



General Assembly

Substitute Bill No. 6787

January Session, 2023



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

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

1 Section 1. Section 51-277c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) In the investigation and prosecution of crime, priority shall be
4 given to crimes involving physical violence and to crimes involving
5 the possession of a firearm.

6 (b) Any prosecutorial official prosecuting a criminal case pending
7 on the effective date of this section with any cannabis-related charges
8 against a defendant shall evaluate such charges and determine
9 whether the action being charged is a criminal action after the effective
10 date of any section of public act 21-1 of the June special session
11 applicable to such action. If such action is no longer a chargeable
12 offense after the effective date of any such sections of said public act,
13 the prosecutorial official shall immediately move to have any such
14 charge dismissed. On and after the effective date of this section, no
15 prosecutorial official shall charge any person with an offense for an
16 action that was criminal before the effective date of any section of said
17 public act applicable to such action, if such action is no longer a
18 chargeable offense.

19 Sec. 2. Section 53a-39 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) (1) Except as provided in subdivision (2) of this subsection or
22 subsection (b) of this section, at any time during an executed period of
23 incarceration, the sentencing court or judge may, after hearing and for
24 good cause shown, reduce the sentence, order the defendant
25 discharged, or order the defendant discharged on probation or
26 conditional discharge for a period not to exceed that to which the
27 defendant could have been originally sentenced.

28 (2) On and after the effective date of this section, in the case of any
29 defendant sentenced prior to the effective date of this section for a
30 cannabis-related offense, including as a result of a plea agreement
31 including an agreement in which there is an agreed-upon range of
32 sentence, at any time during an executed period of incarceration, the
33 sentencing court or judge shall, not later than six months after such
34 defendant has been sentenced or the effective date of this section,
35 whichever is later, order a hearing and if good cause is shown, reduce
36 the sentence, order the defendant discharged or order the defendant
37 discharged on probation or conditional discharge for a period not to
38 exceed that to which the defendant could have been originally
39 sentenced.

40 (b) [On] Except as provided in subdivision (2) of subsection (a) of
41 this section, on and after October 1, 2021, at any time during the period
42 of a sentence in which a defendant has been sentenced prior to, on or
43 after October 1, 2021, to an executed period of incarceration of more
44 than seven years as a result of a plea agreement, including an
45 agreement in which there is an agreed upon range of sentence, upon
46 agreement of the defendant and the state's attorney to seek review of
47 the sentence, the sentencing court or judge may, after hearing and for
48 good cause shown, reduce the sentence, order the defendant
49 discharged, or order the defendant discharged on probation or
50 conditional discharge for a period not to exceed that to which the
51 defendant could have been originally sentenced.

52 (c) If, after a hearing pursuant to this section, the sentencing court or
53 judge denies a motion to reduce a defendant's sentence or discharge
54 the defendant, the defendant may not file a subsequent motion for
55 relief under this section until five years have elapsed from the date of
56 the most recent decision denying such defendant relief pursuant to this
57 section.

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

61 (e) At a hearing held by the sentencing court or judge under this
62 section, such court or judge shall permit any victim of the crime to
63 appear before the court or judge for the purpose of making a statement
64 for the record concerning whether or not the sentence of the defendant
65 should be reduced, the defendant should be discharged or the
66 defendant should be discharged on probation or conditional discharge
67 pursuant to subsection (a) or (b) of this section. In lieu of such
68 appearance, the victim may submit a written statement to the court or
69 judge and the court or judge shall make such statement a part of the
70 record at the hearing. For the purposes of this subsection, "victim"
71 means the victim, the legal representative of the victim or a member of
72 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>	51-277c
Sec. 2	<i>from passage</i>	53a-39

JUD *Joint Favorable Subst.*