEST) (eff. Jan. 1, 2018).

³⁶ California Department of Corrections and Rehabilitation, Division of Internal Oversight and Research. (2019). [Unpublished report.] This report only includes data about people who have had consistent follow-up since release and only includes the arrests and convictions of those who had an automated Department of Justice Record.

³⁷ Bird, M., Goss, J., & Nguyen, V. (2019). Recidivism of Felony Offenders. Public Policy Institute of California, pp. 13–14. <https://www.ppic.org/wp-content/uploads/recidivism-of-felony-offenders-in-california.pdf>. This figure includes re-convictions for either felonies or misdemeanors.

³⁸ The people released during this period were persons who were 23 years old or younger at the time of the offense. See 2015 Cal. Legis. Serv. Ch. 471 (S.B. 261) (WEST) (eff. Jan. 1, 2016).

³⁹ Bird, M., Goss, J., & Nguyen, V. (2019). Recidivism of Felony Offenders. Public Policy Institute of California, pp. 13–14. <https://www.ppic.org/wp-content/uploads/recidivism-of-felony-offenders-in-california.pdf>. This figure includes re-convictions for either felonies or misdemeanors.

⁴⁰ H.B. 531, 100th Gen. Assemb., Reg. Sess. (Ill. 2018) (codified as Public Act 100-1182). See Rep. Parkhurst, Illinois House of Representatives Transcript of 150th Legislative Day, 100th Gen. Assemb., at 50. (Nov. 28, 2018) (advocating for the bills’ passage by citing “insurance company research show[ing] that “teenagers and young adults lack judgment and are not responsible” and juvenile justice research “showing that brain is not fully developed until age twenty-five”). This bill has been part of a larger movement to improve emerging adult justice in Illinois. See Perker, S.S., Chester, L., & Schiraldi, V. (2019). Emerging Adult Justice in Illinois: Toward and Age-Appropriate Approach. Available at: <https://academiccommons.columbia.edu/doi/10.7916/d8-fpw-1t32>.

⁴¹ 730 Ill. Comp. Stat. § 5/3-3-3-1(a).

⁴² Senator Harmon, Illinois Senate Transcript, 2017 Reg. Sess. No. 57.

⁴³ *Id.*

⁴⁴ 730 Ill. Comp. Stat. § 5/5-4.5-115(b).

⁴⁵ 730 Ill. Comp. Stat. § 5/5-4.5-115(c).

⁴⁶ *Id.*

⁴⁷ *Id.* (Referencing 730 Ill. Comp. Stat. § 5/5-8-1).

⁴⁸ 730 Ill. Comp. Stat. § 5/5-8-1(a)(1)(b). For persons that were over 18 at the time of the underlying murder, other factors aggravating a first degree murder conviction under this statute include: an additional previous first degree murder conviction, (*Id.* at § 5/5-8-1(a)(1)(c)(i)), a finding that the person charged was guilty

of murdering more than one victim (*Id.* at § 5/5-8-1(a)(1)(c)(ii)), a finding that the murder was committed because of a person's activity as a community policing volunteer, or to prevent any person from engaging in such activity. (*Id.* at § 5/5-8-1(a)(1)(c)(vii)). The first-degree murder can also be aggravated under this statute, for those older than 18 at the time of the crime, when the victim of the murder was: a peace officer, fireman, or emergency management worker (*Id.* at § 5/5-8-1(a)(1)(c)(iii)); an employee of a corrections agency (*Id.* at § 5/5-8-1(a)(1)(c)(iv); or an emergency medical technician (*Id.* at § 5/5-8-1(a)(1)(c)(v)), when those victims were killed in the course of performing official duties or killed to prevent them from, or in retaliation for, carrying out those duties. *Id.* at § 5/5-8-1(a)(1)(c)(iii)-(v).

⁴⁹ For persons under age 18 at the time of the murder, the first-degree murder conviction can be considered aggravated under this statute when the victim of the murder was a peace officer, fireman, or emergency management worker (*Id.* at § 5/5-8-1(a)(1)(c)(iii)); the victim was an employee of a corrections agency (*Id.* at § 5/5-8-1(a)(1)(c)(iv); the victim was an emergency medical technician (*Id.* at § 5/5-8-1(a)(1)(c)(v)), when those victims were killed in the course of performing official duties or killed to prevent them from, or in retaliation for, carrying out those duties. *Id.* at § 5/5-8-1(a)(1)(c)(iii)-(v); or the murder was found to have been committed because of any person's activity as a community policing volunteer, or to prevent any person from engaging in such activity. (*Id.* at § 5/5-8-1(a)(1)(c)(iv)).

⁵⁰ 730 Ill. Comp. Stat. § 5/5-4.5-115(b) (referencing *Id.* at § 5-4.5-105(c)).

⁵¹ *Id.* at § 5/5-4.5-115(h) (referencing the Open Parole Hearings Act 730 Ill. Comp. Stat. §§ 105/15, 20, 5(f), 10(a), 25(d), 35(a), (b), & (e)(2017), and 20 Ill. Admin. Code 1610); 20 Ill. Admin. Code 1610.50(a); 730 Ill. Comp. Stat. § 5/3-3.

⁵² 730 Ill. Comp. Stat. § 5/5-4.5-115(e).

⁵³ *Id.* at § 5/3-3-2(6.5).

⁵⁴ *Id.* at § 5/3-3-2(6.6).

⁵⁵ *Id.* at § 5/3-3-2(a)(6.5). While this provision does not describe what it means for a member to be "qualified in the field of juvenile matters," a different provision defining the composition of the Prisoner Review Board specifies that "[a]t least 6 members" appointed to the Board, "must have at least 3 years experience in the field of juvenile matters." *Id.* at § 5/3-3-1(b). For persons servicing sentences for first degree murder or aggravated criminal assault, the hearing is conducted by a quorum of the Prisoner Review Board, and the parole determination is made by a majority of members present at the hearing. *Id.* at § 5/3-3-2(a)(6.6).

⁵⁶ In making any parole release determination, the Illinois Parole Review Board looks primarily—though not exclusively—at a person's "prior history [e.g., history of violence or substance abuse, or evidence of responsibility and stability], committing offense, institutional adjustment, and parole plan." 20 Ill. Admin. Code 1610.50(b). Victims have the right to submit statements for consideration by the Board. The Board shall also consider any victim statements, whether in person at the hearing or otherwise. 730 Ill. Comp. Stat. § 105/10; 730 Ill. Comp. Stat. § 5/5-4.5-115(g).

⁵⁷ *Id.* at § 5/5-4.5-115(j).

⁵⁸ 730 Ill. Comp. Stat. § 5/5-4.5-115(h).

⁵⁹ *Id.* at § 5/5-4.5-115(j).

⁶⁰ *Id.* at § 5/5-4.5-115(m).

⁶¹ *Id.* at § 5/5-4.5-115(m).

⁶² *Id.* at § 5/5-4.5-115(n).

⁶³ S.B. 20-076, 72nd Gen. Assemb., 2nd Reg. Sess. (Colo. 2020).

⁶⁴ *Id.* at Sec. 2(1)(a.5)–(c). In 2019, the Colorado legislature charged the Colorado Commission on Criminal and Juvenile justice with conducting a study on "age of delinquency issues." In this study, the Commission was directed to compile research and data pertaining to people in the Colorado penal system who are between 18 and 25 years of age, and to create a report publishing that data and making policy recommendations on how to serve this emerging adult population. Colo. Rev. Stat. Ann. § 16-11.3-103 (2019).

⁶⁵ *Id.* at Sec. 2(2).

⁶⁶ S.B. 20-076, 72nd Gen. Assemb., 2nd Reg. Sess. (Colo. 2020). Retrieved July 6, 2020 from <https://leg.colorado.gov/bills/sb20-076>

⁶⁷ *Id.* at Sec. 1(10)(a).

⁶⁸ *Id.* at Sec. 1(10)(d).

⁶⁹ S.B. 20-076, 72nd Gen. Assemb., 2nd Reg. Sess., Sec. 1(10)(b) (Colo. 2020).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² S.B. 20-076, 72nd Gen. Assemb., 2nd Reg. Sess., Sec. 1(10)(c) (Colo. 2020).

⁷³ “Second Look Amendment Act of 2019,” Bill 23-0127, Council of the District of Columbia (2019); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess. (Fla. 2020); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess. (Fla. 2020).

⁷⁴ Ditton, P.M. & Wilson, D.J. (1999). *Truth in Sentencing in State Prisons*. Bureau of Justice Statistics, NCJ 170032.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ 1998 D.C. Laws 12-165 (Act 12-343).

⁷⁸ “Comprehensive Youth Justice Amendment Act of 2016,” 2016 District of Columbia Law 21-238 (Act 21-568) 21st Council Session (2015-2016).

⁷⁹ Report on Bill 21-0683, the “Comprehensive Youth Justice Amendment Act of 2016,” Committee on the Judiciary, Council of the District of Columbia. Oct 5, 2016.

⁸⁰ “Comprehensive Youth Justice Amendment Act of 2016,” 2016 District of Columbia Law 21-238 (Act 21-568 § 301) 21st Council Session (2015-2016).

⁸¹ “Second Look Amendment Act of 2019,” Bill 23-0127, Council of the District of Columbia (2019). D.C. also has a statute, originally enacted in 1985 as the “Youth Rehabilitation Act” (“YRA”) which provides opportunities for sealing convictions, setting convictions aside, and sentencing alternatives for persons who were under age 22 at the time of the offense and who are being sentenced as adults for specified crimes. DC Code § 24-901. The law has since been expanded to include persons under age 25 at the time of the crime. “Youth Rehabilitation Amendment Act of 2018,” 2018 District of Columbia Laws 22-197 (Act 22-451).

⁸² D.C. ST § 24-403.03(a)(1) (2019).

⁸³ *Id.* at §§ 24-403.03(a)(1), (b)(1).

⁸⁴ “Second Look Amendment Act of 2019,” Bill 23-0127, Council of the District of Columbia (2019).

⁸⁵ D.C. ST § 24-403.03(b)(1) (2019).

⁸⁶ D.C. Code § 24-403.03(b)(3).

⁸⁷ *Id.* at §§ 24-403.03(c) (1), (2), (5), (8), (9), & (10). The Court shall also consider: “[w]hether the defendant has substantially complied with the rules of the institution to which he or she has been confined and whether the defendant has completed any educational, vocational, or other program, where available” (*Id.* at § 24-403.03(c)(3)); “[a]ny report or recommendation received from the United States Attorney” (*Id.* at § 24-403.03(c)(4)); “[a]ny statement, provided orally or in writing, provided pursuant to § 23-1904 or by a victim of the offense for which the defendant is imprisoned, or by a family member of the victim if the victim is deceased” (*Id.* at § 24-403.03(c)(6)); “[a]ny reports of physical, mental, or psychiatric examinations of the defendant conducted by licensed health care professionals” (*Id.* at § 24-403.03(c)(7)); and “any other information the court deems relevant to its decision” *Id.* at § 24-403.03(c)(11).

⁸⁸ *Id.*

⁸⁹ D.C. Code § 24-403.03(d).

⁹⁰ *Id.* at § 24-403.03(e).

⁹¹ *Id.* at § 24-403.03(e)(2).

⁹² Information provided via electronic mail by the Justice Policy Institute (2020, June 16).

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ H.B. 7035, 2014 Leg., 116th Reg. Sess., Sec. 3 (Fla. 2014). This bill has been amended once since enacted in order to update terminology, but the amendment made no substantive changes. S.B. 702, 2015 Leg., 117th Reg. Sess. (Fla. 2015); *Final Bill Analysis on H.B. 7035, Florida House of Representatives* (2014) (citing *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 567 U.S. 460 (2012)).

⁹⁶ Fla. Stat. § 921.1402 (2015).

⁹⁷ “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess. (Fla. 2020); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess. (Fla. 2020).

⁹⁸ The Florida Senate, CS/SB 1308: Criminal Justice. (2020, March 14). Retrieved April 23, 2020, from <https://www.flsenate.gov/Session/Bill/2020/1131>; The Florida House, HB 1131: Sentence Review Hearings. (2020, March 14). Retrieved April 23, 2020, from <https://www.flsenate.gov/Session/Bill/2020/1131>.

⁹⁹ Fla. Stat. §§ 921.1402(1), (2)(a) (2015).

¹⁰⁰ Fla. Stat. §§ 921.1402(1), (2)(a) (2015).

¹⁰¹ In Florida, a person convicted of committing a capital offense before he or she turned 18 can be sentenced from 40 years to life imprisonment. Fla. Stat. § 775.082(b)(1) (2019).

¹⁰² A person would be ineligible for a sentence review hearing if the person had been previously convicted of any of the following offenses: “1. Murder; 2. Manslaughter; 3. Sexual battery; 4. Armed burglary; 5. Armed robbery; 6. Armed carjacking; 7. Home-invasion robbery; 8. Human trafficking for commercial sexual activity with a child under 18 years of age; 9. False imprisonment under [Fla. Stat. §787.02(3)(a)]; or 10. Kidnapping.” Fla. Stat. § 921.1402(2)(a) (2015).

¹⁰³ Fla. Stat. § 921.1402(2)(a) (2015).

¹⁰⁴ *Id.* at § 921.1402(2)(b).

¹⁰⁵ *Id.* at § 921.1402(2)(c).

¹⁰⁶ *Id.* at § 921.1402(2)(d).

¹⁰⁷ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess. (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess. (Fla. 2020).

¹⁰⁸ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec 4(2) (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(3) (Fla. 2020).

¹⁰⁹ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec. 4(3) (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(2) (Fla. 2020).

¹¹⁰ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(10) (Fla. 2020).

¹¹¹ Fla. Stat. § 921.1402(4); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹¹² Fla. Stat. § 921.1402(3) (2015); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹¹³ Fla. Stat. § 921.1402(5) (2015). “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹¹⁴ Fla. Stat. § 921.1402(6) (2015).

¹¹⁵ Fla. Stat. § 921.1402(6) (2015); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹¹⁵ Fla. Stat. § 921.1402(6) (2015).

¹¹⁶ Fla. Stat. § 921.1402(6) (2015); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Secs 4(7) (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(7) (Fla. 2020).

¹¹⁷ Fla. Stat. § 921.1402 (2015).

¹¹⁸ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Secs 4(7) (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(7) (Fla. 2020).

¹¹⁹ “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(7) (Fla. 2020).

¹²⁰ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Secs 4(7) (Fla. 2020).

¹²¹ Fla. Sta. § 921.1402(7) (2015).

¹²² “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Secs 4(9) (Fla. 2020).

¹²³ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Secs 4(9) (Fla. 2020) ([Upon making such a determination] the court must modify the sentence and impose a term of probation...”); Fla. Sta. §921.1402(7) (2015) (“...[T]he court shall modify the sentence and impose a term of probation of at least 5 years.”).

¹²⁴ “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(9) (Fla. 2020) (emphasis supplied).

¹²⁵ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Secs 4(9) (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5(9) (Fla. 2020).

¹²⁶ 2018 Ill. Legis. Serv. P.A. 100-1182 (H.B. 531) (WEST).

¹²⁷ *Id.*

¹²⁸ “Comprehensive Youth Justice Amendment Act of 2016,” 2016 District of Columbia Law 21-238 (Act 21-568) 21st Council Session (2015-2016); “Second Look Amendment Act of 2019,” Bill 23-0127, Council of the District of Columbia (2019).

¹²⁹ “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 4 (Fla. 2020); “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹³⁰ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec. 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹³¹ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec. 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020). Under both the House and Senate bills, a young adult convicted of a “life felony,” or a felony with a maximum punishment of life imprisonment, who is serving a sentence of

more than 20 years, is eligible for a sentence review after serving 20 years, and a young adult who was sentenced to more than 15 years for a felony in the first degree is entitled to a sentence review after serving 15 years of his or her sentence. *Id.*

¹³² “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess., Sec. 4 (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess., Sec. 5 (Fla. 2020).

¹³³ “The Second Look Act,” H.B. 1131, 2020 Leg., Reg. Sess. (Fla. 2020); “The Second Look Act,” S.B. 1308, 2020 Leg., Reg. Sess. (Fla. 2020).