

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-425

Title: AN ACT CONCERNING SENTENCE MODIFICATION.

Vote Date: 3/31/2022

Vote Action: Joint Favorable

PH Date: 3/25/2022

File No.: 476

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

SB 425 clarifies Section 25 of Public Act 21-102, stipulating that the statute be applied retroactively. Although this was the original intention, however it is not explicitly specified and therefore has not been uniformly applied across jurisdictions.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut Division of Criminal Justice

The Division of Criminal Justice testified in support of SB425, clarifying that the original statute was always understood to be retroactive and has been operating accordingly thus far.

State of Connecticut Sentencing Commission – Hon. Judge Robin Pavia & Alex Tsarkov, Executive Director

Representatives of the Connecticut Sentencing Commission testified in support of SB 425, repeating previous sentiment that the statute to which SB425 pertains was always intended to take effect retroactively.

State of Connecticut Division of Public Defenders – Deborah Del Prete Sullivan, Legal Council

Representatives of the Connecticut Division of Public Defenders testified in support of SB 425, repeating previous sentiment that the statute to which SB425 pertains was always

intended to take effect retroactively. They emphasize the need for such clarification as they claim that motions to modify have been rejected entirely in some courts.

State of Connecticut Office of the Victim Advocate – Merit Lajoie, Complaint Officer

Ms. Lajoie testified in opposition to SB 425. The Office of the Victim Advocate opposed the original statute as it created a traumatic burden on victims by disrupting their lives and forcing them to testify and relive their experience when a convicted person requests a sentence modification. They argue this undermines faith in the justice system, and so they urge the committee to reject SB425 and "fix the bad law passed last year".

NATURE AND SOURCES OF SUPPORT:

ACLU Connecticut – Jess Zaccagnino, Policy Council

Ms. Zaccagnino testified in support of SB425 as it offers options to those who have been unjustly sentenced. However, she recommends the committee retain the change that only allows prosecutors to block modification in sentences over seven years and remove the five-year waiting period. With the aforementioned changes, the ACLU would offer its full support.

NATURE AND SOURCES OF OPPOSITION:

Kathryne Davitt, daughter of violent crime victim

Ms. Davitt testified in opposition to SB 425. She explains that by hearing requests for sentence modification, the justice system subjects victims to the burden of being "dragged" into court for frivolous proceedings. Ms. Davitt does not feel that the defendant should be offered the opportunity to modify their sentence.

Violent Crime Survivors – Michele Voight, Co-Founder

Ms. Voight testified in opposition to SB 425, arguing that the criminal justice system, particularly the sentence modification process, retraumatizes victims by forcing them to recount the crime in frivolous hearings. She closes by asking that discussion of crime also involve consideration of victims.

OTHER

David Godbout

Mr. Godbout opposes SB204 on the basis that legislative proceedings conducted via zoom constitute an unreasonable search of his domicile, and therefore violate the 4th amendment. Mr. Godbout expressed concern about the possibility of being prosecuted for what may be visible or audible inside his home while testifying via zoom

Reported by: Foster Hall

Date: 4/19/2022