



R E S E A R C H A N D A D V O C A C Y F O R R E F O R M



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**Prepared for the Joint Committee
on the Judiciary regarding H.B.
5221**

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Established in 1986, the Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony regarding H.B. 5221. This bill is reintroduced from 2013's H.B. 6551, which passed the General Assembly with overwhelming bipartisan support. Its companion, S.B. 1062, was never considered by the Senate, which brings us to today's hearing.

The committee is charged with fixing an important problem with juvenile justice in Connecticut: how to apply appropriate sentences to youth convicted of serious and violent crimes. We understand that these are emotional issues for the families of victims and for communities affected by violence.

This bill responds to recent U.S. Supreme Court rulings by considering the individual circumstances of each juvenile and eliminating the mandatory use of life sentences for juveniles for most crimes. Previous Connecticut law, struck down by *Miller v. Alabama* (132 S. Ct. 2455 (2012)), required that certain youth received no chance whatsoever of parole. Connecticut, along with more than two dozen other states, is now required to change its criminal justice code.

H.B. 5221 limits juvenile sentences, offering a chance at parole to juveniles who have served 60 percent of their sentences or 12 years, whichever is longer. In the case of homicide, H.B. 5221 sets a minimum sentence of 30 years prior to an offender having a chance at parole.

In Arkansas, legislators set a minimum sentence prior to parole hearings of 28 years. Delaware set a minimum sentence of 25 years, as did North Carolina and Wyoming. California allows for parole hearings after 15 years.

The committee should further understand that many states, including Alaska, Colorado, and Kansas, do not allow a life sentences for any individuals whose crime occurred before they turned 18. Still other states *allow* juveniles to receive a sentence of life without parole, but essentially never use it. Connecticut has chosen a different path, with at least eight persons currently sentenced to life sentences for crimes committed before the age of 18 and twelve more persons sentenced to de facto life terms – sixty years or more.¹

A mandatory minimum sentence of life without parole eliminates, by design, judicial discretion. It rejects the uniqueness of each defendant, the uniqueness of circumstances, and the specifics of the offense. Moreover, a decades-long mandatory minimum sentence would merely be a clever restatement of the life without parole sentence that was struck down by the Supreme Court's *Miller* ruling. As such, The Sentencing Project is pleased that H.B. 5221 applies to those persons currently incarcerated for crimes committed as juveniles as well as prospectively to future cases.

Harsh sentence structures for juveniles, such as those used by Connecticut, ignored the current research on brain science that ungirded the *Miller* decision. Common sense and our own life experiences demonstrate that adolescents are different than adults. Adolescence is marked by immature decision-making, poor judgment, and impulsive behavior.

¹ Data are provided by the Connecticut Department of Correction and are accurate as of 2011.

Adolescence, however, is not a permanent condition.

A juvenile, even one who is convicted of a serious crime, should have the chance to understand the nature of his crime and to consider a better path. Not all will do so. A more reasonable minimum sentence would allow us to say that there is a meaningful opportunity to reform and for some of them to make a meaningful contribution to the society that they have wronged.

This bill would still require that persons convicted of crimes that were committed when they were juveniles would serve very lengthy terms. The minimum sentence of 30 years prior to a parole hearing would still mean that a 15-year old sentenced for certain crimes would only have a chance to demonstrate his progress.

But, importantly, it would give a parole board an opportunity to see how the 15-year old who committed such a crime had changed following his lengthy sentence. None of us are the same person in our middle-aged years as we were in our teen years. H.B. 5221 would both punish and offer a chance at rehabilitation. Under this bill, the parole hearing would be required to consider whether a juvenile offender

has demonstrated substantial rehabilitation since the date such crime or crimes were committed considering such person's character, background and history, as demonstrated by factors, including, but not limited to, such person's correctional record, the age and circumstances of such person as of the date of the commission of the crime or crimes, whether such person has demonstrated remorse and increased maturity since the date of the commission of the crime or crimes, such person's contributions to the welfare of other persons through service, such person's efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles that such person may have faced as a child or youth in the adult correctional system, the opportunities for rehabilitation in the adult correctional system and the overall degree of such person's rehabilitation considering the nature and circumstances of the crime or crimes (H.B. 5221, lines 161-175).

This guidance is no guarantee that juvenile offenders would be released after the minimum portion of their sentence has passed. Only those young persons who had demonstrated their rehabilitation and that they are no longer a threat to society would stand to be released on parole.

The Sentencing Project is pleased that Connecticut is moving in a direction of justice for youths who have committed serious crimes, and is doing so in a way that is consistent with public safety concerns. It is important that each defendant be considered on his or her own merits, reflecting the circumstances of his or her life, the crimes themselves, and efforts toward rehabilitation.