# SLS 11RS-1031

## **ORIGINAL**

Regular Session, 2011

# SENATE CONCURRENT RESOLUTION NO. 37

BY SENATOR MARTINY

JUVENILES. Directs the Louisiana State Law Institute to evaluate Louisiana's compliance with the United States Supreme Court ruling regarding juvenile life sentences without parole.

1	A CONCURRENT RESOLUTION
2	To direct the Louisiana State Law Institute to evaluate Louisiana law for compliance with
3	the United States Supreme Court's ruling in the case of Graham v. Florida, 130 S.
4	Ct. 2011 (2010), and to report its findings and recommendations to the Legislature
5	of Louisiana as to whether it is necessary to amend Louisiana's juvenile sentencing
6	laws to comply with the ruling in that case.
7	WHEREAS, in Graham v. Florida, 130 S. Ct. 2011 (2010), the United States
8	Supreme Court held that it is unconstitutional, in violation of the Eighth Amendment ban on
9	cruel and unusual punishment, to sentence a juvenile to life without the possibility of parole
10	when convicted of a non-homicide offense; and
11	WHEREAS, in the Graham case, the United States Supreme Court ordered states to
12	provide a meaningful and realistic opportunity for release; and
13	WHEREAS, in Louisiana there are currently forty-two individuals sentenced to life
14	without the possibility of parole for non-homicide offenses committed when the individuals
15	were juveniles; and
16	WHEREAS, in conducting this evaluation, it is necessary that the Louisiana State
17	Law Institute appoint and convene a task force composed of representatives of each of the
18	following: the Louisiana District Judges Association; the Louisiana Council of Juvenile and

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1 Family Court Judges; the Louisiana Association of Criminal Defense Lawyers; the Louisiana 2 Supreme Court; the Legislature of Louisiana; the Louisiana District Attorneys Association; 3 the Louisiana Public Defender Board; the Louisiana Sheriff's Association; the Juvenile 4 Justice Project of Louisiana; the Secretary of the Department of Public Safety and Corrections, or his designee; the Louisiana Commission on Law Enforcement and 5 Administration of Criminal Justice; the Children's Code Advisory Committee and the 6 7 Criminal Code and Procedure Advisory Committee of the Louisiana State Law Institute; and 8 a representative of the victim's community.

9 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 10 direct the Louisiana State Law Institute to evaluate Louisiana law for compliance with the 11 United States Supreme Court's ruling in the case of *Graham v. Florida*, 130 S. Ct. 2011 12 (2010), and to report its findings and recommendations to the Legislature of Louisiana as to 13 whether it is necessary to amend Louisiana's juvenile sentencing laws to comply with the 14 ruling in that case.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its
findings and recommendations to the Legislature of Louisiana no later than January 1, 2012.
BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
Louisiana State Law Institute.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

#### Martiny

#### DIGEST

SCR No.

Directs the Louisiana Law Institute to evaluate Louisiana law for compliance with the United States Supreme Court's ruling in the case of *Graham v. Florida*, 130 S. Ct. 2011 (2010), and to report its findings and recommendations to the Louisiana Legislature by January 1, 2012, as to whether it is necessary to amend juvenile sentencing laws to comply with the ruling in that case.