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Testimony Supporting House Bill 5221
An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth

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Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee, my name is Sandra Staub. I'm the legal director for the American Civil Liberties Union of Connecticut and I'm here to testify in support of House Bill No. 5221, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth. It is extremely urgent that you pass this crucial juvenile sentencing bill, which brings Connecticut law in line with the Constitution of the United States and current information about adolescent brain development. This bill eliminates mandatory sentences of life without a chance of parole for children, requires judges to consider youth-related factors in sentencing children convicted in adult court and provides parole eligibility rules tailored for juveniles serving lengthy prison sentences.

In recent years, when considering the constitutionality of several juvenile sentencing schemes, the U.S. Supreme Court has relied on scientific studies about adolescent brain development. The Court has stressed that youth are less culpable for their crimes and more capable of rehabilitation. The Court in *Graham v. Florida* (2010) decided that it was unconstitutional to sentence juveniles to life imprisonment for non-homicide crimes. Two years later the Court in *Miller v. Alabama* (2012) held that mandatory life sentences without the possibility of parole for children under the 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." The Court has made unquestionably clear that children are different than adults and that difference must be reflected in how courts sentence children in adult court.

This bill makes the necessary modifications to juvenile sentencing in Connecticut to bring our criminal laws into compliance with the constitutional requirements set out in the *Graham* and *Miller* decisions. At present, Connecticut law fails constitutional muster with a mandate of life-without-parole sentences for certain crimes. These mandatory sentencing penalties "preclude a sentencer from taking account of an offender's age and the wealth of characteristics and circumstances attendant to it."¹ In addition, Connecticut's juvenile sentencing law at present flunks the constitutional test because it does not provide a meaningful opportunity for juvenile offenders serving long sentences to be reevaluated for possible release. This bill provides common-sense parole eligibility rules tailored for juveniles serving lengthy prison sentences and it will allow judges to consider youth-related factors in sentencing juveniles transferred to adult court.

¹ *Miller v. Alabama*, 132 S. Ct. 2455, 2467, 183 L. Ed. 2d 407 (2012).

Several complicated juvenile sentencing cases are currently in a holding pattern in anticipation of legislative action on this bill. It is important to keep in mind that litigation is expensive, time-consuming and unpredictable and that it may yield unbalanced results. Over the past two years the Connecticut Sentencing Commission has put a great deal of thought into the legislation before you today. This bill balances the need for safety, deterrence and rehabilitation while accounting for brain science and constitutional law. We firmly believe that the inadequacies in Connecticut's juvenile sentencing scheme should be addressed through legislation.

Another compelling reason to address this issue is the racial imbalance among children serving lengthy prison sentences in Connecticut. The most recent statistics show that although white people 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 and ethnicity will have the same opportunities.

We respectfully urge the committee to pass House Bill 5221.