



SENATE BILL 256: KIDS SENTENCED AS ADULTS - PAROLE ELIGIBILITY

THE U.S. SUPREME COURT AND THE SUPREME COURT OF OHIO HAVE RULED:

- For non-homicide offenses, kids cannot receive life sentences¹ or sentences that exceed their lifetime.²
- For homicide offenses, kids cannot receive mandatory life without parole because kids have "diminished culpability and heightened capacity for change."³

BILL SUMMARY

- SB256 applies to anyone who was under age 18 at the time of the offenses for which they were convicted and sentenced.
- SB256 abolishes the sentence of life without parole for kids in future cases.
- SB256 will become effective on April 12, 2021.

PAROLE ELIGIBILITY

- The bill provides parole eligibility as follows:
 - After serving **30** years if the person was the principal offender in 2 or more homicide offenses in the same or separate incidents;
 - After serving **25** years for all other homicide offenses; or
 - After **18** years for all non-homicide offenses.
- The bill does not provide parole eligibility for "Aggravated Homicide Offenses," defined as the "principal offender" in the purposeful killing of 3 or more persons, or an act of terrorism that involves murder or aggravated murder.
- Parole eligibility does not guarantee release. The bill provides people convicted of crimes that occurred when they were children with a meaningful opportunity for release, to show the parole board that they have been rehabilitated and pose no threat to the community.
- If the Ohio Parole Board denies release, the Board must hold the next review within 5 years.

MITIGATING FACTORS

- In addition to other factors, the Ohio Parole Board must consider five mitigating factors associated with youth:
 - The chronological age of the person at the time of the offense, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences;
 - The family and home environment of the person at the time of the offense, the person's inability to control their surroundings, a history of trauma, and the person's school and special education history;
 - The circumstances of the offense, including the extent of the person's participation in the conduct and the way family and peer pressures may have impacted the person's conduct;
 - Whether the person might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth such as the person's inability to deal with police officers and prosecutors during an interrogation or possible plea agreement, or the person's inability to assist their own attorney; and
 - Examples of the person's rehabilitation, including any subsequent growth or increase in maturity during imprisonment.

¹ *Graham v. Florida*, 560 U.S. 48 (2010).

² *State v. Moore*, 149 Ohio St.3d 557 (2016).

³ *Miller v. Alabama*, 567 U.S. 460 (2012).

