



General Assembly

February Session, 2020

Raised Bill No. 389

LCO No. 2596



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
CONNECTICUT SENTENCING COMMISSION REGARDING
SENTENCE REVIEW AND MODIFICATION.***

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

1 Section 1. Section 51-195 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 Any person sentenced on one or more counts of an information to a
4 term of imprisonment for which the total sentence of all such counts
5 amounts to confinement for three years or more, may, within thirty days
6 from the date such sentence was imposed or if the offender received a
7 suspended sentence with a maximum confinement of three years or
8 more, within thirty days of revocation of such suspended sentence,
9 except in any case in which a different sentence could not have been
10 imposed, [or] in any case in which the sentence or commitment imposed
11 resulted from the court's acceptance of a plea agreement, [or] in any case
12 in which the sentence imposed was for a lesser term than was proposed
13 in a plea agreement, or in any case in which a plea agreement provides
14 that the term of imprisonment will not exceed an agreed upon

15 maximum term but provides that the person sentenced may request a
16 term of imprisonment lower than the agreed upon maximum term, file
17 with the clerk of the court for the judicial district in which the judgment
18 was rendered an application for review of the sentence by the review
19 division. Upon imposition of sentence or at the time of revocation of
20 such suspended sentence, the clerk shall give written notice to the
21 person sentenced of his right to make such a request. Such notice shall
22 include a statement that review of the sentence may result in decrease
23 or increase of the term within the limits fixed by law. A form for making
24 such application shall accompany the notice. The clerk shall forthwith
25 transmit such application to the review division and shall notify the
26 judge who imposed the sentence. Such judge may transmit to the review
27 division a statement of his reasons for imposing the sentence, and shall
28 transmit such a statement within seven days if requested to do so by the
29 review division. The filing of an application for review shall not stay the
30 execution of the sentence.

31 Sec. 2. Section 53a-39 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2020*):

33 (a) At any time during the period of a [definite] sentence in which a
34 defendant has been sentenced to an executed period of incarceration of
35 three years or less, the sentencing court or judge may, after hearing and
36 for good cause shown, reduce the sentence, order the defendant
37 discharged, or order the defendant discharged on probation or
38 conditional discharge for a period not to exceed that to which the
39 defendant could have been originally sentenced.

40 (b) At any time during the period of a [definite] sentence in which a
41 defendant has been sentenced to an executed period of incarceration of
42 more than three years, upon agreement of the defendant and the state's
43 attorney to seek review of the sentence, the sentencing court or judge
44 may, after hearing and for good cause shown, reduce the sentence, order
45 the defendant discharged, or order the defendant discharged on
46 probation or conditional discharge for a period not to exceed that to
47 which the defendant could have been originally sentenced.

48 (c) The provisions of this section shall not apply to any portion of a
49 sentence imposed that is a mandatory minimum sentence for an offense
50 which may not be suspended or reduced by the court.

51 (d) At a hearing held by the sentencing court or judge under this
52 section, such court or judge shall permit any victim of the crime to
53 appear before the court or judge for the purpose of making a statement
54 for the record concerning whether or not the sentence of the defendant
55 should be reduced, the defendant should be discharged or the
56 defendant should be discharged on probation or conditional discharge
57 pursuant to subsection (a) or (b) of this section. In lieu of such
58 appearance, the victim may submit a written statement to the court or
59 judge and the court or judge shall make such statement a part of the
60 record at the hearing. For the purposes of this subsection, "victim"
61 means the victim, the legal representative of the victim or a member of
62 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	51-195
Sec. 2	<i>October 1, 2020</i>	53a-39

Statement of Purpose:

To enact the Connecticut Sentencing Commission's recommendation with respect to sentence review and modification.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]