



Senate

General Assembly

File No. 476

February Session, 2022

Senate Bill No. 425

Senate, April 14, 2022

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SENTENCE MODIFICATION.

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

1 Section 1. Section 53a-39 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) Except as provided in subsection (b) of this section, at any time
5 during an executed period of incarceration, the sentencing court or
6 judge may, after hearing and for good cause shown, reduce the sentence,
7 order the defendant discharged, or order the defendant discharged on
8 probation or conditional discharge for a period not to exceed that to
9 which the defendant could have been originally sentenced.

10 (b) [At] On and after October 1, 2021, at any time during the period
11 of a sentence in which a defendant has been sentenced prior to, on or
12 after October 1, 2021, to an executed period of incarceration of more than
13 seven years as a result of a plea agreement, including an agreement in
14 which there is an agreed upon range of sentence, upon agreement of the
15 defendant and the state's attorney to seek review of the sentence, the

16 sentencing court or judge may, after hearing and for good cause shown,
17 reduce the sentence, order the defendant discharged, or order the
18 defendant discharged on probation or conditional discharge for a period
19 not to exceed that to which the defendant could have been originally
20 sentenced.

21 (c) If, after a hearing pursuant to this section, the sentencing court or
22 judge denies a motion to reduce a defendant's sentence or discharge the
23 defendant, the defendant may not file a subsequent motion for relief
24 under this section until five years have elapsed from the date of the most
25 recent decision denying such defendant relief pursuant to this section.

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

29 (e) At a hearing held by the sentencing court or judge under this
30 section, such court or judge shall permit any victim of the crime to
31 appear before the court or judge for the purpose of making a statement
32 for the record concerning whether or not the sentence of the defendant
33 should be reduced, the defendant should be discharged or the
34 defendant should be discharged on probation or conditional discharge
35 pursuant to subsection (a) or (b) of this section. In lieu of such
36 appearance, the victim may submit a written statement to the court or
37 judge and the court or judge shall make such statement a part of the
38 record at the hearing. For the purposes of this subsection, "victim"
39 means the victim, the legal representative of the victim or a member of
40 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	53a-39

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst’s professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Correction, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill specifies that PA 21-102 & PA 21-104 (which expanded eligibility for sentence modifications, effective October 1, 2021) must be applied retroactively to defendants sentenced before, on, or after October 1, 2021. In the event this act is not being consistently applied, the bill results in potential marginal savings to the Department of Correction. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500¹.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of affected inmate sentences that are modified.

¹ Inmate marginal savings is based on decreased consumables (e.g. food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis**SB 425*****AN ACT CONCERNING SENTENCE MODIFICATION.*****SUMMARY**

PA 21-102, § 25, as amended by PA 21-104, § 63, expanded eligibility for sentence modifications (i.e., sentence reduction, defendant discharge, or placement of the defendant on probation or conditional discharge), effective October 1, 2021. It did so by, among other things, allowing defendants whose sentence is a result of a trial to, at any time while incarcerated, move for sentence modification, regardless of sentence length.

However, under the act, defendants incarcerated through plea agreements with sentence lengths over seven years must first reach an agreement with the state's attorney before a sentencing court or judge can hold a modification hearing. This bill specifies that this requirement applies on and after October 1, 2021, to defendants sentenced before, on, or after October 1, 2021.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 5 (03/31/2022)