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California State Senate

SENATOR
JEFF STONE, PHARM.D.
TWENTY-EIGHTH SENATE DISTRICT



September 20, 2017

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Governor Edmund G. Brown, Jr.
State Capitol
Sacramento, CA 95814

RE: Veto Request – Senate Bill 394

Dear Governor Brown:

I am writing today to respectfully request that you veto Senate Bill 394.

SB 394 adds juveniles who have received a sentence of life without the possibility of parole (LWOP) to the youth offender parole hearing process after their 25th year of incarceration.

SB 394 attempts to codify the U.S. Supreme Court's decision in *Montgomery v. Louisiana* (2016) in a way that is favorable to juveniles that have been convicted of a of a special-circumstance murder (torture of the victim or murder a peace officer), as there is already an existing process for juveniles that were sentenced to life without the possibility of parole for those crimes that are not considered special-circumstance.

It is important to note that the courts did not bar LWOP sentences for juveniles, but ruled that given the diminished culpability and heightened capacity for change of juveniles, "we think the appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." (Miller, 132 S.Ct. at 2469). And, according to the bill's author, it is indeed uncommon. There are approximately only about 300 offenders who were convicted of special circumstance murder which was not either: 1) reduced to a 25 to life by the judge at sentencing; or 2) resentenced pursuant to existing law.

I thank you for your time to read this letter and am available to answer any questions if they arise. I can be contacted at (916) 651-4028.

Sincerely,

A handwritten signature in black ink that reads "Jeff Stone".

Jeff Stone
Senator, 28th District