

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6917

AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND

**Title:** CRIMINAL JUSTICE STATUTES.

**Vote Date:** 3/28/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/22/2023

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

There have been many discussions between the Office of Chief Public Defender (OCPD) and Division of Criminal Justice (DCJ) regarding their legislative proposals. It is with these combined proposals that this bill has been raised. These changes revise technical issues and change some statutes that would allow more communication regarding public disclosure if a police officer involved incident causes an officer to be under physical, medical, and psychological distress from 96 hours to 144 hours; it would allow for sharing of information regarding commutations and pardons with a state's attorney provided the information is not protected under state and federal law; and sexual contact statutes regarding sexual contact with an animal or dead body. The OCPD and DCJ feel this bill will improve the process of many issues that come before them.

## **SUBSTITUTE LANGUAGE:**

The substitute language in Section 12 establishes procedures if during a probation or conditional discharge a violation occurs. The procedures regarding the arrest, the arraignment, and the notification of the violation or arrest to the victim are in the language, clarifying all steps required.

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

**Robert J. Devlin, Inspector General, Office of Inspector General, State of Connecticut:**

Inspector General Devlin testified in support of this bill. Under the current public disclosure statute, there is a 96-hour time limit of body-worn or dashboard camera worn by a police

officer who was involved in an incident if the police-officer is involved in a use of force case. There are times that the 96-hour requirement is not reasonable if the involved officer is under physical, medical, or acute psychological stress. This was especially evident in the shooting of the two Bristol officers on October 12, 2022, when the two officers were killed, and one was seriously wounded. The seriously wounded officer was able to shoot and kill the man responsible for the incident. This did require public disclosure. The officer was in the hospital and discharged when the current 96-hour limit was set to expire. In this case, an additional 48 hours would be appropriate. Inspector General Devlin believes this provision would rarely be used but it will improve the process of officer review.

**John Doyle, New Haven State's Attorney, Division of Criminal Justice:** Mr. Doyle testified in support of this bill. Mr. Doyle wrote on Section 1 of the raised bill stating that information sharing will assist in the expeditious resolution of frequently filed motions if there has been a denial, granting in full or granting in part of a prior motion of a request for a modification of a sentence. He also feels Section 11 amends essential parts regarding the Board of Pardons and Paroles and what is provided to the state's attorney upon written request. The state's attorney is important when contributing to the process of considering applications for commutations and pardons, he is obligated to assist the board in carrying out its functions.

**Deborah Del Prete Sullivan, Legal Counsel, Division of Public Defender Services:** Ms. Del Prete Sullivan writes in support of this bill. The Office of Public Defenders and the Division of Criminal Justice each had legislative proposals and this bill is the product of discussions between the two offices. These changes are technical and Office of Chief Public Defenders would like the committee to act favorably on this legislation. OCPD is in favor of the amendments in section 1 which amends the time that a defendant can apply for sentence modification as currently there is no prohibition to someone who has been granted a full or partial sentence modification. Section 2 is purely technical and removes referencing "Somers Correctional Institute". Section 3 allows Commissioner of Corrections to release someone who had an ignition interlock device violation. Section 4 expands the good Samaritan provisions to encourage individuals to aid someone experiencing a drug overdose. Section 5 and 6 allows courts the discretion when sentencing a person who has violated certain motor vehicle violations. Sections 7 and 8 OCPD has no position. Sections 9 and 10 amend certain animal cruelty laws. This amendment OCPD participated in the discussion. Section 11 provides an applicant's submitted materials when they are seeking a commutation. Confidential, privileged, or non-disclosable material and documentation would not be included under state and federal law.

**Natasha M. Pierre, Esq, State Victim Advocate:** She testified in opposition to Section 1 of the bill. This proposal allows defendants the ability to file subsequent motions after 3 years to seek a subsequent sentence modification if their motion is granted in part or after 5 years if their motion is granted in full. These will lead to a defendant who has been granted relief through a sentence modification to continue to file motions until they are discharged.

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

**Alex Tsarkov, Executive Director of Connecticut Sentencing Commission:** He testified in support of this bill with substitute language. A subcommittee of the Sentencing Commission examined minimum sentences in the general statutes. Upon looking at the

results of this examination, the Sentencing Commission voted to recommend amendments like sections 5 and 6 of this bill. Under this proposal, a mandatory sentence for a third or subsequent offense for driving without a permit or driving in violation of a license restriction would not be automatic but would apply in absence of mitigating circumstances. A subcommittee of the Sentencing Commission also studied various animal cruelty laws. After analysis of State v. Hoetzi, it was concluded the definition of sexual contact in 53a-65(3) was limited to contact with a person and barred prosecution under the bestiality provision in Sexual Assault in the Fourth Degree. The Sentencing Commission supports the substitute language for Section 9 and 10 to address sexual contact with an animal and sexual contact with a dead body.

**Darlene Mongeau:** She testified in support of this bill. Ms. Mongeau is the mother of an incarcerated child who participated in the TRUE Program at the Cheshire Correctional Institution. The TRUE Program gave him the opportunity to work with mentors, some of which have been serving over 30 years to life sentences, due to crimes they committed when their frontal lobes were not fully developed. Their behavior during this time caused them to engage in behaviors that have cost them their lives. At the age of 17 her son Joey was incarcerated at Manson Youth Institution due to risky behavior. He waited to be sentenced for 9 months in Manson Youth Institution, he was then sent to Hartford Correctional Adult Prison. In July 2022 he was sentenced to five years. She writes that inmates incarcerated as youth should be allowed to become productive citizens. It might be beneficial to the Parole Board to let inmates who participate in programs like TRUE be given a chance.

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

None expressed.

**Reported by:** Bonnie Gray

**Date:** April 4, 2023