
OLR Bill Analysis

SB 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.

SUMMARY

This bill makes changes to laws on the (1) alternate parole eligibility rules for certain young offenders and (2) sentencing of a young person for a class A or B felony. In both cases, the bill raises the applicable age of the offender to age 26.

Regarding parole eligibility, the bill does the following:

1. broadens parole eligibility for offenders serving a definite or total effective sentence of more than 10 years for crimes they committed when they were under age 26, rather than under age 21 as under current law;
2. further broadens parole eligibility by removing the October 1, 2005, end to the lookback period for such crimes, thus making the age-eligible offenders (under current law and the bill) described above eligible for parole regardless of when the crime was committed or the sentence imposed;
3. correspondingly applies existing law's parole eligibility rules and requirements on parole hearing and release decisions to this new group of parole eligible offenders; and
4. creates a rebuttable presumption that anyone made eligible for parole under the bill's provision has satisfied all other parole eligibility factors.

Regarding the sentencing of certain young offenders, the bill expands provisions regarding the sentencing of a child who committed a class A

or B felony to other persons convicted of a class or B felony who were under age 26 (young adults) when they committed the crime. The bill also requires the court to consider the hallmark features of young adulthood, among other things.

EFFECTIVE DATE: Upon passage

PAROLE ELIGIBILITY

Alternate Parole Rules

Current law sets alternate parole eligibility rules specifically for offenders who (1) were under age 21 when the crime was committed; (2) are serving a definite or total effective sentence of more than 10 years for crimes committed on or before October 1, 2005; and (3) were sentenced on or before October 1, 2005. The bill extends parole eligibility under this rule to offenders who were under age 26 when the crime was committed and are serving a definite or total effective sentence of more than 10 years regardless of when the crime was committed or when the sentence was imposed.

As under existing law, the bill applies the alternate eligibility rules if they make someone eligible for parole sooner, including someone who would otherwise be ineligible for parole. Under law, unchanged by the bill, someone sentenced to 10 to 50 years in prison is eligible for parole after serving the greater of 12 years or 60% of his or her sentence, and someone sentenced to more than 50 years in prison is eligible for parole after serving 30 years.

Under current law, the alternate parole eligibility rules do not apply to any portion of a sentence imposed for a crime committed when the person was age 21 or older. The bill extends the applicability of the alternate parole eligibility rules to any portion of a sentence imposed for a crime committed when the person was under age 26.

Required Hearing

As under existing law for age-eligible offenders, the following are required for offenders made eligible by the bill: (1) a parole hearing when someone becomes parole-eligible to determine suitability for

release and (2) notification from the Board of Pardons and Paroles, at least 12 months before the hearing, to the Chief Public Defender's Office, appropriate state's attorney, Department of Correction's (DOC) Victim Services Unit, Office of the Victim Advocate, and Judicial Branch's Office of Victim Services. By law, the Chief Public Defender's Office must provide counsel for an indigent inmate.

At the hearing, the law requires the board to allow (1) the inmate to make a statement, (2) the inmate's counsel and state's attorney to submit reports and documents, and (3) any victim of the crime to make a statement as with other parole hearings.

The board may also request (1) testimony from mental health professionals and relevant witnesses and (2) reports from DOC or others. The board must use validated risk and needs assessment tools and risk-based structured decision making and release criteria.

Rebuttable Presumption

The bill creates a rebuttable presumption that anyone made eligible for parole under these age-related provisions has satisfied all other parole eligibility factors.

Release Decisions

After the hearing, the law allows the board to release the inmate on parole if the following conditions are met:

1. the release (a) holds the offender accountable to the community without compromising public safety; (b) reflects the offense's seriousness and makes the sentence proportional to the harm to victims and the community; (c) uses the most appropriate sanctions available, including prison, community punishment, and supervision; (d) could reduce criminal activity, impose just punishment, and provide the offender with meaningful and effective rehabilitation and reintegration; and (e) is fair and promotes respect for the law;
2. it appears from all available information, including DOC reports, that (a) there is a reasonable probability the offender will not

violate the law again and (b) the benefits of release to the offender and society substantially outweigh the benefits from continued confinement; and

3. it appears from all available information, including DOC reports, that the offender is substantially rehabilitated, considering his or her character, background, and history, including (a) the offender's prison record, age, and circumstances at the time of committing the crime; (b) whether he or she has shown remorse and increased maturity since committing the crime; (c) his or her contributions to others' welfare through service; (d) rehabilitation opportunities he or she took in prison; (e) the overall degree of his or her rehabilitation considering the nature and circumstances of the crime; and (f) his or her efforts to overcome substance abuse, addiction, trauma, lack of education, or obstacles he or she faced.

Under current law and the bill, the board must consider whether an age-eligible offender applied for or received a sentence modification when evaluating whether the person demonstrates rehabilitation. The board also (1) must articulate reasons for its parole decision on the record and (2) at its discretion, may reassess the person's suitability for a hearing at least two years after a denial. By law, the board's decisions under these provisions are not appealable.

SENTENCING YOUNG ADULTS FOR CLASS A OR B FELONY

Factors the Court Must Consider

Current law requires the court to consider certain factors when sentencing a child transferred to adult criminal court and convicted of a class A or B felony. The bill makes minor modifications to these factors and requires the court to also consider them in the case of any other person convicted of a class A or B felony who was under age 26 at the time the crime was committed.

Current law requires the court to consider the hallmark features of adolescence, and scientific and psychological evidence showing the difference between a child's and adult's ("mature adult's" under the

bill) brain development. The bill also requires the court to consider the hallmark features of young adulthood, and scientific and psychological evidence showing the difference between a young adult's brain development and a mature adult's brain development.

If the court proposes a lengthy sentence under which it is likely the defendant will die in prison, the law requires the court to consider how evidence of the difference between a child's and adult's brain development counsels against such a sentence. The bill requires the court to also consider this for any other person.

Pre-sentence Investigation, Sentencing, and Parole Eligibility

Under existing law, a pre-sentence investigation or report may not be waived with respect to a child convicted of a class A or B felony and any pre-sentence report prepared must address the factors above. Also, when the court is sentencing a child, the court must specify the maximum incarceration period and whether the child may be eligible to apply for release on parole.

The bill applies these provisions to any other person convicted of a class A or B felony who was under age 26 at the time the crime was committed.

Judicial Branch Reference Material

Existing law requires the Judicial Branch's Court Support Services Division (CSSD) to compile reference material on adolescent psychology and brain development to help courts sentence children. The bill requires CSSD to also compile similar reference material relating to young adults.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 24 Nay 13 (03/24/2026)