



The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

To: New Mexico Committee of the Courts, Corrections, and Justice
From: Nikola Nable-Juris, on behalf of the Campaign for the Fair Sentencing of Youth
Re: Serious Youthful Offender 30-Year Review Procedure and Senate Bill 64 (2023)
Date: November 5, 2025

The Campaign for the Fair Sentencing of Youth (“CFSY”) is a national organization that collaborates with policymakers, national and community organizations, and individuals directly impacted by the justice system to develop solutions that keep communities safe while providing opportunities for children to reintegrate into society after demonstrated rehabilitation. We recognize that all children, even those who commit serious offenses, are capable of growth and change. We advocate for all children serving lengthy sentences to receive meaningful opportunities for review and we provide support for them to thrive after release. As one of the lead organizations involved in the passage of Senate Bill 64 in 2023, we support an interpretation of NMSA § 31-21-10.2 that permits meaningful review for all individuals convicted of offenses they committed while under age 18.

When the New Mexico Legislature passed Senate Bill 64 in 2023, it did so in alignment with a powerful legal and scientific consensus. For two decades, U.S. Supreme Court jurisprudence has repeatedly affirmed that children are constitutionally different from adults for the purposes of criminal sentencing. In a litany of cases including *Roper v. Simmons* (2005), *Graham v. Florida* (2010), *Miller v. Alabama* (2012), and *Montgomery v. Louisiana* (2016), the Court established that children have a unique capacity for change and that states must provide a “meaningful opportunity to obtain release.”¹ Senate Bill 64 was passed to bring New Mexico’s laws in line with this constitutional mandate, specifically for children serving lengthy, life-equivalent sentences. In light of the reforms happening nationwide, in 2023 the New Mexico Legislature passed Senate Bill 64 to provide parole eligibility to youth serving lengthy sentences. Notably, no children were serving formal life-without-parole sentences in New Mexico at that time, which underscores that this legislation was aimed squarely at addressing lengthy, life-equivalent sentences, often created by the stacking of consecutive terms. This was at the forefront of discussions about the pending bill, including with the Office of the Attorney General, to ensure that children serving lengthy sentences would receive parole eligibility.

New Mexico’s approach is consistent with a broad national consensus. States across the country, representing the geographic and political diversity of this country, have passed laws addressing criminal sentencing for children. Twenty-eight states and the District of Columbia have prohibited life-without-parole sentences for children under eighteen. Many of those states, like New Mexico, have explicitly provided retroactive and prospective review eligibility for individuals serving lengthy and life-equivalent sentences. Various statutory mechanisms have been adopted to achieve this. Laws such as those in Arkansas,² Connecticut,³ Minnesota,⁴ Virginia,⁵ and West Virginia⁶ establish an upper limit as to the number of years all children



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must serve before they must receive a parole hearing. Others, such as the District of Columbia,⁷ Maryland,⁸ and North Dakota,⁹ establish a judicial review procedure by which children can petition a judge to reduce their term of imprisonment after serving a specific number of years. Several states, including Missouri,¹⁰ Ohio,¹¹ Oregon,¹² and Rhode Island,¹³ passed legislation precisely because a significant number of children were serving life-equivalent terms due to consecutive sentences.

Congruent with these legislative reforms, state high courts throughout the country have found that lengthy sentences without meaningful parole review are the functional equivalent of life-without-parole sentences for children. The high courts of Alaska,¹⁴ Iowa,¹⁵ Maryland,¹⁶ Montana,¹⁷ Ohio,¹⁸ Tennessee,¹⁹ and Wyoming,²⁰ among others, have all examined lengthy term-of-year sentences and concluded that U.S. Supreme Court protections apply to these sentences even if they are not technically called “life without parole.” To interpret New Mexico’s statute in a manner where children are paroled from one sentence into another sentence would create the very de facto life sentences that this growing body of jurisprudence prohibits and risks placing the statute in constitutional jeopardy.

The Campaign for the Fair Sentencing of Youth encourages the implementation of NMSA § 31-21-10.2 in a manner that gives all children a meaningful opportunity to be paroled to the community after serving the required minimum number of years. This approach is the only one that upholds the plain language of the statute, the clear legislative intent behind its passage, and the spirit animating New Mexico’s law and nationwide reform. Thank you for your serious consideration of youth who deserve a meaningful opportunity to return to the community. If I can provide further information, please contact me at nikola@cfsy.org.

Thank you,

Nikola Nable-Juris
National Legal and Policy Director
Campaign for the Fair Sentencing of Youth

¹ *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 130 S. Ct. 2011 (2010); *Miller v. Alabama*, 132 S. Ct. 2455 (2012); *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

² S.B. 294, 91st Leg. (Ark. 2017); S.B. 652, 93rd. Leg. (Ark. 2021).

³ S.B. 796, 2015 Reg. Sess. (Conn. 2015).

⁴ S.F. 209, 2023 Reg. Sess. (Mn. 2023).

⁵ H.B. 35, 2020 Reg. Sess. (Va. 2020).

⁶ HB 4210, 81st Legislature, 1st Sess. (W. Virg. 2013).

⁷ B. 21-568, Period 21 (D.C. 2016).

⁸ S.B. 494, 2021 Reg. Sess. (Md. 2021).



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⁹ H.B. 1194, 65th Leg. (N.D. 2017).

¹⁰ S.B. 26, 101st Gen. Ass. (Mo. 2021).

¹¹ S.B. 256, 133rd Gen. Assemb. (Ohio 2020).

¹² S.B. 1008, 80th Leg. Assemb., Reg. Sess. (Or. 2019).

¹³ H.B. 6122, 2021 Reg. Sess. (R.I. 2021).

¹⁴ *Fletcher v. State*, 532 P.3d 286 (Alaska Ct. App. 2023).

¹⁵ *State v. Null*, 836 N.W.2d 41 (Iowa 2013).

¹⁶ *Carter v. State*, 192 A.3d 695 (Md. 2018).

¹⁷ *Steilman v. Michael*, 407 P.3d 313 (Mont. 2017).

¹⁸ *State v. Moore*, 76 N.E.3d 1127 (Ohio 2016).

¹⁹ *State v. Booker*, 656 S.W.3d 49 (Tenn. 2022).

²⁰ *Bear Cloud v. State*, 334 P.3d 132 (Wyo. 2014).