



*Division of Public Defender Services  
State of Connecticut*

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**Testimony of Christine Rapillo, Chief Public Defender  
Office of Chief Public Defender**

**Judiciary Committee Public Hearing – March 21, 2018**

**RAISED BILL 5040, AN ACT CONCERNING ADJUDICATION OF CERTAIN  
YOUNG ADULTS IN JUVENILE COURT**

**RAISED BILL 5042, AN ACT CONCERNING PROSECUTION OF LOW RISK  
YOUNG OFFENDERS IN ADULT COURT**

The Office of Chief Public Defender supports both Raised Bill 5040, an Act Concerning Adjudication of Certain Young Adults in Juvenile Court and Raised Bill 5042 and Raised Bill 5042 An Act Concerning Prosecution of Low Risk Young Offenders in Adult Court. These bills reflect the Governor's ongoing efforts to address the needs of emerging adults who engage in criminal activity. Our agency supports the concept of raising the age of juvenile jurisdiction to 21. That policy change would reflect the ongoing scientific research supporting the idea young people should be held accountable differently from fully developed adults, due to the ongoing maturation of their brains and executive functioning. Raised Bill 5040 contains some changes that concern the Office of Chief Public Defender and we urge the committee to favorable report out Raised Bill 5042, which would take the existing statutory protections available to Youthful Offenders under C.G.S. 54a-76b and extends them to 18, 19 and 20 year olds. Extending Youthful Offender status should not have a significant budget impact, since these young adults are already supervised by the adult criminal justice system. This change would ensure that that Connecticut treats 18, 19 and 20 year olds charged with a crime in the most effective and developmentally appropriate manner and will enhance public safety by ensuring that these young people have the best chance of maturing into productive citizens.



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This group of “emerging adults” has long presented a challenge to the criminal justice system. They enter the system charged with a range of crimes and should be held accountable. However, the brain science research that has formed the basis for groundbreaking U.S. Supreme Court jurisprudence over the last 20 years tell us that brain development continues past age 25. We also know that the adolescent tendency to engage in risky or socially unacceptable behavior declines as the young people mature. Connecticut’s current Youthful Offender program exists in the adult criminal court system. The most serious offenses are excluded from eligibility. Prosecutors may ask the court to move any felony matter to the regular docket. After a brief hearing, a judge can remove the status and all the protections it provides. YO status allows the court to impose prison time on a young offender but caps the maximum amount of time at 4 years. While the proceedings for 18, 19 and 20 year olds would be open to the public, their record would be sealed and erased if they successfully completed their sentence.

The Office of Chief Public Defender believes that this proposal is the best path forward as Connecticut continues to improve outcomes in our criminal and juvenile justice systems. We would urge the Committee to consider adding language from Raised Bill 5040 that allows the court to depart from mandatory minimum requirements when sentencing a young person transferred to the adult court. OCPD fully supports this idea as it is consistent with the line of US Supreme Court cases outlawing the death penalty and mandatory life without parole for young people. The Court has clearly and specifically determined that the age of an offender is relevant to due process under the 8th amendment to the United States Constitution. Young people must be sentenced using a process that ensures consideration of their youth and propensity to rehabilitate.<sup>1</sup> Mandatory minimum sentencing requirements remove the court’s ability to account for youth and development when sentencing a young person.

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<sup>1</sup> *Miller v Alabama*, \_\_\_ U.S. \_\_\_, 132 S. Ct. 2455, 2470 L.Ed. 2d 407 (2012); *Graham v. Florida*, 560 U.S. 48, 76, 130 S.Ct. 2011, 176 L.Ed. 2d 825 (2010)