



Brief: Second Look

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Key Points:

- 1. Punishment of crime is just, but must not be imposed for its own sake.**
- 2. 95 percent of juveniles sentenced to lengthy incarceration die in prison.**
- 3. Our law should uphold justice *and* provide a path to redemption.**

A Catholic perspective: We support parole board review of lengthy sentences given to juveniles as part of our care for prisoners. In response to crime, the state has the primary responsibility to uphold justice in order to achieve restitution, protect the common good, deter offenses, and rehabilitate offenders.

For these reasons, the punishment of a criminal is clearly justified, but justice requires that the punishment not be imposed for its own sake.^[1] Crime disorders society and punishment should seek to restore order, both in society and in an offender's soul.^[2] We are especially mindful of this in the case of a younger criminal who, because of his age, is naturally more able to reform his life. Civil law's response to such young offenders should be one of justice, but also of hope:

Just as God never abandons us, so too we must be in covenant with one another. We are all sinners, and our response to sin and failure should not be abandonment and despair, but rather justice, contrition, reparation, and return or reintegration of all into the community.^[3]

On one hand, it is just to punish severe offenses, including capital murder and aggravated sexual assault, with lengthy incarceration. On

the other hand, criminal juvenile behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, and addressing serious mental or emotional illnesses.^[4] Therefore, it is reasonable to provide prisoners—only those who demonstrate reformed, rehabilitated, and good character—an *opportunity* for parole review. We do this in imitation of Christ, who was also a lawgiver:

It is Christ who establishes the law, proclaims it and strengthens it. However, he does this not with arrogance, but with meekness and love. He heals what is sick, strengthens what is bruised. Where a faint flame of goodness still burns, he revives it with the breath of his love. He forcefully proclaims justice and heals wounds with the balm of mercy.^[5]

Texas law & policy: Under Texas law, individuals convicted of a capital felony committed at age seventeen or younger cannot be assigned life without parole, in accord with the following U.S. Supreme Court rulings:

- In *Graham v. Florida*, the Court held that juveniles who had not committed homicide could not be assigned life without parole, limited the length of sentences states could

assign to minors, and required that offenders have an opportunity to obtain parole.^[6]

- In *Miller v. Alabama*, the Court declared that life without parole sentences for minors violate the Eighth Amendment.^[7]
- In *Montgomery v. Louisiana*, the Court applied the *Miller* ruling retroactively.^[8]

Therefore, juveniles convicted of severe offenses may be sentenced to “capital life.” Under this sentence, a juvenile cannot receive parole eligibility or consideration of good conduct time until they serve 40 actual calendar years.^[9] After that time, the Parole Board has the power to grant or deny parole.^[10] Therefore, at the earliest, a prisoner is not eligible for release until they are 54 years old. Under current law, 95 percent of juveniles given a lengthy sentence die in prison.^[11]

Texas law can be improved in order uphold justice, motivate young offenders to focus on rehabilitation, and provide a path to redemp-

tion for those who can prove that they merit a second chance.

Key bill summary: HB 256, SB 155 allows for parole review after offenders serve 20 actual calendar years if they were under 18 at the time of their crime, and if they pass a comprehensive mental health and character evaluation. We support this bill to uphold justice and provide mercy for individuals who were minors at the time of their crime.

A call to action: To support this proposal, please visit txcatholic.org/justice to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they maintain laws which uphold justice by consoling the suffering and rehabilitating offenders.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Endnotes

1. Thomas Aquinas, *Summa Theologica* [I.II Q. 87 Art. 3, Reply 3](#).
2. Ibid, [I.II Q. 87 Art. 1, 6, and 7, Answers](#).
3. U.S. Conference of Catholic Bishops, [Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice](#). “Scriptural Foundations.” (Nov. 15, 2000)
4. Ibid., “Sacramental and Historical Heritage.”
5. St. John Paul II, [Jubilee in prisons: Sunday homily on July 9, 2000](#).
6. U.S. Supreme Court, [Graham v. Florida](#) (2010)
7. U.S. Supreme Court, [Miller v. Alabama](#) (2012)
8. U.S. Supreme Court, [Montgomery v. Louisiana](#) (2016)
9. Texas Government Code § [508.145\(b\)](#).
10. 37 TAC § [145.2\(a\)](#).
11. Texas Criminal Justice Coalition, [The Second Look Book](#) (2017)

