



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR
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END LIFE SENTENCES for CHILDREN and YOUTH

Introduction

The Governor's Juvenile Justice Commission (GJJC) supports prohibiting courts from imposing a life sentence, without eligibility for release, on youth who commit crimes before turning 18. Specifically, the GJJC supports (1) requiring courts to set a date by which a youth would be eligible for release to extended supervision, and (2) the creation of a new sentence adjustment procedure for youth currently serving life sentences who committed crimes before turning 18.

International and National Juvenile Life Sentences

The United States is the only country in the world that permits youth to be sentenced to life without parole. Sentencing children to die in prison is condemned by international law,¹ Several years ago, the U.S. Supreme Court held in *Miller v. Alabama*, 567 U.S. 460 (2012) that imposing a mandatory life sentence without parole for a youth constitutes cruel and unusual punishment and therefore violates the eighth amendment of the U.S. Constitution.² The Supreme Court found that Children are constitutionally different from adults for sentencing purposes. Because juveniles have diminished culpability and greater prospects for reform "they are less deserving of the most severe punishments."³ In response, 27 states and the District of Columbia have banned life sentences without the possibility of parole for people under 18; in nine additional states, no one is serving life without parole for offenses committed before age 18.⁴

Wisconsin Juvenile Life Sentences

Currently, under Wisconsin statutes⁵ children and youth may be sentenced to life imprisonment without being eligible for release to parole or extended supervision. In addition, an estimated "100 youthful offenders are currently serving life sentences for crimes they committed as children in Wisconsin."⁶ More youth may be sentenced to life in prison unless the statute is amended and a sentencing adjustment procedure is created.

Justification

Statutes that impose mandatory life without parole sentences on youth "preclude a sentencer from taking account of an offender's" characteristics and life situation.⁷ Under such statutes, "every juvenile will receive the same sentence as every other—the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household

¹ Juvenile Law Center. "[Juvenile Life Without Parole \(JLWOP\)](#)."

² *Miller v. Alabama*, 567 U.S. 460 (2012), [Opinion of the Court](#).

³ *Graham v. Florida*, 560 U.S. 48 (2010), [Opinion of the Court](#).

⁴ The Sentencing Project. "[Juvenile Life Without Parole: An Overview](#)."

⁵ Wis. Stats. §§ 302.113 (2), 302.114 (1), 302.114 (2), 303.065 (1) (b), 304.02,,(5), 304.06 (1) (b), 304.071 (2), 939.62 (2m) (b) (intro.), 950.04 (1v) (g), 950.04 (1v) (gm), 950.04 (1v) (m), 973.01 (3), 973.01 (4), 973.014 (1) (intro.), 973.014 (1g) (a), (intro.), 973.15 (2m) (a) 1. and 978.07 (1) (c) 1.; and to create 302.114 (5) (cs), 304.06 (1) (a) 3., 304.06 (1) (bc), 973.014 (3), 973.017 (2c), 973.018 and 977.05, (4) (i) 10.

⁶ Weaver, Carte'cia. February 21, 2024, Kids Forward, "[Explained: End Juvenile Life Without Parole in Wisconsin](#)."

⁷ *Miller v. Alabama*, 567 U.S. 460 (2012), [Opinion of the Court](#).

and the child from a chaotic and abusive one. And still worse, each juvenile...will receive the same sentence as the...adults committing similar...offenses—but really,...a *greater* sentence than those adults will serve.”⁸ A life sentence for a minor treats children as adults and ignores key features of adolescence: “immaturity, impetuosity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional.”⁹

Adolescent Development

“The adolescent’s mind works differently from ours. Parents know it. This Court has said it. Legislatures have presumed it for decades or more. And now, new scientific evidence sheds light on the differences.”¹⁰ Youth’s needs and capacities are different from adults. As their brains are still developing, they are uniquely capable of changing their behaviors in the face of accountability and education.¹¹ Life sentences for youth ignores their capacity to grow beyond the impulsivity, peer responsiveness, and emotional sensitivity into mature, responsible, and caring adults.¹² Life sentences for youth defines them by the mistakes they made while children and then prohibits them from experiencing life beyond their worst day. While transformation can take place within prisons, life sentences rob those youth’s families and communities from seeing the benefits of that change.

Judicial Discretion

Excluding children from mandatory life sentences allows judges the opportunity to exercise greater discretion and accommodate the needs of victims, community safety, and the reformatory potential of a youthful offender. Requiring judges to set a date at which a youthful offender is eligible for release retains judicial discretion to identify an appropriate time and relevant conditions that ensure public safety is maintained while providing an opportunity for the youth to demonstrate accountability in the community.

Economic Impact

In Philadelphia, some youthful offenders sentenced to life were resentenced and released. The data from this policy change indicates that those released individuals recidivated at rates similar to offenders who were sentenced with an opportunity for release. Furthermore, releasing those individuals produced an estimated \$9.5 million savings in correctional costs for Pennsylvania.¹³ It was estimated that Wisconsin could save an estimated \$4.44 million a year if the youth currently sentenced to life without parole were given the opportunity for release.¹⁴

Racial Disparities

According to Wisconsin Department of Corrections data from 2018, the child offenders serving life with no release eligibility for 50 or more years are all men, and they are disproportionately people of color. In 2020, 83% percent of Wisconsin’s youth population was white,¹⁵ but 76 percent of child offenders with 50 years or more until release eligibility are people of color.¹⁶

⁸ Ibid.

⁹ Ibid.

¹⁰ *Roper v. Simmons*, 543 US 551 (2005)

¹¹ Guinosso, S., Skov, N., & Unti, L. (2022). The Adolescent Brain (infographic). Administration on Children, Youth and Families, Family and Youth Services Bureau.

¹² National Institute of Health, National Institute of Mental Health. [“The Teen Brain: 7 Things to Know.”](#)

¹³ Kapur, Tariqa Daftary. And Tina Zottoli. [“Resentencing of Juvenile Lifers: The Philadelphia Experience.”](#) Spring 4-2020, Montclair State University Digital Commons.

¹⁴ The Campaign for Fair Sentencing for Youth. [“Ending Life Without Parole in Wisconsin.”](#)

¹⁵ U.S. Census Bureau of the unbridged 2020 postcensal estimates by 5-year age groups on June 17, 2021.

<http://www.ojdp.gov/ojstatbb/ezapop/>.

¹⁶ Wisconsin Lawyer, January 9, 2019, [“Juvenile Lifers: Reforming Extreme Sentences.”](#)

Conclusion

The GJJC urges a change in policy that aligns with the vision of a state in which all youth and families are safe, healthy, educated, supported equitably and provided opportunities to achieve their full potential. Ending future life sentences for youth and providing procedures for a sentence adjustment procedure for existing youth sentenced to life in prison would allow for a second chance at redemption.

The GJJC is authorized by Executive Order #43 and the federal Juvenile Justice and Delinquency Prevention Act (JJDP) to serve as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to youth justice. The GJJC is comprised of youth justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and members of non-profit organizations dedicated to improving outcomes for youth. The GJJC also includes youth members and individuals with lived experience within the youth justice system.

The GJJC welcomes opportunities to partner with the Governor, Legislature, and other state agencies to guide the large-scale and critical changes necessary to improve community safety and raise flourishing youth.

2/12/2026

X Diane Rondini

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