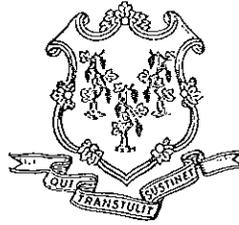


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Good morning Senator Coleman, Representative Tong and members of the Judiciary Committee. I am here to testify in support of SB 796 AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES.

In 2010, the U.S. Supreme Court ruled that the Eighth Amendment prohibits imposing a sentence of life without the possibility of release on a defendant under age 18 who commits a non-homicide crime. The Court ruled that juveniles convicted of these crimes must have a "meaningful opportunity" for release after sentencing based on demonstrated maturity and rehabilitation (Graham v. Florida, 560 U.S. 48). In 2012, the Court ruled that the Eighth Amendment prohibits automatically imposing a sentence of life without parole on offenders who committed homicides while under age 18. While the Court did not prohibit the sentence of life without parole in all circumstances, it did require lower courts to consider how juveniles are different from adults and how that counsels against a life sentence without parole (Miller v. Alabama, 132 S.Ct. 2455). Currently, in Connecticut, those convicted of murder with special circumstances (formerly capital felony) must automatically serve a life sentence and are ineligible for parole. This sentence is applied to both adults and minors who are convicted.

A number of Connecticut inmates, convicted of crimes committed when they were under age 18 and given lengthy sentences, are back in our court system right now, challenging the constitutional validity of their sentences under these two Supreme Court rulings. In light of these numerous, pressing challenges, and in order to conform our law with the dictates of the United States Supreme Court, the Connecticut Sentencing Commission has made recommendations for the past two years to the legislature about compliance with the rulings. In 2013 and in 2014, bills with these recommendations passed the House with overwhelming majorities.

SB 796 is substantially similar to 2014's HB 5221, which passed the House in an overwhelming, bipartisan 129-15 vote.

Among other changes, SB 796 would both prospectively and retroactively eliminate automatic life sentences without the possibility of parole for minors who committed a capital felony, murder with special circumstances, or arson murder. Additionally, a criminal court would have to consider enumerated youth-development related factors when sentencing a juvenile (age 14-17) for certain serious felonies. The proposal also establishes alternative parole eligibility rules or a "second look" at lengthy sentences that have been given to individuals who committed their crimes when under the age of 18. The "second look" required by the bill is in the form of a parole hearing with extremely stringent requirements and burdens of proof, along with ample notice to all potentially affected parties and relevant state agencies. It creates an opportunity -- but far from a guarantee or even likelihood -- of a second chance for an offender who was under the age of 18 when his or her crime was committed.

As noted, SB 796 and the two substantially similar bills which passed the House overwhelmingly in both 2013 and 2014 are based not only on the dictates of sound public policy, but also on the guidance, reasoning and requirements set forth by the United States Supreme Court. As the Supreme Court stated in the seminal case of Graham v. Florida:

[B]ecause juveniles have lessened culpability they are less deserving of the most severe punishments.¹ [...] As compared to adults, juveniles have a “lack of maturity and an underdeveloped sense of responsibility” ; they “are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure”; and their characters are “not as well formed.”² [...] These salient characteristics mean that “[i]t is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.”³ [...] Accordingly, “juvenile offenders cannot with reliability be classified among the worst offenders.”⁴ [...] A juvenile is not absolved of responsibility for his actions, but his transgression “is not as morally reprehensible as that of an adult.”⁵ [...] No recent data provide reason to reconsider the Court’s observations in *Roper* about the nature of juveniles. As petitioner’s *amici* point out, developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence. See Brief for American Medical Association et al. as *Amici Curiae* 16–24; Brief for American Psychological Association et al. as *Amici Curiae* 22–27. Juveniles are more capable of change than are adults, and their actions are less likely to be evidence of “irretrievably depraved character” than are the actions of adults.⁶ [...] It remains true that “[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.”⁷

Graham v. Florida, 560 U.S. at 68.

SB 796 is a response to this reasoning of the Supreme Court, and to its holdings in Graham v. Florida, Miller v. Alabama, and several other cases regarding the criminal culpability of juveniles under the age of 18, and the need to potentially give them a second chance at release after they have served a lengthy sentence. I urge you to support SB 796. Thank you.

¹ *Roper v. Simmons*, 543 U.S. 551, 569 (2005).

² *Roper* at 569-570.

³ *Roper* at 573.

⁴ *Roper* at 569.

⁵ *Thompson v. Oklahoma*, 487 U.S. 815, 835 (1988).

⁶ *Roper* at 570.

⁷ *Roper* at 570.