



BRIEF OVERVIEW OF RECENT U.S. SUPERIOR COURT DECISIONS INVOLVING JUVENILE OFFENDER SENTENCING

In Roper v. Simmons, (2005), the United States Supreme Court held that the Eighth Amendment's prohibition against cruel and unusual punishment bars capital punishment for children offenders.

In Graham v. Florida, (2010) the United States Supreme Court held that the Eighth Amendment's prohibition against cruel and unusual punishment prohibits states from sentencing defendants under age 18 to life without parole for non-homicide crimes. The Court stated that there must be "some meaningful opportunity" for release based on a defendant's demonstrated maturity and rehabilitation. It said that the Eighth Amendment does not prohibit a juvenile who commits a non-homicide crime from being kept in prison for life but it prohibits making the judgment "at the outset that those offenders never will be fit to re-enter society."

In Miller v. Alabama, (2012) the United States Supreme Court held that the Eighth Amendment prohibits courts from automatically imposing life without parole sentences on offenders who committed homicides while they were juveniles (under 18). The Court did not categorically bar life without parole sentences for juveniles but stated that a court must "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison."

The Connecticut Legislature Responded to the U.S. Supreme Court rulings by passing Public Act 15-84.

Considerations at sentencing: The act requires a court to consider certain factors when sentencing a child transferred to adult criminal court and convicted of a class A or B felony. In addition to other information relevant to sentencing, the act requires the court to consider the defendant's age at the time of the offense, the hallmark features of adolescence, and scientific and psychological evidence showing the difference between a child's and adult's brain development.

PAROLE ELIGIBILITY

Public Act 15-84, establishes new parole eligibility rules for minors who commit crimes and are sentenced to more than 10 years in prison, as follows:

If the offender is sentenced to 10 to 50 years in prison, the offender is eligible for parole after serving 12 years or 60% of his or her sentence, whichever is greater, or;

If the offender is sentenced to more than 50 years in prison, the offender is eligible for parole after serving 30 years.

