State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

**IN OPPOSITION TO:**

**S.B. 978 (RAISED) AN ACT CONCERNING PAROLE OPPORTUNITIES FOR INDIVIDUALS SERVING LENGHTY SENTENCES FOR CRIMES COMMITTED BEFORE THE INDIVIDUAL TURNED TWENTY-FIVE YEARS OF AGE.**

JOINT COMMITTEE ON JUDICIARY
March 10, 2021

The Division of Criminal Justice respectfully opposes Raised Senate Bill 978, which seeks to amend General Statutes § 54-125a by raising by eight years the parole eligibility age from under eighteen to under twenty-six for persons who are serving a definite or total effective sentence of more than ten years. The parole eligibility portion of General Statutes in question was enacted in 2015 in order to comport with Miller v. Alabama, 567 U.S. 460 (2012), and subsequent decisions of the Supreme Court of Connecticut, concluding categorically, and based on science, that the federal constitution does not permit an offender under the age of eighteen to receive a sentence of life imprisonment, or is functional equivalent, without the possibility of parole, unless the offender's age and the hallmarks of adolescence have been considered by the sentencing court as mitigating factors. See State v. McCleese, 333 Conn. 378 (2019). What distinguishes a child who is under age eighteen from the adult who is over age eighteen, and as old as twenty-five, are "'the unique aspects of adolescence.'" State v. Riley, 315 Conn. 637, 644-45 (2015), cert. denied, __U.S.__, 136 S.Ct. 1361 (2016). It is for this reason that "children are constitutionally different from adults for the purpose of sentencing." Miller, 567 U.S. at 471.

Increasing the age of eligible offenders to include non-adolescents, who were under age twenty-six at the time the offense was committed, is neither constitutionally required, nor does it appear to be based on any compelling scientific or psychological evidence. Without such a compelling basis, the bill constitutes an exercise in arbitrary line-drawing. This is problematic where, as in the case of General Statutes § 54-125a, age alone is a one-size-fits-all eligibility criteria. Parole eligibility should not be conferred equally upon the barely eighteen year old burglar who is a first-time offender and the twenty-five year old rapist who has a record of multiple offenses. Raising the age of parole eligibility in this manner also has the potential to undermine plea bargains and erode judicial sentencing authority in criminal cases. This is important because the overwhelming majority of criminal cases are plea bargained, not tried. Plea bargained sentences, and most often the charges that are settled upon, have already been discounted by agreement, sometimes significantly, and prosecutors and judges routinely factor the age of the

offender, and his or her relative maturity, youth, and psychological and cognitive development, into the complicated equation of fashioning an appropriate plea bargained sentence. For those adult offenders who are age eighteen and older, personal accountability, public safety and victim impact, not automatic and indiscriminate parole eligibility, should be paramount.

In conclusion, the Division of Criminal Justice opposes S.B. 978 and respectfully recommends the Committee take NO ACTION. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.