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Advocates Praise Bi-Partisan Reform Package that Treats Children in the Criminal Justice System Like Children

Members of Congress to speak at a virtual press conference today alongside community leaders who were directly impacted by the criminal justice system as children

Washington, DC – Congressmembers Bruce Westerman (R- AR), Karen Bass (D- CA), and Tony Cárdenas (D- CA) have introduced a bipartisan package of legislation supported by research and brain science with a clear message: Children are different from adults and must be treated differently in the criminal justice system. The members will appear in a press conference today at 3pm ET alongside those directly impacted to discuss the legislation -- [register for the press conference here](#), and look for an email confirmation with log-in credentials.

The bills establish age-appropriate protections for youth who are arrested (**Cárdenas, D-CA**), align the federal government with human rights standards by establishing a minimum age for juvenile court jurisdiction and heightened procedural safeguards that limit the prosecution of children in adult court (**Bass, D-CA**), and eliminate life and de facto life without parole sentences for children (**Westerman, R-AR**).

“It is time we reckon with outdated laws that were not fully supported by data in order to ensure that our children are receiving the opportunities they need based on the values we as a country believe in such as mercy, hope, forgiveness, and redemption,” said **Michael Mendoza, Director of National Advocacy at the Anti-Recidivism Coalition**

The bills are being introduced as a package during Second Chance Month. Together, they begin to align federal statutes with research, science, and positive movement in the states as well as universally accepted human rights norms. Following five decisions by the U.S. Supreme Court over the past fifteen years, states have been reforming laws that treated children as if they were adults, which disproportionately harmed youth of color.

As a result, the number of youth automatically charged and sentenced as adults has fallen 70% in the states. Twenty-five states and DC no longer sentence children to die in prison, and an increasing number of states are moving to protect youth in police custody and establish a minimum age for when a child can be adjudicated in juvenile court.

James Dold, Executive Director of Human Rights for Kids says, “This is the most sweeping criminal justice reform package focused on children in the history of the United States. Collectively, these three pieces of legislation will significantly advance the human rights of

children in the federal criminal justice system. We are grateful to Representatives Bass, Westerman, and Cárdenas for their incredible bipartisan leadership and look forward to their bills becoming law.”

"As someone who went to prison as a child when tough on crime rhetoric was at a peak, I think it is crucial for the federal government to lead on advancing the current standard of decency with regards to how children should be treated in this country, in accordance with the national trend towards age-appropriate accountability measures," says **Xavier McElrath-Bey, Co-Executive Director of the Campaign for the Fair Sentencing of Youth**. "It is their moral and ethical obligation to protect the most vulnerable in our society, and to guide us in reckoning with and righting the injustices of our past."

According to Human Rights for Kids, the United States remains a global outlier in terms of our treatment of children in the justice system.

Advocates applaud the efforts by these legislators to bring federal law in line with these changes in the states. This package is supported by the following organizations: The Anti-Recidivism Coalition, The Campaign for the Fair Sentencing of Youth, The Coalition for Juvenile Justice, Human Rights for Kids, Human Rights Watch, National Juvenile Justice Network, Rights 4 Girls, and the National Juvenile Justice & Delinquency Prevention Coalition.

Package Summary:

H.R. 2834 - Miranda Rights for Kids Act (Cárdenas, D-CA) – When faced with custodial interrogation by the police, youth have the same rights as adults. But youth do not have the same capacity as adults to understand those constitutional rights. This bill will ensure that before a child gives up their constitutional rights, that they have the opportunity to consult with legal counsel who will explain what these rights mean and advise them accordingly.

“This law would mean that no child would be left alone in police custody when making a difficult decision about whether to give up their rights. No one would want their child left alone during a police interrogation. This is a law about protecting kids in police custody, and ensuring kids have the same constitutional protections adults do,” says **Elizabeth Calvin, Senior Children’s Rights Advocate at Human Rights Watch**.

Introduction Pending (Bass, D-CA) – This bill would align the federal government with national standards and universally accepted human rights norms when it comes to the treatment of children in the justice system. It would establish a minimum age of 12 before a child can be prosecuted in juvenile court, end automatic transfer and establish a minimum age of 16 before a child can be prosecuted in adult criminal court. This bill would also eliminate the felony murder rule for children, ban children from being housed in adult correctional facilities (jail and prison), and require the federal government to keep an accurate track of children who come into the federal criminal justice system.

“NJN thanks Representatives Westerman, Bass and Cárdenas for their leadership in sponsoring these bills which establishes a much needed minimum age for federal juvenile court jurisdiction and many other long-overdue changes. The U.S. is an outlier throughout the world in the practice

of prosecuting young children in court; 14 is the most common minimum age of criminal responsibility internationally. We commend the sponsors for working to keep young children out of federal court and hope that this will motivate all states to do the same,” says **K. Ricky Watson, Jr, Executive Director, National Juvenile Justice Network.**

H.R. 2858 - Sara’s Law and the Unfair Sentencing Act of 2021 (Westerman R-AR) – This bill would allow children sentenced to more than 20 years in prison to petition the original sentencing court for review, effectively ending life and de facto life without parole sentences for children prosecuted in the federal system. This bill also requires consideration of mitigating factors of youth at sentencing and authorizes courts to depart from mandatory minimums when sentencing children. It also creates new protections for child sex crime victims who commit acts of violence against their abusers by allowing judges to suspend or deviate from any portion of an otherwise required sentence.

“Despite the well established connections between experiences of trauma and legal system involvement, youth continue to face harsh, punitive responses -- often for trying to protect themselves from further harm. This bill is a critical step towards disrupting the abuse-to-prison pipeline by allowing courts to consider a survivor’s trauma and development in sentencing. We thank Representatives Westerman, Bass and Cárdenas for their leadership in introducing this important youth-centered package,” says **Yasmin Vafa, Executive Director, Rights4Girls.**

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