

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6787

AN ACT CONCERNING THE PROSECUTION OF CANNABIS-RELATED  
CASES AND MODIFICATION OF SENTENCES FOR CANNABIS-RELATED

**Title:** OFFENSES.

**Vote Date:** 3/31/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/1/2023

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

Since the state of Connecticut has legalized marijuana, nobody should have to face being prosecuted or be serving a sentence for something that would be deemed legal today. This bill requires the Department of Criminal Justice to cease any cases for crimes that would now be considered legal, and the Judicial Branch and Department of Criminal Justice to review sentences for cannabis-related offenses for sentence modification.

## **SUBSTITUTE LANGUAGE:**

The substitute language removes the phrase "on or after" in line 28.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Benedict Daigle, Assistant Public Defender, Office of the Chief Public Defender:** He supports the intention of the bill, but requests substitution of language. Supports the extension of PA 21-1 to all cases currently being prosecuted, clearing those who are being prosecuted for committing an act which is no longer criminal. He also supports modification of all sentences relating to marijuana, however requests that this be extended to those who are not incarcerated, such as those on probation, parole, or diversionary programs. The Chief Public Defender's Office also requests that sentence modifications do not involve the time barriers from 53a-39 subsection (c), as an individual denied in proceedings for modification would be unable to launch their own separate modification attempt for five years. The CPD also raises concern at the modification process for section 2 of the bill, as good cause is

required for modification; the CPD therefore offers substitute language to address both issues.

**Chief State's Attorney Patrick Griffin, Division of Criminal Justice:** He opposes section 1 because it seeks to amend section 51-277c, which the division believes to be a violation of the separation of powers doctrine. He supports the spirit of the bill and believes that it can be achieved through use of the legislature's power to retroactively decriminalize the crimes without prescribing a treatment directly to the executive branch. The State's Attorney believes that the legislature must only influence the statutes of concern and leave the enforcement of prior cases to the discretion of the prosecutors.

**Judicial Branch:** They are concerned about the wording of section 2 of the bill and request that there be specific citing of offenses to clarify what qualifies as a cannabis-related offense. They also note that the courts do not track to see if an inmate remains imprisoned, and therefore it does not make sense for the court to order such a hearing.

#### **NATURE AND SOURCES OF SUPPORT:**

**Joshua Frazer:** He testified that he supports reevaluating those who have served time for issues which are no longer illegal.

**Riley Elliot:** They supports the process of case reevaluation for those convicted of marijuana-related charges prior to legalization and note the racial makeup of marijuana convictions, with a four times higher rate for black people than white people.

**Kyle Finke:** He supports retroactive relief for those prosecuted for marijuana offenses.

**Sarah Gersten, Executive Director, Last Prisoner Project:** She notes the significant financial costs associated with imprisoning cannabis related inmates. She supports the state led effort to modify sentences for cannabis cases, as an automated system removes the need for prisoners to act but she raises concerns about the need for a deadline to help promote cases moving through the modifications process in an efficient and timely manner. Similarly, she suggests a transparent oversight be established. The Project also suggests the bill be adapted to provide good cause to modification judges, and to expand the modification to those who are under non-incarceration supervision, such as parole or probation.

**Cherri Glidden:** She supports retroactively relieving those who are in prison or under supervision.

**Eric Kirk Gorman, Cannabis Government Strategies CT:** He supports the bill.

**Ty Kushi:** He supports modification for those convicted of cannabis-related offenses and ceasing the prosecution of cannabis-related cases in the judicial system.

**Laarni Larkin:** They support helping those who suffered under the cannabis criminalization and providing a path to freedom.

**Jerald Lentini, Aaron J. Romano, P.C.:** He supports helping the remaining cases in the judicial system, with support for closing loopholes in the law revision from legalization. He

also supports the guidance on prosecutors, which will result in uniform application of modification. He acknowledges the judicial branch's concerns about their lack of knowledge regarding who remains incarcerated and suggests they consult the DOC website which provides public information on the status of individuals. He also suggests the judicial branch check the statement of facts regarding each case to determine if the case is cannabis related.

**Sandy LoMonico, Founder, She Was Once Inc.:** She supports the automated system for modification and/or release, as it saves families, protects constitutional rights, and saves the state money.

**Lisa Masciantonio:** She supports releasing those imprisoned for cannabis use, sale, or possession and believes it is a waste of money to keep people locked up.

**Jason Ortiz, Executive Director, Students for Sensible Drug Policy:** He supports modification, with previous criminalization affecting the testifier personally. He suggests three changes to the language of the bill. First, he suggests oversight and deadlines be imposed on the states attorneys and judiciary to mandate action on cases. Second, they believe a presumption of good reason should be created within the bill regarding sentence modification. Finally, they would seek to expand the bill to act on all forms of supervision, not just those incarcerated.

**Norman Plude:** He supports the bill with personal headache's caused by Connecticut's war on drugs. He believes section b should be expanded to include all those who accepted plea bargains before and after legalization.

**Aaron Romano:** He supports the bill. He has experience as a criminal defense attorney and is frustrated with prosecutors from the State's Attorney's Office who refuse to withdraw prosecution of cannabis crimes even after legalization.

**Josiah Schlee:** He supports the bill and expresses disappointment that prosecutors need to be strictly under enforcement to stop fighting cases concerning cannabis.

**DeVaughn Ward, Senior Legislative Counsel, Marijuana Policy Project:** He strongly supports the move to provide direction to prosecutors, as time working as a special public defender provided the testifier with personal experience seeing prosecutors continuing to seek convictions in the early days of legalization, given that they did not have strict instructions on how to act.

**Jess Zaccagnino, Policy Counsel, ACLU:** She opposes criminalization of drugs, opting instead for decriminalization and prevention via education, research, and social programs. She supports erasure of criminal records concerning cannabis charges, noting the disproportional impact on the poor and people of color.

The following individuals from the **Yale Democrats** support moving to help those convicted under prior laws and note the racial disparity on enforcement of the law.

- **Josh Guo**
- **Paola Milbank**
- **Natalie Miller**
- **Emma Polinsky**

- **Noam Schonfeld**
- **Yurii Stasiuk**

**Maia Roothaan:** They testified in support of moving to help those convicted under prior laws. They also noted other states who have implemented expungement processes.

**Andrew Tran:** They testified in support of moving to help those convicted under prior laws. They also noted other states who have implemented expungement processes.

**Adam Walker:** They testified in support of moving to help those convicted under prior laws. They also noted other states who have implemented expungement processes.

**Isabella Walther-Meade:** They testified in support of moving to help those convicted under prior laws. They also noted other states who have implemented expungement processes.

**Jasmine Garcia:** She testified in support, stating that the bill will provide relief and support to those impacted by past cannabis-related convictions, in turn helping them move forward without the baggage of a criminal record.

**Eileen Kopec:** She testified in support, stating that individuals continue to experience difficulties because of previous cannabis related legal issues which are no longer applicable.

**Erin Johnson:** She testified in support to ensure anyone with a previous cannabis offense is provided a path to freedom.

**Megan Nicklay:** She testified in support to ensure anyone with a previous cannabis offense is provided a path to freedom.

**Taylor Puch, Students for Sensible Drug Policy:** She testified in support to ensure anyone with a previous cannabis offense is provided a path to freedom.

#### **NATURE AND SOURCES OF OPPOSITION:**

None expressed.

**Reported by:** James McNealey

**Date:** March 31, 2023