

What are other states doing about Death by Incarceration?

This fact sheet looks at current legislation that has either been introduced or passed in various states. These states have introduced or passed legislation around the resentencing of juvenile lifers, and/or people convicted of first and second-degree crimes, including murder. All of these pieces of legislation have been introduced within the last two years.

Washington: SB5164



SB5164 will offer any person sentenced as a "persistent offender" the opportunity for resentencing of a life without parole conviction when one of the offenses was robbery in the second degree.

California: SB300



SB 300 will reform California's unjust "felony murder special circumstance" law and ensure that the death penalty and life without the possibility of parole cannot be imposed on those who did not kill, nor intend that a person die, during a crime.

Oklahoma: SB1189



SB 1189 prohibits the state from imposing a mandatory minimum sentence of 20 years or more or life imprisonment without the possibility of parole on any juvenile.

Texas: HB3392



HB3392 would allow a sentence review from the courts of incarcerated people 35 years or older who pose no risk to public safety and who have served at least 15 years and those 50 years or older who have served at least 10 years.

Louisiana: HB173



HB173 grants automatic parole eligibility to those convicted of crimes as children once they have served 25 years and meet certain pre-release qualifications.

Arizona: SB1549 and SB1478



SB1549 grants release for a person that is at least 60 years old and has served at least 20 years of their sentence. SB1478 grants medical parole for a person who has been determined to not be a risk if released and the release is medically appropriate.

New Hampshire: HB138



HB138 is an act allowing incarcerated people serving life sentences to be eligible for parole after 25 years. A person serving a sentence of LWOP or LWP shall be eligible for parole review after 18 years for second-degree murder and 25 years for a conviction for any other offense.

Nebraska: LB34



LB34 grants resentencing for people under 21 years old at the time of sentencing. The death penalty or LWOP will not be imposed on any person who was under the age 21 at the time of the crime.

Indiana: HB 1575



HB 1575 provides that if the parole board determines that a person: has been properly rehabilitated, and has suitable plans to carry out if discharged; the parole board may release them from the custody of the department, even if the minimum term of the person's sentence has not been completed.

Alabama: HB580 and HB581



HB580 would create a geriatric parole system for people 55 years or older who have served at least 15 years. HB581 would expand eligibility for medical parole by lowering the age from 60 to 50 and opening eligibility for incarcerated individuals regardless of offense type.

South Dakota: SB 136



SB 136 says a person who was sentenced to life imprisonment for an offense that was committed when the person was 25 years old or younger is eligible for parole consideration when the person reaches 50 years old.

New Hampshire: HB 138



HB 138 is an act allowing incarcerated people serving life sentences to be eligible for parole after 25 years.

New York: SB S15A & A3475



SB S15A would grant parole eligibility to incarcerated people who are 55 years old or older and have served at least 15 years. An individual does not have to have served their minimum sentence.

Virginia: SB 624



A person who is 65 and has served at least 5 years, a person who is 60 and has served at least 10 years, a person who is 55 and has served at least 15 years, and a person who is 50 that has served at least 20 years is eligible for conditional release under SB 624.

For more information visit us at: straight-ahead.org
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