



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director Office of Chief Public Defender

JUDICIARY COMMITTEE – March 18, 2026

Raised Bill No. 5429 AN ACT CONCERNING ENTICEMENT OF A JUVENILE TO COMMIT A CRIMINAL ACT

The Office of Chief Public Defender **strongly opposes** *Raised Bill 5429, An Act Concerning Enticement of a Juvenile to Commit a Criminal Act*. Current law provides for the arrest of a person who is twenty-three (23) years of age or older who:

“knowingly causes, encourages, solicits, recruits, intimidates or coerces a person under eighteen¹ years of age to commit or participate in the commission of a criminal act.”

¹ While this office requests that the Committee **take no action** on this bill, this Office also questions strongly the use of the age “under eighteen years of age” as it is inconsistent with the majority of criminal statutes which generally defines a minor as “under the age of sixteen.” See e.g.

§ 53a-193. Definitions

The following definitions are applicable to this section and [sections 53a-194](#) to [53a-210](#), inclusive:

(2) Material or a performance is “obscene as to minors” if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors. For purposes of this subdivision: (A) “Minor” means any person less than seventeen years old as used in [section 53a-196](#) and less than **sixteen years** old as used in [sections 53a-196a](#) and [53a-196b](#)

(13) “**Child** sexual abuse material” means any visual depiction including any photograph, film, videotape, picture or computer-generated image or picture, whether made or produced by electronic, digital, mechanical or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a **person under sixteen years of**

The current penalty for a violation of such is a Class A misdemeanor for a first offense and a Class D felony for a subsequent offense.

This bill would reduce the age of the actor from twenty-three (23) to twenty-one (21) years of age. Reducing the age is *contrary* to the work of this legislature, which has passed legislation that recognizes the substantial scientific evidence regarding brain development that exists.²

“In *Roper, Graham, and Miller*, the Court looked at and relied heavily on brain science to determine that juveniles have diminished culpability. . . . [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.³

age engaging in sexually explicit conduct, provided whether the subject of a visual depiction was a **sixteen years** of age at the time the visual depiction was created is a question to be decided by the trier of fact.

§ 53-21. Injury or risk of injury to, or impairing morals of, children.

(a) Any person who (1) willfully or unlawfully causes or permits any child ***under the age of sixteen years*** to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, or (2) has contact with the intimate parts, as defined in section 53a-65, of a child ***under the age of sixteen years*** or subjects a child ***under sixteen years of age*** to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or (3) permanently transfers the legal or physical custody of a child ***under the age of sixteen years*** to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child ***under the age of sixteen years*** from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding

Further examples are below:

§ 53a-71. Sexual assault in the second degree: Class C or B felony

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but ***under sixteen years of age*** and the actor is more than three years older than such other person

² P.A. 15-84, as amended by Public Act 23-169, permits a second look at the juveniles who committed an offense. As amended, the expansion provided eligibility to certain, but not all, persons who were under the age of 21 years of age at the time of the offense, based upon the date of the conviction.

³ *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)

This Committee has raised a bill to expand eligibility for *all* persons who were under the age of 26 which would also amend a prior public act that limited eligibility to persons under the age of 21 who were convicted by a certain date. This office is in strong support of legislation that would permit a person to apply for certain parole if they were under the age of 21 at the time the offense was committed. ⁴ If that legislation is passed, the bill before you would be contrary to the work of this legislature which has accepted the brain science that exists.

As a result, this office requests that the Committee **take no action** on this bill. Thank you for your consideration.

⁴ See S.B. No. 503 (Raised) 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