



330 Main Street
Hartford, Connecticut 06106

Written Testimony Supporting

House Bill No. 6581, AAC the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth
and

Senate Bill 1062, AAC the Recommendations of the Connecticut Sentencing Commission Regarding the Sentencing of a Child or Youth Convicted of a Felony Offense

Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee, my name is David McGuire, and as Staff Attorney for the ACLU of Connecticut, I am here to support the recommendations of the Connecticut Sentencing Commission embodied in House Bill 6581, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth and Senate Bill 1062, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Sentencing of a Child or Youth Convicted of a Felony Offense. These bills acknowledge significant differences between child and adults offenders by eliminating mandatory life-without-parole sentences for juveniles, as well as by providing parole eligibility rules tailored for juveniles serving lengthy prison sentences.

We agree with the Connecticut Sentencing Commission that the developmental traits particular to adolescents, which support their potential to be rehabilitated and reintegrated into society, should be reflected in Connecticut's parole eligibility rules for juvenile offenders. Additionally, recent United States Supreme Court jurisprudence requires changes to Connecticut's juvenile justice sentencing scheme.

This past June, the Supreme Court in *Miller v. Alabama* held that mandatory life sentences without the possibility of parole for those under age of 18 at the time of their crime violate the Eight Amendment's prohibition on cruel and unusual punishment. The Court specifically noted juveniles' "diminished culpability and greater prospects for reform." Senate Bill 1062 will bring Connecticut into compliance with the law of the land. Significantly, it will allow judges to consider youth-related factors in sentencing juveniles transferred to adult court.

Criminal sentences are meant to serve four purposes: retribution, deterrence, rehabilitation and incapacitation. Giving lengthy sentences to adolescents without providing for the possibility of earlier parole for appropriate candidates serves none of these purposes. Scientific research show that adolescents' brains are less fully developed than adults' brains, which makes adolescents more likely to be swayed into crime by peer pressure or to be influenced by an adult. Adolescents also are less capable of realizing the consequences of their actions, and thus are more likely to act on impulse and less culpable than adults. House

Bill 6581 recognizes these factors by providing a chance for juveniles serving lengthy sentences to show they have rehabilitated, matured, changed their ways and made amends.

The state pays thousands of dollars every year for each person in prison with the intention of protecting society from truly dangerous offenders. Because their brains are still developing, however, it is next to impossible to tell at the time of sentencing how adolescents will turn out. Were they inherently bad and dangerous, were they acting on impulse or were they persuaded by others into criminal behavior? The ability of adolescents to grow and reform means they do not represent the same threat to society as adult criminals. Every time the state chooses to incarcerate an adolescent for decades, it chooses to pay hundreds of thousands of dollars rather than allow that adolescent to grow up to become a productive, tax-paying member of society. Such a choice is not only harmful, it is fiscally irresponsible.

Additionally, the racial imbalance among children serving prison sentences raises serious concerns about disparities in sentencing. Although Caucasians make up 71 percent of the state population, they account for only 12 percent of the juveniles serving sentences of more than 10 years and 8 percent of those serving more than 50 years. The remainder of each group is made up of African American and Latino children. Such a dramatic disparity raises serious concerns about the role race plays in sentencing and enforcement. Taking steps to protect all children from permanent and lengthy sentences will also help to eliminate some of these racial disparities, bringing us closer to the day when adolescents of every race will have the same opportunities.

We respectfully urge the committee to pass House Bill No. 6581 and Senate Bill 1062.