



STATE OF CONNECTICUT  
**SENTENCING COMMISSION**

**Testimony of the Honorable Judge Robin Pavia, Chair and Alex Tsarkov, Executive Director  
before the Judiciary Committee on  
SB 952, An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a  
Crime Committed Before the Individual Reached the Age of Twenty-Five**

Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and members of the Judiciary Committee. We are here to testify on SB 952, *An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-Five*.

**1. Connecticut Sentencing Commission – background information**

First, we would like to give you some brief background information about the Sentencing Commission. We are a permanent statutory commission consisting of Connecticut's stakeholders in the criminal justice system. Our membership includes the Commissioners of Correction, Emergency Services and Public Protection, and Mental Health and Addiction Services; the Chief State's Attorney; the Chief Public Defender; the State Victim Advocate; three judges; the chair of the Board of Pardons and Paroles; a municipal police chief; the undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management; community advocates interested in the criminal justice system; as well as others vitally engaged in the criminal justice system.

**2. Prior Connecticut legislation and related U.S. Supreme Court Cases**

In 2015, the General Assembly passed and the Governor signed Public Act 15-84, *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*. The act was based on a recommendation from the Sentencing Commission.

Public Act 15-84 established alternative parole rules for individuals who (1) committed a crime while under 18 years of age and (2) received a sentence of more than 10 years. The U.S. Supreme Court held in *Miller v. Alabama* (2012) that mandatory life-without-parole sentences for juveniles are unconstitutional and in all but the rarest of cases juveniles must have a meaningful opportunity for release based on demonstrated maturity and rehabilitation. The decision was based, in part, on science that showed the brain regions and systems that control higher-order executive functions such as impulse control, planning and risk avoidance are often underdeveloped in adolescents. The *Miller* case followed the U.S. Supreme Court case of

*Graham v. Florida* (2010) which held that sentencing a juvenile to life in prison without parole for a non-homicidal crime constitutes cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution.

Accordingly, the Court in *Miller* found that it was unconstitutional for states to categorically treat juvenile offenders as being incapable of rehabilitation and recognized that individuals who committed serious crimes as juveniles can meaningfully rehabilitate themselves over time. This recognition, supported by neuro science, prompted the Sentencing Commission's proposal in 2015.

### ***3. Current proposal***

Scientific findings continue to reinforce the view that juveniles and young adults do not have fully formed frontal cortexes. Young people are more likely to follow their impulses, be susceptible to peer pressure, and not realize the long-term consequences of their actions. Consequently, the Sentencing Commission believes our sentencing laws should reflect the reduced culpability and rehabilitative potential for young adults. In furtherance of this, a majority of voting members on the Commission recently supported a proposal to expand eligibility for 15-84 Parole hearings to individuals who committed offenses before the age of *twenty-one*. This proposal was endorsed by the Sentencing Commission with a vote of 9 Yea, 6 Nay, and 3 Abstentions.

The proposal in Senate Bill 952 is similar to the one adopted by the Sentencing Commission, except that it would raise the eligibility age to *twenty-five*, whereas the Sentencing Commission proposed an age limit of *twenty-one*. Notably, this proposal would not immediately release any individual. The Board of Pardons and Paroles would have a hearing at which they would consider whether the incarcerated individual has demonstrated the necessary maturity and rehabilitation to be considered for parole release.

### ***4. Similar legislation in other states***

Other states have made similar changes in their approach to parole hearings for individuals convicted as young adults. For example, California and the District of Columbia have passed legislation expanding parole eligibility to those who committed crimes under the age of 25. Additionally, Colorado and Illinois have expanded their special parole eligibility rules to individuals who committed crimes under age 21.

We hope that Connecticut can join these jurisdictions in aligning our parole statutes with modern brain science and we thank the Judiciary Committee for raising this important legislation.