

SENATE CONCURRENT RESOLUTION NO. 37

BY SENATOR MARTINY AND REPRESENTATIVE HONORE

A CONCURRENT RESOLUTION

To direct the Louisiana State 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 Legislature of Louisiana as to whether it is necessary to amend Louisiana's juvenile sentencing laws to comply with the ruling in that case.

WHEREAS, in *Graham v. Florida*, 130 S. Ct. 2011 (2010), the United States Supreme Court held that it is unconstitutional, in violation of the Eighth Amendment ban on cruel and unusual punishment, to sentence a juvenile to life without the possibility of parole when convicted of a non-homicide offense; and

WHEREAS, in the *Graham* case, the United States Supreme Court ordered states to provide a meaningful and realistic opportunity for release; and

WHEREAS, in Louisiana there are currently forty-two individuals sentenced to life without the possibility of parole for non-homicide offenses committed when the individuals were juveniles; and

WHEREAS, in conducting this evaluation, it is necessary that the Louisiana State Law Institute appoint and convene a task force composed of representatives of each of the following: the Louisiana District Judges Association; the Louisiana Council of Juvenile and Family Court Judges; the Louisiana Association of Criminal Defense Lawyers; the Louisiana Supreme Court; the Legislature of Louisiana; the Louisiana District Attorneys Association; the Louisiana Public Defender Board; the Louisiana Sheriff's Association; the Juvenile Justice Project of Louisiana; the Secretary of the Department of Public Safety and Corrections, or his designee; the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; the Children's Code Advisory Committee and the Criminal Code and Procedure Advisory Committee of the Louisiana State Law Institute; and a representative of the victim's community.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby direct the Louisiana State 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 Legislature of Louisiana as to whether it is necessary to amend Louisiana's juvenile sentencing laws to comply with the 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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES