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Testimony of
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Raised Bill No. 1062
An Act Concerning the Recommendations of the
Connecticut Sentencing Commission Regarding the Sentencing
of a Child Convicted of a Felony Offense

Judiciary Committee Public Hearing
March 11, 2013

The Office of Chief Public Defender supports *Raised Bill No. 1062, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Sentencing of a Child Convicted of a Felony Offense*. Passage of this legislation is necessary in order to comply with the recent U.S. Supreme Court decision in *Miller v. Alabama*, 132 S. Ct. 2455 (2012) which prohibited the imposition of a life sentence without the possibility of parole, the harshest of sentences, for a child who was under the age of 18 when he/she committed the offense for which he/she was prosecuted in adult court, without having first considered mitigating evidence and other factors. Currently, children as young as 14 years of age are sentenced in this state mandatory sentences in excess of 50 years without ever having an opportunity to seek parole. These mandatory life sentences have been imposed without the benefit of consideration by the court of brain development science and certain mitigating factors which are relevant to children and which distinguish their thought process and conduct from that of an adult. Basically, in Connecticut, these current mandatory sentences have resulted in children as young as 14 being sentenced to incarceration for the rest of their lives.

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R.B. 1062 An Act Concerning the Recommendations of the Connecticut Sentencing
 Commission Regarding the Sentencing of a Child Convicted of Felony Offense.
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Section 1 is new legislation which would require the court to consider mitigating factors, as articulated in the Miller decision, including but not limited to, the age of the child, the child's history of substance abuse, mental illness, trauma, abuse or neglect, education, family environment, peer pressure, brain development evidence and the capacity for rehabilitation of the child if in the community or in an adult prison, when sentencing a child who has been convicted of a felony as an adult. The proposed bill prohibits the parties from waiving the presentence investigation report prepared by the probation department for any child so convicted in adult court of either a class A or B felony and permits waiver upon the approval of the court for any child convicted in adult court of a class C or D felony. In addition, the legislation requires the Court Support Services Division (CSSD) to obtain and retain reference materials which relate to "adolescent psychological and brain development" to assist the courts at sentencing.

Sections 2, 3, and 4 are technical in nature to assure that sentencing of a child transferred to the adult court comports with Section 1 as amended by this legislation.

Lastly, Sections 6, 7 and 8 of the proposed legislation amend C.G.S. §53a-54b, §53a-54d and §53a-54a to prohibit a court from imposing a sentence of life without the possibility of parole on a person who was under the age of 18 when he/she committed such statutory offenses. In light of the U.S. Supreme Court decision in Miller, passage of this bill is necessary in order for Connecticut to be in compliance with Miller constitutionally.

In conclusion, this Office urges that this Committee support passage of this bill.