April 2, 2015

To Whom It May Concern:

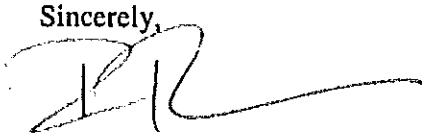
The National Juvenile Defender Center (NJDC) is pleased to learn of the proposed amendment to Raised Bill No. 1127 *An Act Concerning Mandatory Minimum Sentences for Children Tried as Adults*, which would allow courts to sentence children whose cases have been transferred to adult court to a term of imprisonment shorter than the prescribed mandatory minimum term. Because this amendment is in line with the latest scientific research into adolescent development and echoes the spirit of a decade's worth of U.S. Supreme Court jurisprudence related to the punishment of youth in adult courts, NJDC strongly supports the bill.

NJDC is a national organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC believes the proposed provision is consistent with the U.S. Supreme Court's opinion in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), and with the social science research on adolescent development demonstrating that children are different from adults and, therefore, deserving of special protections when making their way through the criminal justice systems.

In *Miller v. Alabama*, the U.S. Supreme Court explained that juveniles are "less deserving of the most severe punishments" in holding that juveniles cannot be sentenced to mandatory life without parole for homicide offenses. This case was the latest in a series of cases in which High Court recognized that the cognitive and psychosocial development of youth requires that they not be automatically treated as if they were simply small adults. The Court in *Miller* asserted that "judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible penalty for juveniles." Additionally, the Court stated that mitigating factors should include consideration of a child's chronological age and its hallmark features, such as immaturity, impetuosity, and failure to appreciate risks and consequences, all of which is supported by social science research. In addition, mitigating factors should take into account family and home environments—places that many youth cannot escape, no matter how brutal or dysfunctional—along with the youth's role in the crime and potential to become rehabilitated. Specifically, the court signaled that children, even more than adults, cannot be punished in a singular, cookie-cutter fashion and that the variety of factors affecting their decision-making processes require individualized care and consideration.

For these reasons, the proposed amendment to Raised Bill 1127—which grants courts the discretion to decide a youth's sentence based on his or her individualized circumstances, rather than requiring a court to blindly impose a set minimum sentence—is good public policy that is in line with the findings of the Supreme Court. We urge you to support and pass this amendment.

Sincerely,



Patricia Puritz
Executive Director, National Juvenile Defender Center