State of Connecticut

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JUDICIARY COMMITTEE – MARCH 18, 2026
Raised Bill No. 503
AN ACT CONCERNING SENTENCING OF AND PAROLE ELIGIBILITY FOR INDIVIDUALS WHOSE OFFENSE WAS COMMITTED WHEN SUCH INDIVIDUAL WAS UNDER THE AGE OF TWENTY-SIX YEARS

Consistent with years past, the Office of Chief Public Defender (OCPD) **strongly supports** expansion of eligibility for review for persons under a certain age when the offense was committed[1] and supports passage of ***Raised Bill 503* - An Act Concerning Sentencing of and Parole Eligibility for Individuals Whose Offense Was Committed When Such Individual Was Under the Age of Twenty-Six Years**.

This agency proposed again this year the expansion of **eligibility** for all persons who were between the age of 18 - 21 years of age at the time of the commission of the offense. While *Public Act 23-169* extended eligibility, it did so only as to persons who were under the age of 21 ***but convicted before October 1, 2005.*** As a result, other persons who were under the age of 21 but convicted after October 1, 2005, were not eligible to apply for review even if the offense or arrest for such occurred prior to their 21st birthday.

This bill amends *Public Act 23-169,* which amended *Public Act 15-84*[2], to eliminate the October 1, 2005, date restriction so that anyone who was under the age of 21 when the offense was

[1] The Office of Chief Public Defender provides representation to any person who is indigent and eligible for review pursuant to current law.

[2] Originally *Public Act 15-84* conferred a statutory right to people who were convicted of crimes prior to their 18th birthday to be eligible for parole where the attendant circumstances of youth and any subsequent rehabilitation efforts could be considered at a hearing, commonly referred to as a ***Miller-Graham*** hearing, to determine if early release is appropriate. The enactment of *Public Act 15-84* was so that Connecticut would be in compliance with the Eighth Amendment to the U.S. Constitution and give a person the opportunity to have their youth at the time of the crime considered by the Board of Pardons and Parole.

committed will be **eligible** for parole review by the Board of Pardons and Parole. Passage of this bill will resolve the unfair exclusion of certain individuals who were under the age of 21 as a result of the passage of P.A. 23-169. [3]

Age is **not** the only criteria required to be **eligible** for review. Also required is that the person is serving a *sentence of more than 10 years* and:

- *if the sentence imposed was 50 years or less, and after he/she has served 60% or 12 years of their sentence, whichever is greater;*

- *if the sentence imposed was more than 50 years, and after he/she has served 30 years.*

Expanding the age of eligibility for review **does not** equate to an automatic release. Preparation for these cases by this office can take up to a year as public defenders gather mitigating and rehabilitation information and documentation to present at the hearing before the Board of Pardons and Parole. Public Defenders, working with a social worker, review and analyze a client's mental health records and prepare a release plan, which can include support comprised of treatment, counseling, housing, education, and/or employment. At the hearing, the client can present his/her rehabilitation efforts, proposed re-entry plan, and remorse to the victim and his/her families. At the hearings, the state is represented by the prosecutors and the victim is not only present, but able to fully participate in the hearing.

The U.S. Supreme Court previously found that sentences of life imprisonment without the possibility of parole imposed on young people who committed certain offenses prior to the age of 18 was cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution because youth was not considered as a mitigating factor. See **Miller v. Alabama**, 567 U.S. 460 (2012). "[A] judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible penalty for juveniles," id., at 489. The holding was primarily based on what was then emerging science on the adolescent brain. This science has always shown that human brains do not reach full development until age 25. **Miller** and other decisions of the U. S. Supreme Court[4] have held that juvenile offenders are less culpable for their crimes and more capable of rehabilitation if their youth is considered.

[3] The Office of Chief Public Defender estimates that there are 174 persons who were under the age of 21 when the offense was committed who will become eligible if the raised bill is adopted. Of the 174, 52 persons will be eligible for a hearing immediately upon passage.

[4] See Miller v. Alabama, 567 U.S. 460 (2012); Graham v. Florida, 560 U.S. 48 (2010); Roper v. Simmons, 543 U.S. 551 (2005)

> "In *Roper*, *Graham*, and *Miller*, the Court looked at and relied heavily on brain science to determine that juveniles have diminished culpability. This research found youth have certain characteristics that make harsh punishments disproportionate, and therefore violate the Eighth Amendment. These characteristics include diminished maturity and responsibility that leads to risk-taking behavior, vulnerability to peer pressure, and underdeveloped character that is more prone to rehabilitation. According to the Court, each of these characteristics demonstrate an ability to be rehabilitated. . . [C]urrent research shows the brain is underdeveloped until age twenty-five, resulting in an inability to fully assess ***822** consequences, diminished capacity to make rational decisions, and increased susceptibility to peer pressure.[5] Youths under twenty-five therefore possess the same characteristics and potential for reform that the Court found persuasive in *Miller*, *Graham*, and *Roper*, finding Eighth Amendment violations and banning the death penalty and mandatory life without parole sentences for juveniles. Therefore, handing out these sentences to offenders aged eighteen- to twenty-five must also violate the Eighth Amendment."[6]

Lastly, this bill would expand **eligibility** for these hearings to include all persons who were under the age of 26 years of age at the time of the commission of the offense. This office supports expanding the considerations and protections provided by C.G.S 54-91g to all children and young adults up to age twenty-six transferred to the regular criminal docket, including young adults transferred from violations of C.G.S. 46b-133d(f) and C.G.S. 46b-133C.

In conclusion, the Office of Chief Public Defender requests that this bill be **favorably voted** upon by the Committee. Thank you.

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[5] See also, Elizabeth S. Scott et al., *Young Adulthood as a Transitional Legal Category: Science, Social Change, and Justice Policy*, 85 Fordham L. Rev. 641, 647 (2016); Carly Loomis-Gustafson, *Adjusting the Bright-Line Age of Accountability within the Criminal Justice System: Raising the Age of Majority to Age 21 Based on the Conclusions of Scientific Studies Regarding Neurological Development and Culpability*, 55 DUQ. L. REV. 221, 237 (2017).

[6] ***Tirza A. Mullin, Eighteen is Not a Magic Number: Why the Eighth Amendment Requires Protection for Youth Aged Eighteen to Twenty-Five***, 53 U. Mich. J. L. Reform 807, 821-822 (2020). (Internal footnotes deleted)