

## Recent Juvenile Justice Measures in Connecticut



### Related Court Cases

#### *Graham v. Florida*

The U.S. Supreme Court held that the Eighth Amendment prohibits states from imposing life without parole (LWOP) on juvenile defendants for non-homicide crimes. (130 S.Ct. 2011 (2010)).

#### *Miller v. Alabama*

The U.S. Supreme Court held that the Eighth Amendment prohibits courts from automatically imposing LWOP sentences on offenders who committed homicides while they were juveniles (under age 18). The Court stated that a court must “take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison” (132 S.Ct. 2455 (2012)).

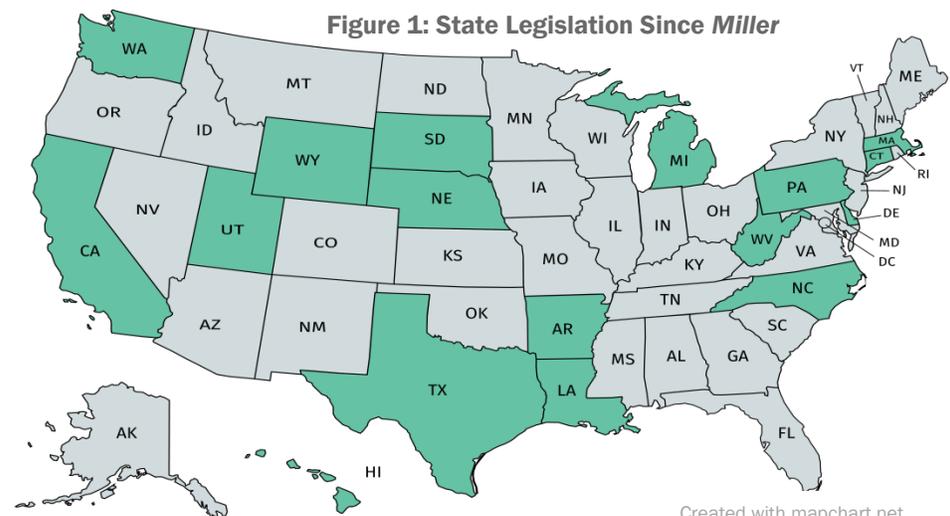
#### *State v. Riley*

The Connecticut Supreme Court ruled that a defendant, who was a juvenile at the time of his offense, was entitled to a new sentencing proceeding because the lower court failed to consider the mitigating factors of youth, as required by *Miller*, when it sentenced the defendant to 100 years imprisonment, a sentence functionally equivalent to LWOP (315 Conn. 637 (2015)).

### Juvenile Sentencing

In light of the various court cases, in 2015 Connecticut changed its juvenile sentencing and parole release laws for offenders who were under age 18 when they committed crimes. Among other things, [PA 15-84](#) retroactively eliminated (1) life sentences for capital felony and arson murder and (2) convictions for murder with special circumstances. It also established alternative parole eligibility rules that can make someone sentenced to more than 10 years in prison eligible for parole sooner. The act requires criminal courts, when sentencing a juvenile offender transferred to adult court and convicted of a class A or B felony, to consider certain mitigating factors of youth, such as evidence of the difference between a child’s and adult’s brain development.

**Other States.** As Figure 1 shows, Connecticut is one of at least 17 states (highlighted in green) that amended their juvenile sentencing laws since the U.S. Supreme Court’s decision in *Miller*.



## Other Recent Measures

In addition to juvenile sentencing, recent legislation has also addressed (1) transferring juvenile cases to criminal court, (2) prohibiting the use of mechanical restraints, (3) expanding juvenile justice jurisdiction, and (4) the Juvenile Justice Policy and Oversight Committee's (JJPOC) recommendations.

### **Transfer of Juvenile Cases to Adult Criminal Court**

[PA 15-183](#) changed when cases may or must be transferred from juvenile court to adult criminal court. It eliminated automatic transfers for children ages 14 through 17 charged with specified class B felonies, such as 1<sup>st</sup> degree manslaughter. But it allows the prosecutor to request a transfer to adult court for a child age 15 to 17 charged with one of these crimes. The act raised the minimum age, from 14 to 15, for the (1) automatic transfer for other class B felonies or more serious crimes and (2) discretionary transfer for felonies not subject to automatic transfer.

### **Mechanical Restraints in Juvenile Court Proceedings**

[PA 15-183](#) created a presumption that mechanical restraints (such as shackles) will be removed from a juvenile during juvenile court proceedings before a determination of delinquency, consistent with Judicial Branch policy. The presumption applies before the juvenile appears in court and throughout his or her court appearances until the final adjudication of the case. In-court use of mechanical restraints is allowed for juveniles only upon court order and under the written Judicial Branch policy.

Under the act the Judicial Branch must keep statistics on the use of mechanical restraints during juvenile proceedings and provide statistics to any member of the public on request. Before doing so, the branch must redact any information that would identify a juvenile.

## **Juvenile Justice Jurisdiction**

Under Connecticut law, the maximum age of juvenile jurisdiction is age 17. In 2016, the governor's Second Chance Society 2.0 initiative was raised in the regular session ([SB 18](#), favorably reported by the Judiciary Committee) and the May special session ([SB 505](#)). The bills contained generally similar provisions which never became law.

In general, the bills would have created a new category of individuals within the juvenile justice system, "young adults," and in doing so would gradually raise the maximum age of juvenile justice jurisdiction over a period of three years from age 17 to age 20. As such, the bills would have made several changes to the juvenile justice laws to reflect the age increase.

### **JJPOC 2016 Recommendations**

Under Connecticut law, JJPOC is charged with evaluating and reporting on juvenile justice system policies. [PA 16-147](#) enacted the committee's most recent recommendations which include provisions that:

1. limit the conditions under which a child may be detained and allow graduated sanctions as an alternative to detention;
2. require the Judicial Branch's Court Support Services Division and the Department of Children and Families to develop and implement a plan to provide community-based services for children leaving juvenile detention;
3. prohibit state-operated juvenile justice residential facilities from imposing out-of-school suspensions;
4. require schools to offer an alternative educational opportunity to a larger category of expelled students; and
5. require the State Department of Education, in collaboration with other agencies, to develop plans on certain matters, such as school-based diversion initiatives and educational deficiencies among children in the juvenile justice system.

**Learn  
More**

"Juvenile Sentencing Laws and Court Decisions After *Miller V. Alabama*," OLR Report [2015-R-0089](#)  
"Serious Juvenile Offenses," OLR Report 2016-R-0283

Judicial Branch's [Detention Pamphlet](#)

"Juvenile Delinquency Procedure," OLR Report 2016-R-0284

