

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6594

Title: AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS.

Vote Date: 4/5/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/10/2021

File No.: 580

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SPONSORS OF BILL:

The Judiciary Committee

REASONS FOR BILL:

The purpose of this legislation is to address many aspects of laws of our criminal codes. The purpose of the bill is to improve the fairness and accessibility of our criminal justice system. This bill was a collaboration of the Division of Criminal Justice and the Office of the Chief Public Defender.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of CT Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo – The testimony submitted supports the passage of this bill. The bill is a result of a collaboration between the Division of Criminal Justice (DCJ) and the Office of the Chief Public Defender (OCPD) Sections 1-12 of the bill are proposals from the DCJ. The testimony notes that these sections have been discussed and vetted and are supported as part of the omnibus bill. The testimony reviews sections 13-25 in detail and notes they are OCPD's contribution to the bill. Overall, this bill improves the fairness and accessibility of the criminal justice system.

State of Connecticut Judicial Branch The Branch's response addresses sections 12 and 28 of the proposed legislation. In section 12, the Branch suggests creating a new subsection to clarify the classes of crime relating to the unlawful dissemination of an intimate image. If the dissemination of an intimate image is to one person, the crime should be a class A misdemeanor; unlawful dissemination of intimate images to more than one person should be a class D felony. The Branch requests an effective date change in section 28(c) regarding requirement changes to sentence modification. The new sentence modification requirements may require changes to the Criminal Record Information Manager (CRIM). The Branch

requests the effective date be pushed out to accommodate additional time to make such changes to the CRIM program.

Division of Criminal Justice – The submitted testimony supports sections 1 – 12 of the proposed legislation. The testimony reviews sections 1-12 of the bill in detail and why they support each section.

State of Connecticut Sentencing Commission, Appellate Court Judge, Judge Robert Devlin; Executive Director, Alex Tsarkov – The testimony submitted supports sections 25-28 of the proposed legislation, with some changes. The sections supported are based on the recommendations of the Sentencing Committee. Sections 25-27 are related to Drug Free Zones. The testimony would like to see the school zone provision in the state's drug free zone statutes decreased from 1,500 feet to 200 feet. Currently most of our larger urban areas are designated as drug free zones. An unintended consequence of the 1,500-foot drug free zone is a disparate impact on the residents of these urban areas. Section 28 of the proposed legislation deals with sentencing modifications. This section would allow the court, without an agreement between the defendant and the state, to modify any plea-bargained sentence which includes seven years or less of actual incarceration after a hearing and a showing of good cause.

NATURE AND SOURCES OF SUPPORT:

Connecticut Alliance to End Sexual Violence, Director of Policy and Public Relations, Lucy Nolan – The testimony suggests changes to sections 11 and 12 of the legislation regarding the unlawful dissemination of an intimate image without the consent of the individual. The testimony suggests changing the crime from a class A misdemeanor to a class D felony, which will align the crime with other like crimes.

Connecticut Criminal Defense Lawyers Association, President, Frank J. Riccio – The Association is a statewide organization of over 350 criminal defense attorneys and supports the passage of HB 6594 and describes its support of sections 13-28 in detail.

American Civil Liberties Union of CT Interim Senior Policy Council, Kelly McConney Moore – The submitted testimony supports a portion of the legislation and opposes other portions of the proposal. The testimony supports sections (9, 13 – 21 and 23 – 27) that seek to decrease unnecessary criminalization, over penalization and punishment of poverty, as well as those directed at misconduct of governmental employees. The ACLU opposes sections 2, 3, 11, 12 and 28 that create new or greater penalties. Decriminalizing sex work makes both sex workers & communities safer. Mass incarceration has been driven by longer prison sentences.

NATURE AND SOURCES OF OPPOSITION:

Former Constituent, Douglas M. Isleib – He opposes section 28. Mr. Isleib's wife Gayle was shot to death on April 30, 1996. Her killer was sentenced to a total of sixty-five years in prison, without the possibility of release. Section 28 would allow the killer to apply for a sentence modification without an agreement of the state's attorney and would allow the killer to re-apply every five years until either the original sentence was reduced or the killer was

discharged. This legislation re-victimizes the victim's family and friends. Justice will not be served if the victim's killer serves anything less than the original sentence of sixty-five years.

Constituent, Bolton, CT, Merit Lajoie – The testimony submitted opposes Section 28 of HB 6594. Ms. Lajoie is the daughter of Gayle Isleib and agrees will all the points that were addressed in Douglas Isleib's testimony. The testimony states that the new proposed legislation would re-traumatize her every five years in this most horrific and evil event of her life.

Constituent, Vernon, CT, Kaylee McAvoy – The testimony opposes Section 28 of HB6594. She is the granddaughter of Gayle Isleib and supports the testimony that was submitted by Douglas Isleib. The testimony also re-iterates the point that Section 28 may allow families of those individuals who have been victims of violent crimes be re-victimized not once, but every five years.

Constituent, Enfield, CT, Kristy McAvoy – The testimony submitted opposes Section 28 of HB 6594. Ms. McAvoy is the step-granddaughter of Gayle Isleib and agrees with the testimony submitted by other members of her family. Many members of the family (listed below) speak out in strong opposition to any leniency to the offender who murdered their loved one.

Constituent, Cassandra Gomes – The testimony submitted opposes HB 6594. The testimony indicates that Ms. Gomes husband was shot by a man on probation. She is now raising a family on her own and her daughter misses her father and best friend every day. The testimony further states that HB 6594 shows no value or respect to those who were hurt by someone's choice to commit a violent and/or deadly crime.

Constituent, Bridgeport, CT, Delia Marie Gonzalez – The testimony opposes HB 6594. It states that her son was killed by a group of teens in Bridgeport and it is an outrage that her son's killers may serve only 40% of the time they were sentenced to at the trial. The leniency that is potentially being offered to killers only goes to illustrate to youth that they may only get a "slap on the wrist" after killing another human being and devastating a family.

Constituent, Eileen Green – The submitted testimony opposes Section 28(a) of the proposed legislation. This section is damaging to the Judicial system, victims of crimes and their families and the citizens of the state of Connecticut. Any early release must be accompanied by well defined specific conditions. Ms. Green included ideas for conditional release criteria.

Constituents, Plainville, CT, Ken and Michelle Kerski – The testimony submitted opposes Section 28 of HB 6594. They feel section 28(a) is too broad and open for interpretation. Legislation should be created that meets the needs of the problems of today without sacrificing the Judicial system.

Constituent, Mystic, CT, Christopher Lake – He strongly opposes Section 28 of HB 6594. He is very close to a family who are victims of a horrific, violent crime. They are all serving a life sentence without their loved one. Many endured the pain of trial and accepted the sentence equivalent to life on the offender. To allow this offender be considered for one day less on his sentence is a horrific injustice

Citizen, Bradford, ME, Patrick Murray – Mr. Murray states he was a law enforcement officer for ten years and he feels the most important part of any trial is the sentencing. For the state to have the ability to change the decision without due cause is offensive to our entire legal system. HB 6594 will make the victim’s families relive the trauma every five years.

The following individuals recanted their personal stories as victims in opposition to 6594:

Erin Bon	Dan Bouchard	Deanne Carter	A. Fernandez
Denise Gill	Douglas Gill	Tamera Green	David Janty
Sydney Lake	Jason Lingner	Becca Locke	Lauryn K. McAvoy-Orszulak
Sean McLaughlin	Leann Morse	Patrick Murray	Christopher McLaughlin
Ryan Orszulak	Nichole Rowley	David W. Rezende	Kathy McLaughlin
Beth Schultz	Elaina Schultz	Sam Rooney	Ashley McLaughlin
Deborah Soares	Scott Soares	Spencer Soares	Heather Soucy
Danny Tu	Charlene Valley	Natasha Watson	Ryan Watson
Alexa Yankus	Kathleen Gill		

Reported by: Richard E.,O’Neil

Date: April 15, 2021