



General Assembly

February Session, 2014

***Raised Bill No. 5221***

LCO No. 321



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE  
CONNECTICUT SENTENCING COMMISSION REGARDING LENGTHY  
SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH  
AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF  
CERTAIN FELONY OFFENSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-125a of the 2014 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2014*):

4 (a) A person convicted of one or more crimes who is incarcerated on  
5 or after October 1, 1990, who received a definite sentence or aggregate  
6 sentence of more than two years, and who has been confined under  
7 such sentence or sentences for not less than one-half of the aggregate  
8 sentence less any risk reduction credit earned under the provisions of  
9 section 18-98e or one-half of the most recent sentence imposed by the  
10 court less any risk reduction credit earned under the provisions of  
11 section 18-98e, whichever is greater, may be allowed to go at large on  
12 parole in the discretion of the panel of the Board of Pardons and  
13 Paroles for the institution in which the person is confined, if (1) it

14 appears from all available information, including any reports from the  
15 Commissioner of Correction that the panel may require, that there is a  
16 reasonable probability that such inmate will live and remain at liberty  
17 without violating the law, and (2) such release is not incompatible with  
18 the welfare of society. At the discretion of the panel, and under the  
19 terms and conditions as may be prescribed by the panel including  
20 requiring the parolee to submit personal reports, the parolee shall be  
21 allowed to return to the parolee's home or to reside in a residential  
22 community center, or to go elsewhere. The parolee shall, while on  
23 parole, remain under the jurisdiction of the board until the expiration  
24 of the maximum term or terms for which the parolee was sentenced  
25 less any risk reduction credit earned under the provisions of section  
26 18-98e. Any parolee released on the condition that the parolee reside in  
27 a residential community center may be required to contribute to the  
28 cost incidental to such residence. Each order of parole shall fix the  
29 limits of the parolee's residence, which may be changed in the  
30 discretion of the board and the Commissioner of Correction. Within  
31 three weeks after the commitment of each person sentenced to more  
32 than two years, the state's attorney for the judicial district shall send to  
33 the Board of Pardons and Paroles the record, if any, of such person.

34 (b) (1) No person convicted of any of the following offenses, which  
35 was committed on or after July 1, 1981, shall be eligible for parole  
36 under subsection (a) of this section: (A) Capital felony, as provided  
37 under the provisions of section 53a-54b, as amended by this act, in  
38 effect prior to April 25, 2012, (B) murder with special circumstances, as  
39 provided under the provisions of section 53a-54b, as amended by this  
40 act, in effect on or after April 25, 2012, (C) felony murder, as provided  
41 in section 53a-54c, (D) arson murder, as provided in section 53a-54d, as  
42 amended by this act, (E) murder, as provided in section 53a-54a, as  
43 amended by this act, or (F) aggravated sexual assault in the first  
44 degree, as provided in section 53a-70a. (2) A person convicted of (A) a  
45 violation of section 53a-100aa or 53a-102, or (B) an offense, other than  
46 an offense specified in subdivision (1) of this subsection, where the

47 underlying facts and circumstances of the offense involve the use,  
48 attempted use or threatened use of physical force against another  
49 person shall be ineligible for parole under subsection (a) of this section  
50 until such person has served not less than eighty-five per cent of the  
51 definite sentence imposed.

52 (c) The Board of Pardons and Paroles shall, not later than July 1,  
53 1996, adopt regulations in accordance with chapter 54 to ensure that a  
54 person convicted of an offense described in subdivision (2) of  
55 subsection (b) of this section is not released on parole until such person  
56 has served eighty-five per cent of the definite sentence imposed by the  
57 court. Such regulations shall include guidelines and procedures for  
58 classifying a person as a violent offender that are not limited to a  
59 consideration of the elements of the offense or offenses for which such  
60 person was convicted.

61 (d) The Board of Pardons and Paroles may hold a hearing to  
62 determine the suitability for parole release of any person whose  
63 eligibility for parole release is not subject to the provisions of  
64 subsection (b) of this section upon completion by such person of  
65 seventy-five per cent of such person's definite or aggregate sentence  
66 less any risk reduction credit earned under the provisions of section  
67 18-98e. An employee of the board or, if deemed necessary by the  
68 chairperson, a panel of the board shall assess the suitability for parole  
69 release of such person based on the following standards: (1) Whether  
70 there is reasonable probability that such person will live and remain at  
71 liberty without violating the law, and (2) whether the benefits to such  
72 person and society that would result from such person's release to  
73 community supervision substantially outweigh the benefits to such  
74 person and society that would result from such person's continued  
75 incarceration. If a hearing is held, and if the board determines that  
76 continued confinement is necessary, the board shall articulate for the  
77 record the specific reasons why such person and the public would not  
78 benefit from such person serving a period of parole supervision while  
79 transitioning from incarceration to the community. If a hearing is not

80 held, the board shall document the specific reasons for not holding a  
81 hearing and provide such reasons to such person. No person shall be  
82 released on parole without receiving a hearing. The decision of the  
83 board under this subsection shall not be subject to appeal.

84 (e) The Board of Pardons and Paroles may hold a hearing to  
85 determine the suitability for parole release of any person whose  
86 eligibility for parole release is subject to the provisions of subdivision  
87 (2) of subsection (b) of this section upon completion by such person of  
88 eighty-five per cent of such person's definite or aggregate sentence. An  
89 employee of the board or, if deemed necessary by the chairperson, a  
90 panel of the board shall assess the suitability for parole release of such  
91 person based on the following standards: (1) Whether there is a  
92 reasonable probability that such person will live and remain at liberty  
93 without violating the law, and (2) whether the benefits to such person  
94 and society that would result from such person's release to community  
95 supervision substantially outweigh the benefits to such person and  
96 society that would result from such person's continued incarceration. If  
97 a hearing is held, and if the board determines that continued  
98 confinement is necessary, the board shall articulate for the record the  
99 specific reasons why such person and the public would not benefit  
100 from such person serving a period of parole supervision while  
101 transitioning from incarceration to the community. If a hearing is not  
102 held, the board shall document the specific reasons for not holding a  
103 hearing and provide such reasons to such person. No person shall be  
104 released on parole without receiving a hearing. The decision of the  
105 board under this subsection shall not be subject to appeal.

106 (f) (1) Notwithstanding the provisions of subsections (a) to (e),  
107 inclusive, of this section, a person convicted of one or more crimes  
108 committed while such person was under eighteen years of age, who is  
109 incarcerated on or after October 1, 2014, and who received a definite  
110 sentence or aggregate sentence of more than ten years for such crimes  
111 prior to, on or after October 1, 2014, may be allowed to go at large on  
112 parole in the discretion of the panel of the Board of Pardons and

113 Paroles for the institution in which such person is confined. If such  
114 person is serving a sentence of fifty years or less, such person shall be  
115 eligible for parole after serving sixty per cent of the sentence or twelve  
116 years, whichever is greater. If such person is serving a sentence of  
117 more than fifty years, such person shall be eligible for parole after  
118 -serving thirty years. Nothing in this subsection shall limit a person's  
119 eligibility for parole release under the provisions of subsections (a) to  
120 (e), inclusive, of this section if such person would be eligible for parole  
121 release at an earlier date under any of such provisions.

122 (2) The board shall apply the parole eligibility rules of this  
123 subsection only with respect to the sentence for a crime or crimes  
124 committed while a person was under eighteen years of age. Any  
125 portion of a sentence that is based on a crime or crimes committed  
126 while a person was eighteen years of age or older shall be subject to  
127 the applicable parole eligibility, suitability and release rules set forth in  
128 subsections (a) to (e), inclusive, of this section.

129 (3) Whenever a person becomes eligible for parole release pursuant  
130 to this subsection, the board shall hold a hearing to determine such  
131 person's suitability for parole release. At least twelve months prior to  
132 such hearing, the board shall notify the office of Chief Public Defender  
133 and the appropriate state's attorney of such person's eligibility for  
134 parole release pursuant to this subsection. The office of Chief Public  
135 Defender shall assign counsel for such person pursuant to section 51-  
136 296 if such person is indigent. At any hearing to determine such  
137 person's suitability for parole release pursuant to this subsection, the  
138 board shall permit (A) such person to make a statement on such  
139 person's behalf, (B) counsel for such person and the state's attorney to  
140 submit reports and other documents, and (C) any victim of the crime  
141 or crimes to make a statement pursuant to section 54-126a. The board  
142 may request testimony from mental health professionals or other  
143 relevant witnesses, and reports from the Commissioner of Correction  
144 or other persons, as the board may require. The board shall use  
145 validated risk assessment and needs assessment tools and its risk-

146 based structured decision making and release criteria established  
147 pursuant to subsection (d) of section 54-124a in making a  
148 determination pursuant to this subsection.

149 (4) After such hearing, the board may allow such person to go at  
150 large on parole with respect to any portion of a sentence that was  
151 based on a crime or crimes committed while such person was under  
152 eighteen years of age if the board finds that such parole release would  
153 be consistent with the factors set forth in subdivisions (1) to (4),  
154 inclusive, of subsection (c) of section 54-300 and if it appears, from all  
155 available information, including, but not limited to, any reports from  
156 the Commissioner of Correction, that (A) there is a reasonable  
157 probability that such person will live and remain at liberty without  
158 violating the law; (B) the benefits to such person and society that  
159 would result from such person's release to community supervision  
160 substantially outweigh the benefits to such person and society that  
161 would result from such person's continued incarceration; and (C) such  
162 person has demonstrated substantial rehabilitation since the date such  
163 crime or crimes were committed considering such person's character,  
164 background and history, as demonstrated by factors, including, but  
165 not limited to, such person's correctional record, the age and  
166 circumstances of such person as of the date of the commission of the  
167 crime or crimes, whether such person has demonstrated remorse and  
168 increased maturity since the date of the commission of the crime or  
169 crimes, such person's contributions to the welfare of other persons  
170 through service, such person's efforts to overcome substance abuse,  
171 addiction, trauma, lack of education or obstacles that such person may  
172 have faced as a child or youth in the adult correctional system, the  
173 opportunities for rehabilitation in the adult correctional system and the  
174 overall degree of such person's rehabilitation considering the nature  
175 and circumstances of the crime or crimes.

176 (5) After such hearing, if the board determines that continued  
177 confinement is necessary, the board shall articulate for the record the  
178 specific reasons why such person and the public would not benefit

179 from such person serving a period of parole supervision while  
180 transitioning from incarceration to the community. The board shall  
181 reassess such person's suitability for parole release at a later date to be  
182 determined at the discretion of the board.

183 (6) The decision of the board under this subsection shall not be  
184 subject to appeal.

185 [(f)] (g) Any person released on parole under this section shall  
186 remain in the custody of the Commissioner of Correction and be  
187 subject to supervision by personnel of the Department of Correction  
188 during such person's period of parole.

189 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) If the case of a child, as  
190 defined in section 46b-120 of the general statutes, is transferred to the  
191 regular criminal docket of the Superior Court pursuant to section 46b-  
192 127 of the general statutes, as amended by this act, and the child is  
193 convicted of a class A, B or C felony pursuant to such transfer, at the  
194 time of sentencing, the court shall:

195 (1) Consider, in addition to any other information relevant to  
196 sentencing, any scientific and psychological evidence showing the  
197 differences between a child's brain development and an adult's brain  
198 development, including, but not limited to, evidence showing, as  
199 compared to an adult: (A) A child's lack of maturity and  
200 underdeveloped sense of responsibility, including evidence showing a  
201 child's recklessness, impulsivity and risk-taking tendencies; (B) a  
202 child's vulnerability to negative influences and outside pressures from  
203 peers or family members, or both; (C) a child's increased capacity for  
204 change and rehabilitation; and (D) a child's reduced competency in (i)  
205 appreciating the risks and consequences of his or her own actions, (ii)  
206 negotiating the complexities of the criminal justice system, and (iii)  
207 assisting in his or her own defense; and

208 (2) Consider, if the court proposes to sentence the child to a lengthy  
209 sentence under which it is likely that the child will die while

210 incarcerated, how the scientific and psychological evidence described  
211 in subdivision (1) of this subsection counsels against such a sentence.

212 (b) Notwithstanding the provisions of section 54-91a of the general  
213 statutes, no presentence investigation or report may be waived with  
214 respect to a child convicted of a class A or B felony. With respect to a  
215 child convicted of a class C felony, the presentence investigation and  
216 report may be waived by the child only upon approval by the court.  
217 Any presentence report prepared with respect to a child convicted of a  
218 class A, B or C felony shall address the factors set forth in  
219 subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (a)  
220 of this section.

221 (c) The Court Support Services Division of the Judicial Branch shall  
222 establish reference materials relating to adolescent psychological and  
223 brain development to assist courts in sentencing children pursuant to  
224 this section.

225 Sec. 3. Subsection (c) of section 46b-127 of the 2014 supplement to  
226 the general statutes is repealed and the following is substituted in lieu  
227 thereof (*Effective October 1, 2014*):

228 (c) Upon the effectuation of the transfer, such child shall stand trial  
229 and be sentenced, if convicted, as if such child were eighteen years of  
230 age, subject to the requirements of section 2 of this act. Such child shall  
231 receive credit against any sentence imposed for time served in a  
232 juvenile facility prior to the effectuation of the transfer. A child who  
233 has been transferred may enter a guilty plea to a lesser offense if the  
234 court finds that such plea is made knowingly and voluntarily. Any  
235 child transferred to the regular criminal docket who pleads guilty to a  
236 lesser offense shall not resume such child's status as a juvenile  
237 regarding such offense. If the action is dismissed or nolleed or if such  
238 child is found not guilty of the charge for which such child was  
239 transferred or of any lesser included offenses, the child shall resume  
240 such child's status as a juvenile until such child attains the age of

241 eighteen years.

242 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is  
243 repealed and the following is substituted in lieu thereof (*Effective*  
244 *October 1, 2014*):

245 (f) Whenever a proceeding has been designated a serious juvenile  
246 repeat offender prosecution pursuant to subsection (b) of this section  
247 and the child does not waive such child's right to a trial by jury, the  
248 court shall transfer the case from the docket for juvenile matters to the  
249 regular criminal docket of the Superior Court. Upon transfer, such  
250 child shall stand trial and be sentenced, if convicted, as if such child  
251 were eighteen years of age, subject to the requirements of section 2 of  
252 this act, except that no such child shall be placed in a correctional  
253 facility but shall be maintained in a facility for children and youths  
254 until such child attains eighteen years of age or until such child is  
255 sentenced, whichever occurs first. Such child shall receive credit  
256 against any sentence imposed for time served in a juvenile facility  
257 prior to the effectuation of the transfer. A child who has been  
258 transferred may enter a guilty plea to a lesser offense if the court finds  
259 that such plea is made knowingly and voluntarily. Any child  
260 transferred to the regular criminal docket who pleads guilty to a lesser  
261 offense shall not resume such child's status as a juvenile regarding  
262 such offense. If the action is dismissed or nolleed or if such child is  
263 found not guilty of the charge for which such child was transferred,  
264 the child shall resume such child's status as a juvenile until such child  
265 attains eighteen years of age.

266 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is  
267 repealed and the following is substituted in lieu thereof (*Effective*  
268 *October 1, 2014*):

269 (f) When a proceeding has been designated a serious sexual  
270 offender prosecution pursuant to subsection (c) of this section and the  
271 child does not waive the right to a trial by jury, the court shall transfer

272 the case from the docket for juvenile matters to the regular criminal  
273 docket of the Superior Court. Upon transfer, such child shall stand trial  
274 and be sentenced, if convicted, as if such child were eighteen years of  
275 age, subject to the requirements of section 2 of this act, except that no  
276 such child shall be placed in a correctional facility but shall be  
277 maintained in a facility for children and youths until such child attains  
278 eighteen years of age or until such child is sentenced, whichever occurs  
279 first. Such child shall receive credit against any sentence imposed for  
280 time served in a juvenile facility prior to the effectuation of the  
281 transfer. A child who has been transferred may enter a guilty plea to a  
282 lesser offense if the court finds that such plea is made knowingly and  
283 voluntarily. Any child transferred to the regular criminal docket who  
284 pleads guilty to a lesser offense shall not resume such child's status as  
285 a juvenile regarding such offense. If the action is dismissed or nolleed or  
286 if such child is found not guilty of the charge for which such child was  
287 transferred, the child shall resume such child's status as a juvenile until  
288 such child attains eighteen years of age.

289 Sec. 6. Section 53a-46a of the general statutes is repealed and the  
290 following is substituted in lieu thereof (*Effective October 1, 2014, and*  
291 *applicable to any person convicted prior to, on or after said date*):

292 (a) A person shall be subjected to the penalty of death for a capital  
293 felony committed prior to April 25, 2012, under the provisions of  
294 section 53a-54b, as amended by this act, in effect prior to April 25,  
295 2012, only if (1) a hearing is held in accordance with the provisions of  
296 this section, and (2) such person was eighteen years of age or older at  
297 the time the offense was committed.

298 (b) For the purpose of determining the sentence to be imposed when  
299 a defendant is convicted of or pleads guilty to a capital felony, the  
300 judge or judges who presided at the trial or before whom the guilty  
301 plea was entered shall conduct a separate hearing to determine the  
302 existence of any mitigating factor concerning the defendant's character,  
303 background and history, or the nature and circumstances of the crime,

304 and any aggravating factor set forth in subsection (i) of this section.  
305 Such hearing shall not be held if the state stipulates that none of the  
306 aggravating factors set forth in subsection (i) of this section exists or  
307 that any factor set forth in subsection (h) of this section exists. Such  
308 hearing shall be conducted (1) before the jury which determined the  
309 defendant's guilt, or (2) before a jury impaneled for the purpose of  
310 such hearing if (A) the defendant was convicted upon a plea of guilty;  
311 (B) the defendant was convicted after a trial before three judges as  
312 provided in subsection (b) of section 53a-45; or (C) if the jury which  
313 determined the defendant's guilt has been discharged by the court for  
314 good cause, or (3) before the court, on motion of the defendant and  
315 with the approval of the court and the consent of the state.

316 (c) In such hearing the court shall disclose to the defendant or his  
317 counsel all material contained in any presentence report which may  
318 have been prepared. No presentence information withheld from the  
319 defendant shall be considered in determining the existence of any  
320 mitigating or aggravating factor. Any information relevant to any  
321 mitigating factor may be presented by either the state or the defendant,  
322 regardless of its admissibility under the rules governing admission of  
323 evidence in trials of criminal matters, but the admissibility of  
324 information relevant to any of the aggravating factors set forth in  
325 subsection (i) of this section shall be governed by the rules governing  
326 the admission of evidence in such trials. The state and the defendant  
327 shall be permitted to rebut any information received at the hearing and  
328 shall be given fair opportunity to present argument as to the adequacy  
329 of the information to establish the existence of any mitigating or  
330 aggravating factor. The burden of establishing any of the aggravating  
331 factors set forth in subsection (i) of this section shall be on the state.  
332 The burden of establishing any mitigating factor shall be on the  
333 defendant.

334 (d) In determining whether a mitigating factor exists concerning the  
335 defendant's character, background or history, or the nature and  
336 circumstances of the crime, pursuant to subsection (b) of this section,

337 the jury or, if there is no jury, the court shall first determine whether a  
338 particular factor concerning the defendant's character, background or  
339 history, or the nature and circumstances of the crime, has been  
340 established by the evidence, and shall determine further whether that  
341 factor is mitigating in nature, considering all the facts and  
342 circumstances of the case. Mitigating factors are such as do not  
343 constitute a defense or excuse for the capital felony of which the  
344 defendant has been convicted, but which, in fairness and mercy, may  
345 be considered as tending either to extenuate or reduce the degree of his  
346 culpability or blame for the offense or to otherwise constitute a basis  
347 for a sentence less than death.

348 (e) The jury or, if there is no jury, the court shall return a special  
349 verdict setting forth its findings as to the existence of any factor set  
350 forth in subsection (h) of this section, the existence of any aggravating  
351 factor or factors set forth in subsection (i) of this section and whether  
352 any aggravating factor or factors outweigh any mitigating factor or  
353 factors found to exist pursuant to subsection (d) of this section.

354 (f) If the jury or, if there is no jury, the court finds that (1) none of  
355 the factors set forth in subsection (h) of this section exist, (2) one or  
356 more of the aggravating factors set forth in subsection (i) of this section  
357 exist, and (3) (A) no mitigating factor exists, or (B) one or more  
358 mitigating factors exist but are outweighed by one or more  
359 aggravating factors set forth in subsection (i) of this section, the court  
360 shall sentence the defendant to death.

361 (g) If the jury or, if there is no jury, the court finds that (1) any of the  
362 factors set forth in subsection (h) of this section exist, or (2) none of the  
363 aggravating factors set forth in subsection (i) of this section exists, or  
364 (3) one or more of the aggravating factors set forth in subsection (i) of  
365 this section exist and one or more mitigating factors exist, but the one  
366 or more aggravating factors set forth in subsection (i) of this section do  
367 not outweigh the one or more mitigating factors, the court shall impose  
368 a sentence of life imprisonment without the possibility of release.

369 (h) The court shall not impose the sentence of death on the  
370 defendant if the jury or, if there is no jury, the court finds by a special  
371 verdict, as provided in subsection (e) of this section, that at the time of  
372 the offense (1) the defendant was [under the age of eighteen years, or  
373 (2) the defendant was] a person with intellectual disability, as defined  
374 in section 1-1g, or [(3)] (2) the defendant's mental capacity was  
375 significantly impaired or the defendant's ability to conform the  
376 defendant's conduct to the requirements of law was significantly  
377 impaired but not so impaired in either case as to constitute a defense to  
378 prosecution, or [(4)] (3) the defendant was criminally liable under  
379 sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed  
380 by another, but the defendant's participation in such offense was  
381 relatively minor, although not so minor as to constitute a defense to  
382 prosecution, or [(5)] (4) the defendant could not reasonably have  
383 foreseen that the defendant's conduct in the course of commission of  
384 the offense of which the defendant was convicted would cause, or  
385 would create a grave risk of causing, death to another person.

386 (i) The aggravating factors to be considered shall be limited to the  
387 following: (1) The defendant committed the offense during the  
388 commission or attempted commission of, or during the immediate  
389 flight from the commission or attempted commission of, a felony and  
390 the defendant had previously been convicted of the same felony; or (2)  
391 the defendant committed the offense after having been convicted of  
392 two or more state offenses or two or more federal offenses or of one or  
393 more state offenses and one or more federal offenses for each of which  
394 a penalty of more than one year imprisonment may be imposed, which  
395 offenses were committed on different occasions and which involved  
396 the infliction of serious bodily injury upon another person; or (3) the  
397 defendant committed the offense and in such commission knowingly  
398 created a grave risk of death to another person in addition to the  
399 victim of the offense; or (4) the defendant committed the offense in an  
400 especially heinous, cruel or depraved manner; or (5) the defendant  
401 procured the commission of the offense by payment, or promise of

402 payment, of anything of pecuniary value; or (6) the defendant  
403 committed the offense as consideration for the receipt, or in  
404 expectation of the receipt, of anything of pecuniary value; or (7) the  
405 defendant committed the offense with an assault weapon, as defined  
406 in section 53-202a; or (8) the defendant committed the offense set forth  
407 in subdivision (1) of section 53a-54b, as amended by this act, to avoid  
408 arrest for a criminal act or prevent detection of a criminal act or to  
409 hamper or prevent the victim from carrying out any act within the  
410 scope of the victim's official duties or to retaliate against the victim for  
411 the performance of the victim's official duties.

412 Sec. 7. Section 53a-54b of the general statutes is repealed and the  
413 following is substituted in lieu thereof (*Effective October 1, 2014, and*  
414 *applicable to any person convicted prior to, on or after said date*):

415 A person is guilty of murder with special circumstances who is  
416 convicted of any of the following and was eighteen years of age or  
417 older when such person committed the murder: (1) Murder of a  
418 member of the Division of State Police within the Department of  
419 Emergency Services and Public Protection or of any local police  
420 department, a chief inspector or inspector in the Division of Criminal  
421 Justice, a state marshal who is exercising authority granted under any  
422 provision of the general statutes, a judicial marshal in performance of  
423 the duties of a judicial marshal, a constable who performs criminal law  
424 enforcement duties, a special policeman appointed under section 29-  
425 18, a conservation officer or special conservation officer appointed by  
426 the Commissioner of Energy and Environmental Protection under the  
427 provisions of section 26-5, an employee of the Department of  
428 Correction or a person providing services on behalf of said department  
429 when such employee or person is acting within the scope of such  
430 employee's or person's employment or duties in a correctional  
431 institution or facility and the actor is confined in such institution or  
432 facility, or any firefighter, while such victim was acting within the  
433 scope of such victim's duties; (2) murder committed by a defendant  
434 who is hired to commit the same for pecuniary gain or murder

435 committed by one who is hired by the defendant to commit the same  
436 for pecuniary gain; (3) murder committed by one who has previously  
437 been convicted of intentional murder or of murder committed in the  
438 course of commission of a felony; (4) murder committed by one who  
439 was, at the time of commission of the murder, under sentence of life  
440 imprisonment; (5) murder by a kidnapper of a kidnapped person  
441 during the course of the kidnapping or before such person is able to  
442 return or be returned to safety; (6) murder committed in the course of  
443 the commission of sexual assault in the first degree; (7) murder of two  
444 or more persons at the same time or in the course of a single  
445 transaction; or (8) murder of a person under sixteen years of age.

446 Sec. 8. Section 53a-54d of the general statutes is repealed and the  
447 following is substituted in lieu thereof (*Effective October 1, 2014, and*  
448 *applicable to any person convicted prior to, on or after said date*):

449 A person is guilty of murder when, acting either alone or with one  
450 or more persons, he commits arson and, in the course of such arson,  
451 causes the death of a person. Notwithstanding any other provision of  
452 the general statutes, any person convicted of murder under this section  
453 who was eighteen years of age or older at the time of the offense shall  
454 be punished by life imprisonment and shall not be eligible for parole.

455 Sec. 9. Subsection (c) of section 53a-54a of the general statutes is  
456 repealed and the following is substituted in lieu thereof (*Effective*  
457 *October 1, 2014, and applicable to any person convicted prior to, on or after*  
458 *said date*):

459 (c) Murder is punishable as a class A felony in accordance with  
460 subdivision (2) of section 53a-35a unless it is (1) a capital felony  
461 committed prior to April 25, 2012, by a person who was eighteen years  
462 of age or older at the time of the offense, punishable in accordance  
463 with subparagraph (A) of subdivision (1) of section 53a-35a, (2) murder  
464 with special circumstances committed on or after April 25, 2012, by a  
465 person who was eighteen years of age or older at the time of the

466 offense, punishable as a class A felony in accordance with  
 467 subparagraph (B) of subdivision (1) of section 53a-35a, or (3) murder  
 468 under section 53a-54d, as amended by this act, committed by a person  
 469 who was eighteen years of age or older at the time of the offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	54-125a
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	46b-127(c)
Sec. 4	<i>October 1, 2014</i>	46b-133c(f)
Sec. 5	<i>October 1, 2014</i>	46b-133d(f)
Sec. 6	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-46a
Sec. 7	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54b
Sec. 8	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54d
Sec. 9	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54a(c)

**Statement of Purpose:**

To (1) provide for automatic review of sentences served by persons who were under eighteen years of age when they committed their crimes, and (2) provide guidelines for the sentencing of juveniles convicted of Class A, B and C felonies and enact provisions to comply with the United States Supreme Court decision in Miller v. Alabama.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*