



General Assembly

February Session, 2022

Raised Bill No. 425

LCO No. 3149



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 statutes is repealed and the following is substituted in lieu thereof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

Statement of Purpose:

To ensure that changes made to provisions concerning sentence modifications in public acts 21-102 and 21-104 are applied to

applications made on and after the effective date of said acts for modification of sentences imposed prior to, on or after the effective dates of changes imposed by said public acts.

[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.]