



PENNSYLVANIA: SECOND CHANCES AGENDA: END LIFE WITHOUT PAROLE (LWOP) SENTENCES



THE PROBLEM – Most people who commit serious crimes outgrow criminal behavior, but Pennsylvania’s laws keep people locked up for life regardless of their rehabilitation

Life Without Parole (LWOP) sentences make Pennsylvania less safe because they keep people in prison long after they stop posing a danger to the community, at enormous cost to taxpayers. Most people outgrow crime and become more expensive to incarcerate as they age in prison. Keeping people locked up after they have been rehabilitated costs Pennsylvanians hundreds of millions of dollars each year, money that could otherwise be directed towards crime prevention.

Pennsylvania has the second-largest LWOP population in the United States and the third-highest percentage of its prison population serving LWOP. This is largely driven by two laws: The mandatory minimum sentence of life imprisonment required for first- and second-degree murder and the denial of parole eligibility to anyone serving a life sentence. Due to these laws, 13.4% of people in Pennsylvania prisons are serving LWOP, compared to only 3.6% nationally. Plus, the population serving LWOP in Pennsylvania has surged over the last few decades. There were more than six times as many people serving LWOP in 2019 than there had been in 1980.

Keeping people in prison for life with no opportunity to be considered for parole does not improve public safety. The vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they mature. People who have served long sentences are actually very unlikely to reoffend.

This is illustrated by the 174 people in Philadelphia – all of whom had been sentenced to life for homicides committed while they were under age 18 – who were resentenced and released following landmark U.S. Supreme Court decisions. After they had been in the community for an average of 21 months, only two (1.1%) had been reconvicted of any offense. Similarly, as of 2005, of the 285 (primarily adult) Pennsylvanians who had life sentences commuted and were released on parole, only seven had returned to prison for any new crime.

In addition, most of Pennsylvania’s LWOP sentences are mandatory, which leads to unnecessarily lengthy incarceration of people who are less culpable or dangerous. Mandatory LWOP sentences deprive judges of the ability to make individualized sentencing decisions that consider, for example, a person’s role in the offense, age, criminal history, mental health, or other mitigating factors.

THE SOLUTION – End life without parole sentences and give people serving them a second chance

Pennsylvania can address these problems by:

- Repealing mandatory life sentence statutes for first- and second-degree murder.
- Giving all people serving life sentences the opportunity to have their incarceration reviewed either through parole or court action. The decision-making process should focus primarily on the person’s situation and condition today and whether continued incarceration is necessary to protect the public, and worth the cost to taxpayers.

For more information, please contact FAMM Pennsylvania State Policy Director [Maria Goellner](mailto:mgoellner@famm.org) at mgoellner@famm.org or (717) 945-9089. Read FAMM’s report *Time for Justice: The Urgent Need for Second Chances in Pennsylvania’s Sentencing System*, available at FAMM.org