

### Statement of Purpose

To raise the minimum age by which a child can be arrested and be subject to juvenile court proceedings for the commission of a delinquent act.

### Proposed Bill

**Be it enacted by the Senate and House of Representatives in General Assembly convened:**

- 1 *That section 46b-120(1)(A)(i) of the general statutes be amended to raise the minimum age by*
- 2 *which a child can be subject to delinquency matters and proceedings from seven to 12 years of*
- 3 *age at the time of the alleged commission of a delinquent act.*

### Connecticut Statistics

In 2017, **483** children were arrested 12 and under in Connecticut. Of these children, **453** children were between 10-12 and **30** children were under 10.

### Research

#### **1. Policy Rationale**

- a. *Assists vulnerable children* – children who are arrested or charged are significantly more likely to have histories of child maltreatment or underlying, unaddressed behavioral health conditions
- b. *Reduces recidivism* – decades of research have shown that formally processing youth in the juvenile justice system does not a) result in preventing future crime and b) increases likelihood of future criminal behavior by deterring psychosocial development.

#### **2. Scientific Rationale**

- a. *Acknowledges cognitive immaturity of youth* – youths in early and mid-adolescence are neurologically immature. Their brains are “unstable;” they have not yet attained mature cognitive abilities to respond effectively to situations that require careful or reasoned decisions, and they may be more inclined than adults to act impulsively and without planning.
- b. *Acknowledges unique factors inherent in pre-adolescence* – studies demonstrate most juveniles younger than thirteen or fourteen years of age exhibit the same degree of impairment as severely mentally ill adult defendants and lack even basic competence to understand or to participate in their defense during court proceedings.

#### **3. Legal Rationale**

- a. *Based on concerns around juvenile competency* – juvenile competency to stand trial, also referred to as adjudicative competence, is perhaps one of the most basic and bedrock components of due-process safeguards in the justice system. These are the ability to: (1) understand the nature and possible consequences of charges, the trial process, the participants' roles, and the accused's rights in the process; (2) participate with and meaningfully assist counsel in developing and presenting a defense; and (3) make decisions to exercise or waive important rights.
- b. *Based on protections for juveniles generally* – myriad of protections for children in the Miranda warning context, during police interrogation, and in determining their ability to serve as witnesses.

### Other States

20 states specify a minimum age for juvenile jurisdiction. Two states (California and Massachusetts) have set an age of 12. 11 states set a minimum age of 10. Three states set a minimum age of eight. Three states set a minimum age of seven. One state set a minimum age of six.