



End Juvenile Life Without Parole in Wisconsin

Community Explainer

February 21, 2024

Main Takeaways

- On February 8, 2024, the Assembly Judiciary Committee held a hearing on [Senate Bill \(SB\) 801/Assembly Bill \(AB\) 845](#) which, if signed into law, would end the practice of sentencing juveniles to life without parole (JLWOP) in Wisconsin.
- This bill would create a new category called “youthful offenders” and require that the court consider factors such as age and maturity when sentencing youth.
- This bill would also create a process for currently incarcerated youthful offenders to petition to have their sentences reviewed after serving substantial time.
- Kids Forward supports this effort to make Wisconsin’s legal system more just and has asked that the legislature support SB801/AB845 and eliminate JLWOP in Wisconsin. [Read our submitted testimony here.](#)

What’s the Problem?

Every young person in Wisconsin deserves the opportunity to get an education, grow up in safe communities, and realize their potential. However, severe disinvestment, over-policing in communities of color, and racial bias in our legal system has led to youth of color being [over-represented](#) within the criminal legal system - from policing to courts to incarceration. But no child deserves to be handed a life sentence in prison with no possibility of freedom. Even though 28 other states—including Illinois and Minnesota—have banned JLWOP, Wisconsin hasn’t yet.

Over 100 youthful offenders are currently serving life sentences for crimes they committed as children in Wisconsin – several of whom were as young as 13 years old at the time of the offense. By supporting Senate Bill (SB) 801/Assembly Bill (AB) 845 and ending juvenile life without parole (JLWOP), Wisconsin can end the practice of sentencing children to die in prison.

Children Are Fundamentally Different Than Adults

Wisconsin recognizes that children are different from adults by not allowing those under 18 to serve in the military, buy alcohol and cigarettes, get married without their parents' consent, or vote. Wisconsin even restricts children's access to drive. But Wisconsin's legal system automatically tries [17-year-olds as adults](#) and allows children to be imprisoned for life. These inconsistent practices must end.

[Brain science shows](#) us that child and emerging adult (ages 18-25) brains are:

- severely impacted by adverse childhood experiences such as violence in the home, abuse, poverty, and incarceration,
- unable to make sound judgment and are highly influenced by their environment,
- still developing and unable to process risks and rewards the way an adult brain can,
- and highly responsive to rehabilitation.

The Supreme Court deemed juvenile life without parole to be cruel and unusual punishment.

In two landmark cases, *Miller v. Alabama* (2012) and *Montgomery v. Louisiana* (2016), the Supreme Court decided that: (1) children are fundamentally different from adults and must be held accountable in age-appropriate ways and (2) sentencing children to life in prison without parole is a violation of the 8th Amendment of the US Constitution and constitutes "cruel and unusual punishment".

Juvenile life without parole causes deep and lasting harm.

Studies have shown that incarceration during youth is associated with [worse outcomes](#) in adulthood. In fact, incarcerating youth for longer than 15 to 20 years actually [reduces public safety](#). JLWOP sentences eliminate the possibility that children receive developmentally appropriate services. Maintaining JLWOP will continue to cause deep and lasting harm on youth, their families, and their communities. It is imperative that Wisconsin lawmakers shift their focus to addressing root causes and basic needs.

How is JLWOP impacting Wisconsin and its youth?

Over 100 youthful offenders are currently serving life sentences for crimes they committed as children in Wisconsin – several of whom were as young as 13 years old at the time of the offense.

Wisconsin relies far too much on incarceration and blames children for system-wide failures. Instead of incarceration, a better investment for Wisconsin's youth is in basic needs such as health, housing, and employment. Wisconsin should reimagine a community-based continuum of care grounded in youth voice, emerging adult research, and cross-system collaboration.

How would Senate Bill 801/Assembly Bill 845 help?

[SB801/AB845](#) would:

- eliminate the possibility that a child can be sentenced to life without parole in Wisconsin,
- create a new category called “youthful offenders,”
- require that the court consider factors such as age and maturity when sentencing youth,
- create a process for currently incarcerated youthful offenders to request a review of their sentence after 15 years for most offenses,
- and more closely align Wisconsin law with brain science and Supreme Court rulings.

Wisconsin cannot afford to continue to accept the current outcomes and disparities as inevitable. Wisconsin spends \$38,644 per inmate per year. For the 115 individuals serving life sentences since they were children, that amounts to around [\\$4.44 million a year](#).

Act Now

Is it possible that this bill might pass?

Yes! This bill has bipartisan support, but it has failed to pass in previous years due to time constraints in the legislative session. With your voice and advocacy, we can let legislators know this is a priority.

What can my organization do about it right now?

1. If your organization lobbies, you can register against JLWOP and submit testimony.
2. Share this explainer with your colleagues, members, board, and others.
3. Call and email your legislators' offices and ask that they support [SB801/AB845](#).

What can individuals do about it right now?

- Contact your legislators and tell them why you support ending the practice of judges sentencing children to life without parole.
- Contact Governor Tony Evers and ask that he take a stand against sentencing youthful offenders to die in prison.

What can we do to advocate for youth long term?

Wisconsin's legal system is developmentally inappropriate for its youth and emerging adults. We can continue to advocate for investments in:

- youth's basic needs,
- decarceration,
- funding for community-based alternatives to incarceration,
- abolishing all fees and fines in the juvenile justice system,
- and ending the practice of automatically sending 17-year-olds to adult jail (also known as "raise the age").

I need more information about JLWOP. Can I talk to someone at Kids Forward?

Yes! Contact Carte'cia Weaver, cweaver@kidsforward.org

About Kids Forward

Kids Forward is a statewide antiracist policy center that inspires action and advocates for children and families of color and those furthest from opportunity in Wisconsin. We envision a Wisconsin where every child thrives.

