



Chairperson Tim Briggs, Committee on the Judiciary
Pennsylvania House of Representatives
302 Main Capitol Building
P.O. Box 202149
Harrisburg, PA 17120-2149
Submitted electronically

Re: Support for HB 1689

June 13, 2024

Dear Chairperson Briggs and Members of the House Judiciary Committee:

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

The Sentencing Project is writing in strong support of HB 1689, sponsored by Representative Tarik Khan along with 19 co-sponsors. HB 1689 would require consideration of adolescent brain development in findings of culpability and in sentencing for young people who were under the age of 25 at the time of the alleged offense. This bill, if passed, requires judges to consider the well-documented research and jurisprudence on brain development through late adolescence when considering a young person's case.¹

Advances in brain science have confirmed that the sections of the brain dedicated to impulse control, weighing consequences, and regulating emotions are still developing during late adolescence.² These are critical considerations in findings of culpability and in sentencing for young people under the age of 25. As The Sentencing Project documented in *Why Youth Incarceration Fails: An Updated Review of the Evidence*,³ the vast majority of youth age out of

¹ The Massachusetts General Hospital's Center for Law, Brain, and Behavior has a vast array of articles on the relevance of neuroscience for sentencing. <https://clbbneurolawlibrary.com/>

² Casey, B.J., Cimmons, C., Somerville, L.H., and Baskin-Sommers, A.. (2022). Making the sentencing case: psychological and neuroscientific evidence for expanding the age of youthful offenders. *Annual review of criminology*, 5:321-43.

³ Mendel, R. (2023). [Why youth incarceration fails](#). The Sentencing Project.

lawbreaking. In fact, most youth (63%) who enter the justice system for delinquency never return to court on delinquency charges.⁴

The United States Supreme Court has acknowledged adolescent brain development in several decisions that limit extreme sentencing for youth.⁵ In addition to the established constitutional law, most recently, the Massachusetts Supreme Judicial Court held that life-without-parole sentences of “emerging adults” under 21 years old at the time of their offense - violate the Massachusetts Constitution. HB 1689 would be a significant step toward updating Pennsylvania’s laws to align with what we now know about youth maturity, development, and culpability.

We urge you to support this common-sense legislation. Thank you for your time and consideration. We can be reached at the email address below if you have questions or need any additional information.

Sincerely,

Joshua Rovner

Director of Youth Justice

1705 DeSales St., NW; Suite 800

Washington, DC 20036

jrovner@sentencingproject.org

⁴ Puzzanchera, C. and Hockenberry, S. (2022) Patterns of Juvenile Court Referrals of Youth Born in 2000. Juvenile Justice Statistics: National Report Series Bulletin.

⁵ See, e.g., *Roper v. Simmons*, 543 U.S. 551, 578 (2005) (banning the death penalty for individuals convicted of murder under the age of eighteen); *Graham v. Florida*, 560 U.S. 48, 82 (2010) (banning life without parole sentences on juveniles convicted of non-homicide offenses); *Miller v. Alabama*, 567 U.S. 460, 465 (2012) (banning mandatory life without parole sentences for juveniles convicted of homicide); *Jones v. Mississippi*, 141 S. Ct. 1307 (2021) (holding that it remains a violation of the Eighth Amendment to impose a life without parole sentence on youths whose crimes reflect transient immaturity).