



House of Representatives

File No. 787

General Assembly

January Session, 2023

(Reprint of File No. 638)

Substitute House Bill No. 6917
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 18, 2023

***AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL
LAW AND CRIMINAL JUSTICE STATUTES.***

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

1 Section 1. Section 53a-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

9 (b) On and after October 1, 2021, at any time during the period of a
10 sentence in which a defendant has been sentenced prior to, on or after
11 October 1, 2021, to an executed period of incarceration of more than
12 seven years as a result of a plea agreement, including an agreement in

13 which there is an agreed upon range of sentence, upon agreement of the
14 defendant and the state's attorney to seek review of the sentence, the
15 sentencing court or judge may, after hearing and for good cause shown,
16 reduce the sentence, order the defendant discharged, or order the
17 defendant discharged on probation or conditional discharge for a period
18 not to exceed that to which the defendant could have been originally
19 sentenced.

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

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

33 (e) At the time the defendant files a motion with the court, the
34 defendant shall provide the state with a copy of the motion and any
35 materials and documentation filed with the court in support of such
36 motion.

37 ~~[(e)]~~ (f) At a hearing held by the sentencing court or judge under this
38 section, such court or judge shall permit any victim of the crime to
39 appear before the court or judge for the purpose of making a statement
40 for the record concerning whether or not the sentence of the defendant
41 should be reduced, the defendant should be discharged or the
42 defendant should be discharged on probation or conditional discharge
43 pursuant to subsection (a) or (b) of this section. In lieu of such
44 appearance, the victim may submit a written statement to the court or

45 judge and the court or judge shall make such statement a part of the
46 record at the hearing. For the purposes of this subsection, "victim"
47 means the victim, the legal representative of the victim or a member of
48 the deceased victim's immediate family.

49 Sec. 2. Subsection (a) of section 17a-566 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective October*
51 *1, 2023*):

52 (a) Except as provided in section 17a-574 any court prior to
53 sentencing a person convicted of an offense for which the penalty may
54 be imprisonment in [the Connecticut Correctional Institution at Somers]
55 any correctional institution of this state, or of a sex offense involving (1)
56 physical force or violence, (2) disparity of age between an adult and a
57 minor or (3) a sexual act of a compulsive or repetitive nature, may if it
58 appears to the court that such person has psychiatric disabilities and is
59 dangerous to himself or others, upon its own motion or upon request of
60 any of the persons enumerated in subsection (b) of this section and a
61 subsequent finding that such request is justified, order the
62 commissioner to conduct an examination of the convicted defendant by
63 qualified personnel of the hospital. Upon completion of such
64 examination the examiner shall report in writing to the court. Such
65 report shall indicate whether the convicted defendant should be
66 committed to the diagnostic unit of the hospital for additional
67 examination or should be sentenced in accordance with the conviction.
68 Such examination shall be conducted and the report made to the court
69 not later than fifteen days after the order for the examination. Such
70 examination may be conducted at a correctional facility if the defendant
71 is confined or it may be conducted on an outpatient basis at the hospital
72 or other appropriate location. If the report recommends additional
73 examination at the diagnostic unit, the court may, after a hearing, order
74 the convicted defendant committed to the diagnostic unit of the hospital
75 for a period not to exceed sixty days, except as provided in section 17a-
76 567 provided the hearing may be waived by the defendant. Such
77 commitment shall not be effective until the director certifies to the court
78 that space is available at the diagnostic unit. While confined in said

79 diagnostic unit, the defendant shall be given a complete physical and
80 psychiatric examination by the staff of the unit and may receive
81 medication and treatment without his consent. The director shall have
82 authority to procure all court records, institutional records and
83 probation or other reports which provide information about the
84 defendant.

85 Sec. 3. Subsection (a) of section 18-100h of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective October*
87 *1, 2023*):

88 (a) Notwithstanding any provision of the general statutes, whenever
89 a person is sentenced to a term of imprisonment pursuant to section 14-
90 215, as amended by this act, subsection (g) of section 14-227a, section 14-
91 227k or subdivision (1) of subsection (c) of section 14-227m and
92 committed by the court to the custody of the Commissioner of
93 Correction, the commissioner may, after admission and a risk and needs
94 assessment of such person, release such person to such person's
95 residence subject to the condition that such person not leave such
96 residence unless otherwise authorized. Based upon the assessment of
97 such person, the commissioner may require such person to be subject to
98 electronic monitoring, which may include the use of a global positioning
99 system and continuous monitoring for alcohol consumption, and to any
100 other conditions the commissioner deems appropriate. Any person
101 released pursuant to this subsection shall remain in the custody of the
102 commissioner and shall be supervised by employees of the department
103 during the period of such release. Upon the violation by such person of
104 any condition of such release, the commissioner may revoke such
105 release and return such person to confinement in a correctional facility.
106 The commissioner shall establish an advisory committee for the purpose
107 of developing a protocol for the training of correctional staff assigned to
108 the assessment and supervision of offenders eligible for release
109 pursuant to this subsection, evaluation of outcomes of participation in
110 such release, the establishment of victim impact panels and the
111 provision of treatment to such participants. For purposes of this
112 subsection, "continuous monitoring for alcohol consumption" means

113 automatically testing breath, blood or transdermal alcohol
114 concentration levels and tamper attempts at least once every hour
115 regardless of the location of the person being monitored.

116 Sec. 4. Section 21a-279a of the general statutes is amended by adding
117 subsection (k) as follows (*Effective October 1, 2023*):

118 (NEW) (k) The provisions of subsections (b) to (e), inclusive, of this
119 section shall not apply to any person (1) who, in good faith, seeks
120 medical assistance for another person who such person reasonably
121 believes is experiencing an overdose from the ingestion, inhalation or
122 injection of intoxicating liquor or any drug or substance, (2) for whom
123 another person, in good faith, seeks medical assistance, reasonably
124 believing such person is experiencing an overdose from the ingestion,
125 inhalation or injection of intoxicating liquor or any drug or substance,
126 or (3) who reasonably believes he or she is experiencing an overdose
127 from the ingestion, inhalation or injection of intoxicating liquor or any
128 drug or substance and, in good faith, seeks medical assistance for
129 himself or herself, if evidence of the possession of cannabis plant
130 material or cannabis product in violation of said subsections was
131 obtained as a result of the seeking of such medical assistance. For the
132 purposes of this subsection, "good faith" does not include seeking
133 medical assistance during the course of the execution of an arrest
134 warrant or search warrant or a lawful search.

135 Sec. 5. Subsection (i) of section 14-36 of the general statutes is
136 repealed and the following is substituted in lieu thereof (*Effective October*
137 *1, 2023*):

138 (i) (1) Any person who violates any provision of this section shall, for
139 a first offense, be deemed to have committed an infraction and be fined
140 not less than seventy-five dollars or more than ninety dollars and, for
141 any subsequent offense, shall be fined not less than two hundred fifty
142 dollars or more than three hundred fifty dollars or be imprisoned not
143 more than thirty days, or both.

144 (2) In addition to the penalty prescribed under subdivision (1) of this

145 subsection, any person who violates any provision of this section who
146 (A) has, prior to the commission of the present violation, committed a
147 violation of this section or subsection (a) of section 14-215, shall be fined
148 not more than five hundred dollars or sentenced to perform not more
149 than one hundred hours of community service, or (B) has, prior to the
150 commission of the present violation, committed two or more violations
151 of this section or subsection (a) of section 14-215, or any combination
152 thereof, shall be sentenced to a term of imprisonment of one year, and,
153 in the absence of any mitigating circumstances as determined by the
154 court, ninety days of [which] the sentence imposed may not be
155 suspended or reduced in any manner.

156 Sec. 6. Subsection (b) of section 14-215 of the general statutes is
157 repealed and the following is substituted in lieu thereof (*Effective October*
158 *1, 2023*):

159 (b) (1) Except as provided in subsection (c) of this section, any person
160 who violates any provision of subsection (a) of this section shall, for a
161 first offense, be fined not less than one hundred fifty dollars or more
162 than two hundred dollars or imprisoned not more than three months,
163 or be both fined and imprisoned, and, for any subsequent offense, be
164 fined not less than two hundred dollars or more than six hundred
165 dollars or imprisoned not more than one year, or be both fined and
166 imprisoned.

167 (2) Except as provided in subsection (c) of this section, in addition to
168 the penalty prescribed under subdivision (1) of this subsection, any
169 person who violates any provision of subsection (a) of this section who
170 (A) has, prior to the commission of the present violation, committed a
171 violation of subsection (a) of this section or section 14-36, as amended
172 by this act, shall be fined not more than five hundred dollars or
173 sentenced to perform not more than one hundred hours of community
174 service, or (B) has, prior to the commission of the present violation,
175 committed two or more violations of subsection (a) of this section or
176 section 14-36, as amended by this act, or any combination thereof, shall
177 be sentenced to a term of imprisonment of one year, and, in the absence

178 of any mitigating circumstances as determined by the court, ninety days
179 of [which] the sentence imposed may not be suspended or reduced in
180 any manner.

181 Sec. 7. Subsection (b) of section 51-164n of the general statutes is
182 repealed and the following is substituted in lieu thereof (*Effective October*
183 *1, 2023*):

184 (b) Notwithstanding any provision of the general statutes, any person
185 who is alleged to have committed (1) a violation under the provisions of
186 section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c)
187 of section 7-66, section 7-83, 7-147h, 7-148, [7-148f,] 7-148o, 7-283, 7-325,
188 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198,
189 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa,
190 subdivision (3) of subsection (e) of section 12-286, section 12-286a, 12-
191 292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision
192 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c,
193 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123,
194 13a-124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f,
195 subsection (f) of section 13b-42, section 13b-90 or 13b-100, subsection (a)
196 of section 13b-108, section 13b-221 or 13b-292, subsection (a) or (b) of
197 section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
198 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414 or
199 14-4, subdivision (2) of subsection (a) of section 14-12, subsection (d) of
200 section 14-12, subsection (f) of section 14-12a, subsection (a) of section
201 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a,
202 subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58
203 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a,
204 subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h,
205 section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a,
206 section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection
207 (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, subsection
208 (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section
209 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a,
210 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274,
211 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276,

212 subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280,
213 subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-
214 283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-
215 300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
216 subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-
217 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
218 section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of
219 section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h,
220 section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of
221 section 17a-227, section 17a-465, subsection (c) of section 17a-488, section
222 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of
223 section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107,
224 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
225 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
226 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231,
227 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b)
228 of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610,
229 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of
230 section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2,
231 subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision
232 (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30,
233 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b
234 or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-
235 154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,
236 subsection (c), (d) or (e) of section 21a-279a, as amended by this act,
237 section 21a-421eee, 21a-421fff, 21a-421hhh, subsection (a) of section 21a-
238 430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35,
239 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1)
240 of subsection (n) of section 22-61l, subsection (f) of section 22-61m,
241 subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89,
242 22-90, 22-96, 22-98, 22-99, 22-100 or 22-111o, subsection (d) of section 22-
243 118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-
244 279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b),
245 subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344,
246 subsection (a) or (b) of section 22-344b, section 22-344c, subsection (d) of

247 section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391,
248 22-413, 22-414, 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of
249 section 22a-250, section 22a-256g, subsection (e) of section 22a-256h,
250 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,
251 section 22a-449, 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b,
252 subsection (a) or subdivision (1) of subsection (c) of section 23-65, section
253 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-
254 18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-
255 56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61,
256 section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89,
257 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117,
258 subsection (b) of section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138,
259 26-139 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,
260 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-
261 230, 26-231, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-
262 285, 26-286, 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13,
263 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d),
264 (e), (g) or (h) of section 29-161q, section 29-161y or 29-161z, subdivision
265 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
266 section 29-291c, section 29-316 or 29-318, subsection (b) of section 29-
267 335a, section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section
268 30-89, subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11,
269 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36,
270 31-38, 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b,
271 section 31-51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c)
272 of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
273 134, subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-
274 1017, 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of
275 section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-
276 739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278,
277 section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713,
278 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230,
279 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283,
280 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
281 section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or

282 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k)
283 of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection
284 (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-
285 264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-
286 323 or 53-331, subsection (b) of section 53-343a, section 53-344,
287 subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a,
288 section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2)
289 a violation under the provisions of chapter 268, or (3) a violation of any
290 regulation adopted in accordance with the provisions of section 12-484,
291 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
292 bylaw of any town, city or borough, except violations of building codes
293 and the health code, for which the penalty exceeds ninety dollars but
294 does not exceed two hundred fifty dollars, unless such town, city or
295 borough has established a payment and hearing procedure for such
296 violation pursuant to section 7-152c, shall follow the procedures set
297 forth in this section.

298 Sec. 8. Subsection (f) of section 29-6d of the general statutes is
299 repealed and the following is substituted in lieu thereof (*Effective October*
300 *1, 2023*):

301 (f) (1) If a police officer is giving a formal statement about the use of
302 force or if a police officer is the subject of a disciplinary investigation in
303 which a recording from body-worn recording equipment or a
304 dashboard camera is being considered as part of a review of an incident,
305 the officer shall have the right to review (A) such recording in the
306 presence of the officer's attorney or labor representative, and (B)
307 recordings from other body-worn recording equipment capturing the
308 officer's image or voice during the incident. Not later than forty-eight
309 hours following an officer's review of a recording under subparagraph
310 (A) of this subdivision, or if the officer does not review the recording,
311 not later than ninety-six hours following the initiation of such
312 disciplinary investigation, whichever is earlier, such recording shall be
313 disclosed, upon request, to the public, subject to the provisions of
314 subsection (g) of this section. Public disclosure may be delayed if the
315 officer, due to a medical or physical response or an acute psychological

316 stress response to the incident, is not reasonably able to review a
317 recording under this subdivision, but in no event shall disclosure be
318 delayed more than one hundred forty-four hours following the
319 recorded event.

320 (2) If a request is made for public disclosure of a recording from body-
321 worn recording equipment or a dashboard camera of an incident about
322 which (A) a police officer has not been asked to give a formal statement
323 about the alleged use of force, or (B) a disciplinary investigation has not
324 been initiated, any police officer whose image or voice is captured on
325 the recording shall have the right to review such recording in the
326 presence of the officer's attorney or labor representative. Not later than
327 forty-eight hours following an officer's review of a recording under this
328 subdivision, or if the officer does not review the recording, not later than
329 ninety-six hours following the request for disclosure, whichever is
330 earlier, such recording shall be disclosed to the public, subject to the
331 provisions of subsection (g) of this section. Public disclosure may be
332 delayed if the officer, due to a medical or physical response or an acute
333 psychological stress response to the incident, is not reasonably able to
334 review a recording under this subdivision, but in no event shall
335 disclosure be delayed more than one hundred forty-four hours
336 following the recorded event.

337 Sec. 9. Subdivision (3) of section 53a-65 of the general statutes is
338 repealed and the following is substituted in lieu thereof (*Effective October*
339 *1, 2023*):

340 (3) "Sexual contact" means (A) any contact with the intimate parts of
341 a person for the purpose of sexual gratification of the actor or for the
342 purpose of degrading or humiliating such person or any contact of the
343 intimate parts of the actor with a person for the purpose of sexual
344 gratification of the actor or for the purpose of degrading or humiliating
345 such person, or (B) for the purposes of subdivision (4) of subsection (a)
346 of section 53a-73a, as amended by this act, any contact with the intimate
347 parts of a dead human body, or any contact of the intimate parts of the
348 actor with a dead human body, for the purpose of sexual gratification of

349 the actor.

350 Sec. 10. Section 53a-73a of the general statutes is repealed and the
351 following is substituted in lieu thereof (*Effective October 1, 2023*):

352 (a) A person is guilty of sexual assault in the fourth degree when: (1)
353 Such person subjects another person to sexual contact who is (A) under
354 thirteen years of age and the actor is more than two years older than
355 such other person, or (B) thirteen years of age or older but under fifteen
356 years of age and the actor is more than three years older than such other
357 person, or (C) physically helpless, or (D) less than eighteen years old
358 and the actor is such other person's guardian or otherwise responsible
359 for the general supervision of such other person's welfare, or (E) in
360 custody of law or detained in a hospital or other institution and the actor
361 has supervisory or disciplinary authority over such other person; or (2)
362 such person subjects another person to sexual contact without such
363 other person's consent; or (3) such person engages in sexual contact with
364 an animal; or (4) such person engages in sexual contact with a dead
365 human body; or [(4)] (5) such person is a psychotherapist and subjects
366 another person to sexual contact who is (A) a patient of the actor and
367 the sexual contact occurs during the psychotherapy session, or (B) a
368 patient or former patient of the actor and such patient or former patient
369 is emotionally dependent upon the actor, or (C) a patient or former
370 patient of the actor and the sexual contact occurs by means of
371 therapeutic deception; or [(5)] (6) such person subjects another person
372 to sexual contact and accomplishes the sexual contact by means of false
373 representation that the sexual contact is for a bona fide medical purpose
374 by a health care professional; or [(6)] (7) such person is a school
375 employee and subjects another person to sexual contact who is a student
376 enrolled in a school in which the actor works or a school under the
377 jurisdiction of the local or regional board of education which employs
378 the actor; or [(7)] (8) such person is a coach in an athletic activity or a
379 person who provides intensive, ongoing instruction and subjects
380 another person to sexual contact who is a recipient of coaching or
381 instruction from the actor and (A) is a secondary school student and
382 receives such coaching or instruction in a secondary school setting, or

383 (B) is under eighteen years of age; or ~~[(8)]~~ (9) such person subjects
384 another person to sexual contact and (A) the actor is twenty years of age
385 or older and stands in a position of power, authority or supervision over
386 such other person by virtue of the actor's professional, legal,
387 occupational or volunteer status and such other person's participation
388 in a program or activity, and (B) such other person is under eighteen
389 years of age; or ~~[(9)]~~ (10) such person subjects another person to sexual
390 contact who is placed or receiving services under the direction of the
391 Commissioner of Developmental Services in any public or private
392 facility or program and the actor has supervisory or disciplinary
393 authority over such other person.

394 (b) Sexual assault in the fourth degree is a class A misdemeanor or, if
395 the victim of the offense is under sixteen years of age, a class D felony.

396 Sec. 11. Section 54-130a of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective October 1, 2023*):

398 (a) Jurisdiction over the granting of, and the authority to grant,
399 commutations of punishment or releases, conditioned or absolute, in the
400 case of any person convicted of any offense against the state and
401 commutations from the penalty of death shall be vested in the Board of
402 Pardons and Paroles.

403 (b) The board shall have authority to grant pardons, conditioned,
404 provisional or absolute, or certificates of rehabilitation for any offense
405 against the state at any time after the imposition and before or after the
406 service of any sentence.

407 (c) The board may accept an application for a pardon three years after
408 an applicant's conviction of a misdemeanor or violation and five years
409 after an applicant's conviction of a felony, except that the board, upon a
410 finding of extraordinary circumstances, may accept an application for a
411 pardon prior to such dates.

412 (d) Prior to holding a session to consider whether to grant any
413 commutation of punishment, release or pardon in the case of any person

414 convicted of any offense against the state, the board shall, upon written
415 request, provide the state's attorney for the jurisdictional district in
416 which any conviction for such offense was obtained with a copy of the
417 convicted person's application, any materials and documentation filed
418 in support thereof, except for any information contained in the
419 application, materials and documentation that are confidential,
420 privileged and nondisclosable pursuant to state or federal law, any
421 information obtained by the board about the convicted person pursuant
422 to section 54-130c, and shall permit such state's attorney, or such state's
423 attorney's designee, to appear at such session for the purpose of making
424 a statement for the record concerning whether the convicted person
425 should be granted any such commutation of punishment, release or
426 pardon.

427 [(d)] (e) Whenever the board grants an absolute pardon to any
428 person, the board shall cause notification of such pardon to be made in
429 writing to the clerk of the court in which such person was convicted, or
430 the Office of the Chief Court Administrator if such person was convicted
431 in the Court of Common Pleas, the Circuit Court, a municipal court, or
432 a trial justice court.

433 [(e)] (f) Whenever the board grants a provisional pardon or a
434 certificate of rehabilitation to any person, the board shall cause
435 notification of such provisional pardon or certificate of rehabilitation to
436 be made in writing to the clerk of the court in which such person was
437 convicted. The granting of a provisional pardon or a certificate of
438 rehabilitation does not entitle such person to erasure of the record of the
439 conviction of the offense or relieve such person from disclosing the
440 existence of such conviction as may be required.

441 [(f)] (g) In the case of any person convicted of a violation for which a
442 sentence to a term of imprisonment may be imposed, the board shall
443 have authority to grant a pardon, conditioned, provisional or absolute,
444 or a certificate of rehabilitation in the same manner as in the case of any
445 person convicted of an offense against the state.

446 [(g)] (h) The board shall not deny any application for a pardon, unless
 447 the board provides a statement in writing to the applicant of the factors
 448 considered when determining whether the applicant qualified for the
 449 pardon and an explanation as to which factors were not satisfied.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2023</i>	53a-39
Sec. 2	<i>October 1, 2023</i>	17a-566(a)
Sec. 3	<i>October 1, 2023</i>	18-100h(a)
Sec. 4	<i>October 1, 2023</i>	21a-279a(k)
Sec. 5	<i>October 1, 2023</i>	14-36(i)
Sec. 6	<i>October 1, 2023</i>	14-215(b)
Sec. 7	<i>October 1, 2023</i>	51-164n(b)
Sec. 8	<i>October 1, 2023</i>	29-6d(f)
Sec. 9	<i>October 1, 2023</i>	53a-65(3)
Sec. 10	<i>October 1, 2023</i>	53a-73a
Sec. 11	<i>October 1, 2023</i>	54-130a

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 24 \$	FY 25 \$
Resources of the General Fund	GF - See Below	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes changes to various statutes related to cannabis, driving offenses, rent issues, and sexual assault in the 4th degree and results in fiscal impacts described below.

Section 4 makes exceptions to when a person may be charged with excessive possession of cannabis which results in a potential savings for a reduction in incarceration¹ or probation² and a potential revenue loss from fines.

Sections 5 and 6 add a condition to a 90-day minimum sentence for certain driving related offenses which results in a potential savings for

¹ On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500. Inmate marginal cost is based on increased 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 opened.

² The average marginal cost for supervision in the community is about \$800 each year. Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

a reduction in incarceration or probation and a potential revenue loss from fines (see footnotes 1 and 2 for more information).

Section 7 removes a violation that can be paid by mail and requires a court appearance for certain offenses related to illegal rent issues. This does not result in any fiscal impact to the state or municipalities. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources for this provision.

Sections 9 and 10 add to the definition of sexual assault in the 4th degree to include the sexual assault of a dead body which results in potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500 while the average marginal cost for supervision in the community is less than \$800 each year (see footnotes 1 and 2 for more information).

House "A" reduces the cost of the bill by removing the expansion of the victim notification. This removes the cost of \$835,000 in FY 24 and \$1,105,000 in FY 25 to the Judicial Department and the cost of \$330,000 in FY 24 and \$451,000 in FY 25 to the State Comptroller for fringe benefits.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of relevant offenses and violations.

OLR Bill Analysis**sHB 6917 (as amended by House "A")******AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES.***

TABLE OF CONTENTS:

[SUMMARY](#)[§ 1 — SENTENCE MODIFICATIONS](#)

Prohibits a defendant from filing a motion for a (1) sentence reduction or discharge from incarceration within five years after the most recent decision granting him or her relief in full or (2) sentence reduction within three years after the most recent decision granting relief in part

[§ 2 — EXAMINATION OF CONVICTED DEFENDANT](#)

Allows a court to order the DMHAS commissioner to examine any defendant convicted of a crime with a possible penalty of incarceration at any correctional institution who may be a danger to self or others

[§ 3 — HOME CONFINEMENT FOR CERTAIN OFFENDERS](#)

Allows the DOC commissioner to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device

[§ 4 — IMMUNITY FROM ILLEGAL CANNABIS POSSESSION PENALTIES](#)

Grants immunity from illegal cannabis possession penalties to people seeking medical assistance in good faith for themselves or others during an overdose

[§§ 5 & 6 — PENALTIES FOR RECURRING MOTOR VEHICLE LICENSE VIOLATIONS](#)

Allows the court to impose a 90-day minimum prison sentence for certain recurring vehicular violations only in the absence of any court-determined mitigating circumstances

§ 7 — CENTRALIZED INFRACTIONS BUREAU

Removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau

§ 8 — PUBLIC DISCLOSURE OF BODY AND DASHBOARD CAMERA FOOTAGE

Allows up to 144 hours in delayed public disclosure of recorded footage if an affected officer is not reasonably able to review the recording due to a medical, physical, or psychological response to the incident

§§ 9 & 10 — 4TH DEGREE SEXUAL ASSAULT

Defines "sexual contact" for the crime of 4th degree sexual assault with regard to sexual contact with a dead body, and specifies that the crime pertains to a human dead body

§ 11 — COMMUTATION OF PUNISHMENT, RELEASE, OR PARDON

Requires the Board of Pardons and Paroles to give copies of a convicted person's application for commutation, pardon, or release, and related materials, to the state's attorney before holding a session to consider the application; requires the board to allow the state's attorney to make a statement at the session

SUMMARY

This bill makes various unrelated changes in the criminal law and criminal justice statutes. It also makes technical and conforming changes.

A section-by-section analysis follows.

*House Amendment "A" removes provisions in the underlying bill that would have required the (1) Court Support Services Division to notify victims about a defendant's arrest for violating probation or discharge conditions and (2) court to allow victims to deliver an in-person or written statement to the court for the record about the defendant's violation.

EFFECTIVE DATE: October 1, 2023

§ 1 — SENTENCE MODIFICATIONS

Prohibits a defendant from filing a motion for a (1) sentence reduction or discharge from incarceration within five years after the most recent decision granting him or her relief in full or (2) sentence reduction within three years after the most recent decision granting relief in part

Existing law allows a sentencing court or judge, at any time during a defendant's incarceration period and after a hearing and for good cause shown, to reduce the defendant's sentence; order the defendant's discharge; or order the defendant's discharge on probation or conditional discharge.

Currently, the law prohibits a defendant from filing a subsequent motion for relief under these provisions until five years after the date of the most recent decision denying him or her relief by a sentence reduction or discharge. The bill extends this prohibition to the most recent decision granting him or her relief in full by a sentence reduction or discharge. It also creates a new prohibition, barring a defendant from filing a subsequent motion for relief until three years after the date of the most recent decision granting him or her relief in part by a sentence reduction. These provisions do not apply to mandatory minimum sentences, which the court cannot suspend or reduce.

The bill also requires a defendant to give the state a copy of a motion he or she files to reduce or suspend a sentence, along with any supporting materials.

§ 2 — EXAMINATION OF CONVICTED DEFENDANT

Allows a court to order the DMHAS commissioner to examine any defendant convicted of a crime with a possible penalty of incarceration at any correctional institution who may be a danger to self or others

By law, if a court believes that a convicted defendant has psychiatric disabilities and is a danger to himself, herself, or others, it may order the Department of Mental Health and Addiction Services (DMHAS) commissioner, prior to sentencing, to examine a convicted defendant using qualified hospital personnel. This provision currently applies to any defendant convicted of (1) specified sex offenses or (2) an offense that may carry the penalty of imprisonment at the Connecticut Correctional Institution at Somers (known as the Osborn Correctional

Institution since 1994). The bill broadens the court's authority to order a defendant's examination for an offense that may result in imprisonment at any Connecticut correctional institution, not just Osborn.

By law and unchanged by the bill, after the examination the commissioner must report to the court on whether the defendant should be committed to the hospital's diagnostic unit for more exams or be sentenced as convicted.

§ 3 — HOME CONFINEMENT FOR CERTAIN OFFENDERS

Allows the DOC commissioner to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device

By law, the Department of Correction (DOC) commissioner may release a person to home confinement (i.e., cannot leave home without authorization) after undergoing admission and a risk and needs assessment in the commissioner's custody, if he or she is sentenced to prison for any of the following vehicular crimes:

1. operating a motor vehicle with a refused, suspended, or revoked license or registration;
2. operating a motor vehicle in violation of an operator's license restriction or limitation on the right to operate a motor vehicle requiring use of an ignition interlock device;
3. driving under the influence (DUI); or
4. a first-time conviction for operating a motor vehicle with a child passenger while under the influence of alcohol or drugs or while having an elevated blood alcohol content.

The bill extends the commissioner's authority to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device. (An ignition interlock is a breath-testing device connected to a motor vehicle's ignition system. It prevents the driver from operating the vehicle if it detects a pre-determined level of alcohol in the driver's breath.)

§ 4 — IMMUNITY FROM ILLEGAL CANNABIS POSSESSION PENALTIES

Grants immunity from illegal cannabis possession penalties to people seeking medical assistance in good faith for themselves or others during an overdose

Existing law allows people age 21 or older to possess, use, or otherwise consume cannabis, up to a specified possession limit (e.g., 1.5 ounces of cannabis plant material and five ounces of this material if it is in a locked container in the person's residence or locked glove box or trunk in the person's motor vehicle, an equivalent amount of cannabis products, or an equivalent combined amount of cannabis and cannabis products). Violators are subject to a range of penalties, depending on their age and the amount of cannabis or cannabis product in their possession.

The bill grants immunity from illegal cannabis possession penalties to the following people found to be in possession of cannabis plant material or product:

1. anyone who seeks medical assistance in good faith for another person based upon a reasonable belief that the person is overdosing on intoxicating liquor or any drug or substance,
2. anyone for whom another person seeks medical assistance in good faith based upon a reasonable belief that the person is overdosing in this way, or
3. anyone who reasonably believes that he or she is overdosing in this way and seeks medical assistance in good faith for himself or herself.

The bill excludes from "good faith" the act of seeking medical assistance while an arrest warrant, search warrant, or lawful search is being executed.

§§ 5 & 6 — PENALTIES FOR RECURRING MOTOR VEHICLE LICENSE VIOLATIONS

Allows the court to impose a 90-day minimum prison sentence for certain recurring vehicular violations only in the absence of any court-determined mitigating circumstances

Motor Vehicle Operator Licensure Violations. Existing law imposes fines, incarceration, or both as penalties for a person who violates any provision in the driver's license law (e.g., requirements for permits and licenses depending on a driver's age) (CGS § 14-36). A first offense is considered an infraction and carries a \$75-\$90 fine. Any subsequent offense carries a penalty of either a \$250-\$350 fine, imprisonment for up to 30 days, or both.

In addition to the above penalties, current law imposes a mandatory one-year prison sentence with a 90-day minimum if, before a person's present violation, he or she committed any of the following violations two or more times: (1) a violation of the driver's license law; (2) operation of a motor vehicle with a refused, suspended, or revoked license or registration; or (3) any combination of these. The bill adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

Operating a Motor Vehicle Without a Valid License or Registration. Similarly, the law imposes fines, incarceration, or both as penalties for a person who operates a motor vehicle with a refused, suspended, or revoked license or registration. A first offense carries a penalty of either a \$150-\$200 fine, imprisonment for up to three months, or both. Any subsequent offense carries a penalty of either a \$200-\$600 fine, imprisonment for up to one year, or both.

In addition to the above penalties, current law imposes a mandatory one-year prison sentence with a 90-day minimum if, before a person's present violation, he or she committed any of the following violations two or more times: (1) operation of a motor vehicle with a refused, suspended, or revoked license or registration; (2) operation of a motor vehicle without a license; or (3) any combination of these. The bill adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

By law and unchanged by the bill, a person is subject to larger fines and longer incarceration periods for operating a motor vehicle (1) in

violation of a limitation placed by the Department of Motor Vehicles commissioner or a court order or (2) during the period the person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation for committing the following crimes:

1. driving under the influence or with an elevated blood alcohol content;
2. driving under the influence or with an elevated blood alcohol content with a child passenger;
3. driving a school bus, student transportation vehicle, or other motor vehicle specifically designated for carrying children while under the influence or with an elevated blood alcohol content, or doing so with a child under age 18 as a passenger;
4. 2nd degree vehicular manslaughter;
5. 2nd degree assault with a motor vehicle; or
6. driving with a revoked license or suspended operating privilege after refusing to submit to a blood, breath, or urine test or to the nontestimonial part of drug influence evaluation.

§ 7 — CENTRALIZED INFRACTIONS BUREAU

Removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau

The bill removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations. Generally, anyone who is alleged to have committed an infraction or certain violations may either plead not guilty or pay by mail the set fine and any other fee or cost the law prescribes.

Specifically, the bill removes a violation related to an order of rent reduction or suspension, which is subject to a fine. Under current law, the violator can mail the file to the Centralized Infractions Bureau without making a court appearance. But under the bill, fines can no

longer be mailed in, so a court appearance is required. By law, the following actions are considered violations, subject to a fine of \$25-\$100 per offense:

1. demanding, accepting, or receiving an excess amount of rent while the order is in affect and no appeal is pending;
2. refusing to obey a rent commission's subpoena, order, or decision; or
3. violating any other provision of the laws on fair rent and retaliatory actions by landlords.

§ 8 — PUBLIC DISCLOSURE OF BODY AND DASHBOARD CAMERA FOOTAGE

Allows up to 144 hours in delayed public disclosure of recorded footage if an affected officer is not reasonably able to review the recording due to a medical, physical, or psychological response to the incident

By law, an officer has the right to review recordings from officer-worn body cameras or dashboard cameras if the officer (1) has been asked to give a formal statement about the alleged use of force, (2) is the subject of a disciplinary investigation, or (3) has his or her image or voice captured on the recording. This recorded footage must be disclosed to the public upon request within either of the following timeframes, whichever is earlier: (1) 48 hours after the officer reviews it or (2) if the officer does not review the recording, either 96 hours after the disciplinary investigation begins or, for officers not subject to investigation, within 96 hours after the request for public disclosure.

The bill allows delayed public disclosure for up to 144 hours after the recorded event if the officer is not reasonably able to review the recording due to a medical or physical response or an acute psychological stress response to the incident.

§§ 9 & 10 — 4TH DEGREE SEXUAL ASSAULT

Defines "sexual contact" for the crime of 4th degree sexual assault with regard to sexual contact with a dead body, and specifies that the crime pertains to a human dead body

The bill specifies that the crime of 4th degree sexual assault for sexual

contact with a dead body pertains to a human body. It also defines “sexual contact” with dead human bodies as sexual assault victims to mean any contact with the intimate parts of a dead human body, or any contact of the actor’s intimate parts with a dead human body, for the actor’s sexual gratification.

By law and unchanged by the bill, 4th degree sexual assault is a class A misdemeanor punishable by up to 364 days in prison, a fine of up to \$2,000, or both. However, if the victim is under age 16, it is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

§ 11 — COMMUTATION OF PUNISHMENT, RELEASE, OR PARDON

Requires the Board of Pardons and Paroles to give copies of a convicted person’s application for commutation, pardon, or release, and related materials, to the state’s attorney before holding a session to consider the application; requires the board to allow the state’s attorney to make a statement at the session

The Board of Pardons and Paroles (“the board”) has the authority under state law to grant commutations of punishment, release, pardons, and certificates of rehabilitation to any person convicted of any offense against the state. Before holding a session to consider granting a commutation of punishment, release, or pardon, the bill requires the board to give the state’s attorney for the district in which the conviction was obtained the following items upon written request:

1. a copy of the convicted person’s application;
2. any supporting materials and documents filed, except for confidential, privileged, and non-disclosable information under state or federal law that they may contain; and
3. any information obtained by the board about the convicted person’s previous history or character from each prosecuting officer, judge, police officer, or other person who may have information about the person’s habits, disposition, career, and associates.

The bill also requires the board to allow this state’s attorney or his or

her designee to appear at the session to make a statement for the record about whether the convicted person should be granted any commutation of punishment, release, or pardon.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 3 (03/28/2023)