

By Mark Christensen

44th District, Neb. Legislature

It was a cold and wet end to the week while representing the 44th District at the Capitol, but it is some much needed moisture for Nebraska.

LB 44 was advanced on the floor on Thursday with a 30-2 vote. This bill deals with juveniles (under the age of 18) that have been convicted of murder and adds a minimum term of years for Class IA felonies.

It will change the mandatory life sentence to 40 years to life, with eligibility for parole after 20 years.

It also brings Nebraska Statute into compliance with a 2012 Supreme Court ruling.

In the case of Miller v. Alabama, the ruling states that imposing mandatory life sentences without the possibility of parole on juveniles violates the Eighth Amendment of the U.S. Constitution.

This doesn't mean that a juvenile, convicted of murder, cannot be given a life sentence. It means that the courts should examine all circumstances and allow for a minimum sentence, unlike the current Nebraska courts that are mandating sentencing of juveniles to life sentences without the possibility of parole.

The introducer of LB 44, Senator Ashford of Omaha, is very committed to this issue and fighting for juveniles that deserve the possibility of a second chance.

The Nebraska State Corrections Department has 282 inmates that were incarcerated while they were juveniles. Of those, 27 inmates committed the heinous crime of murder or some degree of murder and will be incarcerated for life, without the possibility of parole.

One of those 27 inmates is an inmate from District 44 (Smithfield) that shot and killed his mother in 1993, at the age of 13 years old.

He was found guilty of first degree murder and sentenced to life imprisonment. This young man has spent more than half his life behind bars.

Do these inmates and juveniles convicted of murder, deserve a second chance? Can they be rehabilitated and become productive citizens in society?

I chose not to vote the first round on this bill because I am still asking myself these questions.

Juveniles are different from adults and the brain does not fully mature until a person is in their twenties. An adolescent tends to make decisions based on emotion and when there has been trauma or abuse their emotions are intensified.

After more than half of a life incarcerated and with no support from family or friends, can someone come out of the prison system, and function as an adult?

I am also taking into consideration the fiscal impact that incarceration has on our state.

Studies show that a juvenile sentenced to life has an estimated cost of \$2 million; as the inmate ages that cost goes up. I will continue to study this bill and I look forward to listening to debate when LB 44 comes up on Select File.