



General Assembly

Amendment

January Session, 2013

LCO No. 7253

SB0106207253SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

REP. FOX, 146th Dist.

To: Subst. Senate Bill No. 1062

File No. 681

Cal. No. 490

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING THE SENTENCING OF A CHILD CONVICTED OF A FELONY OFFENSE."

1 Strike section 1 in its entirety and substitute the following in lieu
2 thereof:

3 "Section 1. (NEW) (Effective October 1, 2013) (a) If the case of a child,
4 as defined in section 46b-120 of the general statutes, is transferred to
5 the regular criminal docket of the Superior Court pursuant to section
6 46b-127 of the general statutes, as amended by this act, and the child is
7 convicted of a class A, B or C felony pursuant to such transfer, at the
8 time of sentencing, the court shall:

9 (1) Consider, in addition to any other information relevant to
10 sentencing, any scientific and psychological evidence showing the
11 differences between a child's brain development and an adult's brain
12 development, including, but not limited to, evidence showing, as
13 compared to an adult: (A) A child's lack of maturity and

14 underdeveloped sense of responsibility, including evidence showing a
15 child's recklessness, impulsivity and risk-taking tendencies; (B) a
16 child's vulnerability to negative influences and outside pressures from
17 peers or family members, or both; (C) a child's increased capacity for
18 change and rehabilitation; and (D) a child's reduced competency in (i)
19 appreciating the risks and consequences of his or her own actions, (ii)
20 negotiating the complexities of the criminal justice system, and (iii)
21 assisting in his or her own defense; and

22 (2) Consider, if the court proposes to sentence the child to a lengthy
23 sentence under which it is likely that the child will die while
24 incarcerated, how the scientific and psychological evidence described
25 in subdivision (1) of this subsection counsels against such a sentence.

26 (b) Notwithstanding the provisions of section 54-91a of the general
27 statutes, no presentence investigation or report may be waived with
28 respect to a child convicted of a class A or B felony. With respect to a
29 child convicted of a class C felony, the presentence investigation and
30 report may be waived by the child only upon approval by the court.
31 Any presentence report prepared with respect to a child convicted of a
32 class A, B or C felony shall address the factors set forth in
33 subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (a)
34 of this section.

35 (c) The Court Support Services Division of the Judicial Branch shall
36 establish reference materials relating to adolescent psychological and
37 brain development to assist courts in sentencing children pursuant to
38 this section."