

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-47—sHB 6917

Judiciary Committee

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

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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 act 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.

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. As of October 1, 2021, this authority also applies to defendants sentenced to incarceration for more than seven years under a plea agreement if the defendant and state's attorney agree to seek sentencing review.

Prior law prohibited 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 through a sentence reduction or discharge. The act 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 act also requires a defendant to give the state a copy of his or her motion to reduce or suspend a sentence, along with any supporting materials.

§ 2 — PSYCHIATRIC EXAMINATION OF CONVICTED DEFENDANTS

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, rather than only the Osborn Correctional Institution, who may be a danger to self or others

By law, if a court believes that a convicted defendant has a psychiatric disability and is a danger to self or others, it may order the Department of Mental Health and Addiction Services (DMHAS) commissioner, before sentencing, to examine a convicted defendant using qualified hospital personnel. This provision previously applied to any defendant convicted of (1) specified sex offenses or (2) an offense

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that may carry the penalty of imprisonment at the Connecticut Correctional Institution at Somers (known as the Osborn Correctional Institution since 1994). The act 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 act, 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 VEHICULAR 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 the person is sentenced to prison for various vehicular crimes, including driving under the influence and operating without a valid license or registration.

The act 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. The device 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, with some exceptions

Existing law allows people aged 21 or older to possess, use, or otherwise consume cannabis, up to a specified possession limit. Violators are subject to a range of penalties, depending on their age and the amount of cannabis or cannabis product in their possession.

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

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§§ 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 (§ 5)

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, prior law imposed 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 without a license; (2) operation of a motor vehicle with a refused, suspended, or revoked license or registration; or (3) any combination of these. The act 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 (§ 6)

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, prior law imposed 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 act adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

§ 7 — VIOLATIONS OF RENT REDUCTION OR SUSPENSION ORDERS

Removes these violations from the list of those handled by the Superior Court's Centralized Infractions Bureau

The act 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 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 act removes a violation related to an order of rent reduction or

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suspension, which is subject to a fine. Under prior law, the violator could mail the file to the Centralized Infractions Bureau without making a court appearance. But under the act, 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 OFFICER 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 acute psychological stress 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 a recording that is the subject of a public disclosure request. 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 act 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 of a dead body, and specifies that the crime pertains to a human dead body

The act specifies that the crime of 4th degree sexual assault for sexual contact with a dead body pertains to a human body. For this purpose, under the act, "sexual contact" means 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 act, 4th degree sexual assault is a class A misdemeanor; however, if the victim is under age 16, it is a class D felony (see [Table on Penalties](#)).

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§ 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. The act requires the board, before holding a session to consider granting commutation of a punishment, release, or pardon, 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 and any supporting materials and documents filed, except for confidential, privileged, and non-disclosable information under state or federal law that they may contain and
2. 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 act also requires the board to allow the 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.