



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR
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END LIFE SENTENCES for CHILDREN and YOUTH

Under current Wisconsin State Statutes, children and youth may be sentenced to life imprisonment without being eligible for release to parole or extended supervision.¹ An estimated “100 youthful offenders are currently serving life sentences for crimes they committed as children in Wisconsin.”² In contrast, and consistent with both United States Supreme Court rulings and international law, 28 states, including our neighboring states, have banned juvenile life without parole.³ The Governor’s Juvenile Justice Commission (GJJC) supports joining those states in excluding 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.

Starting in 2005, the United States Supreme Court issued a series of rulings which highlight the fundamental differences between children and adults, paying particular attention to then-emerging research on adolescent brain development. This included the 2012 decision in *Miller v. Alabama* 567 U.S. 460 (2012), wherein the Court held that, regardless of the crime, imposing a mandatory life sentence without parole for a youth constitutes cruel and unusual punishment in violation of the eighth amendment of the U.S. Constitution. In so holding, the Court again spoke to the differences between adolescents and adults, finding 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.”⁴ Moreover, the Court spoke to how a mandatory sentence of life imprisonment prevents the sentencing judge from being able to consider both the unique facts of the offense and the unique characteristics of the youthful offender. First, children have a “lack of maturity and an underdeveloped sense of responsibility,” leading to recklessness, impulsivity, and heedless risk-taking.⁵ Second, children “are more vulnerable...to negative influences and outside pressures,” including from their family and peers; they have limited “contro[l] over their own environment” and lack the ability to extricate themselves from horrific, crime-producing settings. And third, a child’s character is not as “well formed” as an adult’s; their traits are “less fixed” and their actions less likely to be “evidence of irretrievabl[e] deprav[ity].”⁶

¹ 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.

² Weaver, Carte’cia. February 21, 2024, “[Explained: End Juvenile Life Without Parole in Wisconsin](#),” Kids Forward.

³ The Campaign for the Fair Sentencing of Youth. “[Juvenile Life Without Parole by State](#).” 5 states permit life prison sentences but do not have any children or youth serving these sentences. Juvenile Law Center. “[Juvenile Life Without Parole \(JLWOP\)](#).”

⁴ *Graham v. Florida*, 560 U. S. 48 (2010), [Opinion of the Court](#).

⁵ *Roper v. Simmons*, 543 U. S. 551 (2005), [Opinion of the Court](#).

⁶ *Ibid*.

Mandatory penalties, by their nature, preclude a sentencer from taking account of an offender's age and the wealth of characteristics and circumstances attendant to it.⁷ Further judicial discretion allows the court to consider the needs of victims, and community safety. Finally, requiring judges to set a date at which a youthful offender is eligible for release allows for an appropriate time and relevant conditions that ensure public safety is maintained while providing an opportunity for the youth to demonstrate accountability.

Therefore, the GJJC urges a change in state statute 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 life sentences for youth and providing procedures for appropriate release of existing youth sentenced to life in prison would be an impactful step towards that future.

The GJJC is authorized by Executive Order #43 and the federal Juvenile Justice and Delinquency Prevention Act (JJDPa) 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.

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X Diane Rondini

Diane Rondini
GJJC Chair

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