



WORKING DRAFT

General Assembly

Raised Bill No.

No. 5

09967 _____ JUD

Referred to Committee on

Introduced by:
(JUD)

***AN ACT CONCERNING REFORM OF CRIMINAL SENTENCING,
PAROLE RELEASE, COMMUNITY SUPERVISION AND DEATH
PENALTY APPEAL PROCEDURES.***

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

1 Section 1. Subsections (h) to (m), inclusive, of section 53a-40 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (h) When any person has been found to be a persistent dangerous
5 felony offender, and [the court is of the opinion that] such person's
6 history and character and the nature and circumstances of such
7 person's criminal conduct indicate that extended incarceration and
8 lifetime supervision will best serve the public interest, the court, in lieu
9 of imposing the sentence of imprisonment authorized by section
10 53a-35 for the crime of which such person presently stands convicted,
11 or authorized by section 53a-35a if the crime of which such person
12 presently stands convicted was committed on or after July 1, 1981,
13 shall sentence such person to a term of imprisonment of not more than
14 forty years and, if such person has, at separate times prior to the
15 commission of the present crime, been twice convicted of and

WORKING DRAFT

Raised Bill No.

16 imprisoned for any of the crimes enumerated in subdivision (2) of
17 subsection (a) of this section, sentence such person to a term of
18 imprisonment of not more than life.

19 (i) When any person has been found to be a persistent dangerous
20 sexual offender, and [the court is of the opinion that] such person's
21 history and character and the nature and circumstances of such
22 person's criminal conduct indicate that extended incarceration and
23 lifetime supervision will best serve the public interest, the court, in lieu
24 of imposing the sentence of imprisonment authorized by section 53a-
25 35a for the crime of which such person presently stands convicted,
26 shall sentence such person to a term of imprisonment and a period of
27 special parole pursuant to subsection (b) of section 53a-28 which
28 together constitute a sentence of imprisonment for life, as defined in
29 section 53a-35b.

30 (j) When any person has been found to be a persistent serious felony
31 offender, and [the court is of the opinion that] such person's history
32 and character and the nature and circumstances of such person's
33 criminal conduct indicate that extended incarceration will best serve
34 the public interest, the court in lieu of imposing the sentence of
35 imprisonment authorized by section 53a-35 for the crime of which such
36 person presently stands convicted, or authorized by section 53a-35a if
37 the crime of which such person presently stands convicted was
38 committed on or after July 1, 1981, may impose the sentence of
39 imprisonment authorized by said section for the next more serious
40 degree of felony.

41 (k) When any person has been found to be a persistent serious
42 sexual offender, and [the court is of the opinion that] such person's
43 history and character and the nature and circumstances of such
44 person's criminal conduct indicate that extended incarceration will best
45 serve the public interest, the court, in lieu of imposing the sentence of
46 imprisonment authorized by section 53a-35a for the crime of which
47 such person presently stands convicted, may impose a sentence of

WORKING DRAFT

Raised Bill No.

48 imprisonment and a period of special parole pursuant to subsection (b)
49 of section 53a-28 which together constitute the maximum sentence
50 specified by section 53a-35a for the next more serious degree of felony.

51 (l) When any person has been found to be a persistent larceny
52 offender, and [the court is of the opinion that] such person's history
53 and character and the nature and circumstances of such person's
54 criminal conduct indicate that extended incarceration will best serve
55 the public interest, the court, in lieu of imposing the sentence
56 authorized by section 53a-36 for the crime of which such person
57 presently stands convicted, may impose the sentence of imprisonment
58 for a class D felony authorized by section 53a-35, if the crime of which
59 such person presently stands convicted was committed prior to July 1,
60 1981, or authorized by section 53a-35a, if the crime of which such
61 person presently stands convicted was committed on or after July 1,
62 1981.

63 (m) When any person has been found to be a persistent felony
64 offender, and [the court is of the opinion that] such person's history
65 and character and the nature and circumstances of such person's
66 criminal conduct indicate that extended incarceration will best serve
67 the public interest, the court, in lieu of imposing the sentence
68 authorized by section 53a-35a for the crime of which such person
69 presently stands convicted, may impose the sentence of imprisonment
70 authorized by said section for the next more serious degree of felony;
71 provided the sentence imposed may not be less than three years, and
72 provided further three years of the sentence so imposed may not be
73 suspended or reduced by the court.

74 Sec. 2. Subsection (b) of section 53a-40a of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective from*
76 *passage*):

77 (b) When any person has been found to be a persistent offender of
78 crimes involving bigotry or bias, and [the court is of the opinion that]
79 such person's history and character and the nature and circumstances

WORKING DRAFT

Raised Bill No.

80 of such person's criminal conduct indicate that an increased penalty
81 will best serve the public interest, the court shall: (1) In lieu of
82 imposing the sentence authorized for the crime under section 53a-35a
83 if the crime is a felony, impose the sentence of imprisonment
84 authorized by said section for the next more serious degree of felony,
85 or (2) in lieu of imposing the sentence authorized for the crime under
86 section 53a-36 if the crime is a misdemeanor, impose the sentence of
87 imprisonment authorized by said section for the next more serious
88 degree of misdemeanor, except that if the crime is a class A
89 misdemeanor the court shall impose the sentence of imprisonment for
90 a class D felony as authorized by section 53a-35a.

91 Sec. 3. Subsection (b) of section 53a-40d of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective from*
93 *passage*):

94 (b) When any person has been found to be a persistent offender of
95 crimes involving assault, stalking, trespass, threatening, harassment,
96 criminal violation of a protective order or criminal violation of a
97 restraining order, and [the court is of the opinion that] such person's
98 history and character and the nature and circumstances of such
99 person's criminal conduct indicate that an increased penalty will best
100 serve the public interest, the court shall, in lieu of imposing the
101 sentence authorized for the crime under section 53a-36 or section 53a-
102 35a, as applicable, impose the sentence of imprisonment authorized by
103 said section 53a-36 or section 53a-35a for the next more serious degree
104 of misdemeanor or felony, except that if the crime is a class A
105 misdemeanor the court shall impose the sentence of imprisonment for
106 a class D felony, as authorized by section 53a-35a.

107 Sec. 4. Subsection (b) of section 53a-40f of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective from*
109 *passage*):

110 (b) When any person has been found to be a persistent operating
111 while under the influence felony offender, and [the court is of the

WORKING DRAFT

Raised Bill No.

112 opinion that his] such person's history and character and the nature
113 and circumstances of [his] such person's criminal conduct indicate that
114 extended incarceration will best serve the public interest, the court, in
115 lieu of imposing the sentence authorized by section 53a-35a for the
116 crime of which such person presently stands convicted, may impose
117 the sentence of imprisonment authorized by said section for the next
118 more serious degree of felony.

119 Sec. 5. Subsection (b) of section 53a-300 of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective from*
121 *passage*):

122 (b) When any person has been found guilty of an act of terrorism,
123 and [the court is of the opinion that] such person's history and
124 character and the nature and circumstances of such person's criminal
125 conduct indicate that an increased penalty will best serve the public
126 interest, the court shall, in lieu of imposing the sentence authorized for
127 the crime under section 53a-35a, impose the sentence of imprisonment
128 authorized by said section for the next more serious degree of felony.

129 Sec. 6. Subsection (a) of section 53a-40 of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective from*
131 *passage*):

132 (a) A persistent dangerous felony offender is a person who:

133 (1) (A) Stands convicted of manslaughter, arson, kidnapping,
134 robbery in the first or second degree, [or] assault in the first degree or
135 burglary in the first or second degree, and (B) has been, prior to the
136 commission of the present crime, convicted of and imprisoned under a
137 sentence to a term of imprisonment of more than one year or of death,
138 in this state or in any other state or in a federal correctional institution,
139 for any of the following crimes: (i) The crimes enumerated in
140 subparagraph (A) of this subdivision or an attempt to commit any of
141 said crimes; or (ii) murder, sexual assault in the first or third degree,
142 aggravated sexual assault in the first degree or sexual assault in the

WORKING DRAFT

Raised Bill No.

143 third degree with a firearm, or an attempt to commit any of said
144 crimes; or (iii) prior to October 1, 1975, any of the crimes enumerated
145 in section 53a-72, 53a-75 or 53a-78 of the general statutes, revision of
146 1958, revised to 1975, or prior to October 1, 1971, in this state, assault
147 with intent to kill under section 54-117, or any of the crimes
148 enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-
149 19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83, 53-86, 53-238 and
150 53-239 of the general statutes, revision of 1958, revised to 1968, or any
151 predecessor statutes in this state, or an attempt to commit any of said
152 crimes; or (iv) in any other state, any crimes the essential elements of
153 which are substantially the same as any of the crimes enumerated in
154 subparagraph (A) of this subdivision or this subparagraph; or

155 (2) (A) Stands convicted of sexual assault in the first or third degree,
156 aggravated sexual assault in the first degree or sexual assault in the
157 third degree with a firearm, and (B) has been, prior to the commission
158 of the present crime, convicted of and imprisoned under a sentence to
159 a term of imprisonment of more than one year or of death, in this state
160 or in any other state or in a federal correctional institution, for any of
161 the following crimes: (i) Murder, manslaughter, arson, kidnapping,
162 robbery in the first or second degree, [or] assault in the first degree or
163 burglary in the first or second degree, or an attempt to commit any of
164 said crimes; or (ii) prior to October 1, 1971, in this state, assault with
165 intent to kill under section 54-117, or any of the crimes enumerated in
166 sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69,
167 53-78 to 53-80, inclusive, 53-82, 53-83 and 53-86 of the general statutes,
168 revision of 1958, revised to 1968, or any predecessor statutes in this
169 state, or an attempt to commit any of said crimes; or (iii) in any other
170 state, any crimes the essential elements of which are substantially the
171 same as any of the crimes enumerated in subparagraph (A) of this
172 subdivision or this subparagraph.

173 Sec. 7. (NEW) (*Effective from passage*) (a) For the purposes of this
174 section, "dangerous felony" means murder other than a capital felony,
175 manslaughter, arson, kidnapping, robbery in the first or second

WORKING DRAFT

Raised Bill No.

176 degree, robbery involving an occupied motor vehicle, assault
177 constituting a felony, sexual assault in the first or third degree,
178 aggravated sexual assault in the first degree, sexual assault in the third
179 degree with a firearm, burglary in the first or second degree, stalking
180 in the first degree or stealing a firearm.

181 (b) Notwithstanding any provision of the general statutes,
182 whenever a person (1) stands convicted of a dangerous felony, and (2)
183 has, prior to the commission of the present crime, been two or more
184 times convicted of and imprisoned in this state or in any other state or
185 in a federal correctional institution for (A) a dangerous felony or any
186 predecessor crime in this state, or an attempt to commit a dangerous
187 felony, or (B) any crime in any other state the essential elements of
188 which are substantially the same as a dangerous felony in this state,
189 the court shall sentence such person to a term of life imprisonment
190 without the possibility of release.

191 (c) It shall be an affirmative defense to a charge under this section
192 that (1) as to any prior conviction on which the state is relying, the
193 defendant was pardoned on the ground of innocence, and (2) without
194 such conviction, the defendant was not two or more times convicted
195 and imprisoned as required by this section.

196 Sec. 8. Section 53a-101 of the general statutes is repealed and the
197 following is substituted in lieu thereof (*Effective from passage*):

198 (a) A person is guilty of burglary in the first degree when [he] such
199 person enters or remains unlawfully in a building with intent to
200 commit a crime therein and: (1) [He] Such person is armed with
201 explosives or a deadly weapon or dangerous instrument, or (2) in the
202 course of committing the offense, [he] such person intentionally,
203 knowingly or recklessly inflicts or attempts to inflict bodily injury on
204 anyone.

205 (b) An act shall be deemed "in the course of committing" the offense
206 if it occurs in an attempt to commit the offense or flight after the

WORKING DRAFT

Raised Bill No.

207 attempt or commission.

208 (c) Burglary in the first degree is a class B felony [provided] and any
209 person found guilty under subdivision (1) of subsection (a) of this
210 section shall be sentenced to a term of imprisonment of which [five] six
211 years of the sentence imposed may not be suspended or reduced by
212 the court and any person found guilty under subdivision (2) of
213 subsection (a) of this section shall be sentenced to a term of
214 imprisonment of which five years of the sentence imposed may not be
215 suspended or reduced by the court.

216 Sec. 9. Section 53a-102 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective from passage*):

218 (a) A person is guilty of burglary in the second degree when such
219 person (1) enters or remains unlawfully in a dwelling at night with
220 intent to commit a crime therein, or (2) enters or remains unlawfully in
221 a dwelling, while a person other than a participant in the crime is
222 actually present in such dwelling, with intent to commit a crime
223 therein.

224 (b) Burglary in the second degree is a class C felony and any person
225 found guilty under this section shall be sentenced to a term of
226 imprisonment of which two years of the sentence imposed may not be
227 suspended or reduced by the court.

228 Sec. 10. Section 53a-102a of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective from passage*):

230 (a) A person is guilty of burglary in the second degree with a
231 firearm when [he] such person commits burglary in the second degree
232 as provided in section 53a-102, as amended by this act, and, in the
233 commission of such offense, [he] such person uses or is armed with
234 and threatens the use of or displays or represents by [his] such
235 person's words or conduct that [he] such person possesses a pistol,
236 revolver, rifle, shotgun, machine gun or other firearm. No person shall

WORKING DRAFT

Raised Bill No.

237 be convicted of burglary in the second degree and burglary in the
238 second degree with a firearm upon the same transaction but such
239 person may be charged and prosecuted for both such offenses upon
240 the same information.

241 (b) Burglary in the second degree with a firearm is a class C felony
242 [for which one year of the sentence imposed shall] and any person
243 found guilty under this section shall be sentenced to a term of
244 imprisonment of which three years of the sentence imposed may not
245 be suspended or reduced by the court.

246 Sec. 11. Section 53a-103 of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective from passage*):

248 (a) A person is guilty of burglary in the third degree when [he] such
249 person enters or remains unlawfully in a building with intent to
250 commit a crime therein.

251 (b) Burglary in the third degree is a class D felony and any person
252 found guilty under this section shall be sentenced to a term of
253 imprisonment of which one year of the sentence imposed may not be
254 suspended or reduced by the court.

255 Sec. 12. Section 53a-103a of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective from passage*):

257 (a) A person is guilty of burglary in the third degree with a firearm
258 when [he] such person commits burglary in the third degree as
259 provided in section 53a-103, as amended by this act, and, in the
260 commission of such offense, [he] such person uses or is armed with
261 and threatens the use of or displays or represents by [his] such
262 person's words or conduct that [he] such person possesses a pistol,
263 revolver, shotgun, rifle, machine gun or other firearm. No person shall
264 be convicted of burglary in the third degree and burglary in the third
265 degree with a firearm upon the same transaction but such person may
266 be charged and prosecuted for both such offenses upon the same

WORKING DRAFT

Raised Bill No.

267 information.

268 (b) Burglary in the third degree with a firearm is a class D felony
269 [for which one year of the sentence imposed shall] and any person
270 found guilty under this section shall be sentenced to a term of
271 imprisonment of which two years of the sentence imposed may not be
272 suspended or reduced by the court.

273 Sec. 13. Subsection (b) of section 54-125a of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective from*
275 *passage*):

276 (b) (1) No person convicted of any of the following offenses, which
277 was committed on or after July 1, 1981, shall be eligible for parole
278 under subsection (a) of this section: Capital felony, as provided in
279 section 53a-54b, felony murder, as provided in section 53a-54c, arson
280 murder, as provided in section 53a-54d, murder, as provided in section
281 53a-54a, or aggravated sexual assault in the first degree, as provided in
282 section 53a-70a. (2) A person convicted of burglary in the second
283 degree, as provided in section 53a-102, as amended by this act,
284 burglary in the third degree, as provided in section 53a-103, as
285 amended by this act, or an offense, other than an offense specified in
286 subdivision (1) of this subsection, where the underlying facts and
287 circumstances of the offense involve the use, attempted use or
288 threatened use of physical force against another person shall be
289 ineligible for parole under subsection (a) of this section until such
290 person has served not less than eighty-five per cent of the definite
291 sentence imposed.

292 Sec. 14. Section 54-125b of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective from passage*):

294 (a) A person [whose eligibility for parole release is not subject to the
295 provisions of subsection (b) of section 54-125a] may be allowed to go
296 on parole in accordance with section 54-125a, as amended by this act,
297 or 54-125g without a parole hearing being conducted by a panel of the

WORKING DRAFT

Raised Bill No.

298 Board of Pardons and Paroles if (1) an employee of the Board of
299 Pardons and Paroles has reviewed the inmate's case and recommended
300 parole be granted to such person, and (2) such recommendation has
301 been approved by at least two members of a panel of the board. A
302 parole hearing shall be conducted by a panel of the Board of Pardons
303 and Paroles if the chairperson of the board deems such a hearing to be
304 necessary or if a victim, as defined in sections 54-201 and 54-226,
305 requests such a hearing.

306 (b) The provisions of subsection (a) of this section shall not apply to
307 any person whose eligibility for parole release is subject to the
308 provisions of subsection (b) of section 54-125a, as amended by this act.

309 [(b)] (c) The chairperson of the Board of Pardons and Paroles shall
310 adopt regulations, in accordance with chapter 54, to establish criteria
311 and procedures for the administrative review and release of inmates
312 without a parole hearing as provided in this section.

313 Sec. 15. Section 53a-30 of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective from passage*):

315 (a) When imposing sentence of probation or conditional discharge,
316 the court may, as a condition of the sentence, order that the defendant:
317 (1) Work faithfully at a suitable employment or faithfully pursue a
318 course of study or of vocational training that will equip the defendant
319 for suitable employment; (2) undergo medical or psychiatric treatment
320 and remain in a specified institution, when required for that purpose;
321 (3) support the defendant's dependents and meet other family
322 obligations; (4) make restitution of the fruits of the defendant's offense
323 or make restitution, in an amount the defendant can afford to pay or
324 provide in a suitable manner, for the loss or damage caused thereby
325 and the court may fix the amount thereof and the manner of
326 performance; (5) if a minor, (A) reside with the minor's parents or in a
327 suitable foster home, (B) attend school, and (C) contribute to the
328 minor's own support in any home or foster home; (6) post a bond or
329 other security for the performance of any or all conditions imposed; (7)

WORKING DRAFT

Raised Bill No.

330 refrain from violating any criminal law of the United States, this state
331 or any other state; (8) if convicted of a misdemeanor or a felony, other
332 than a capital felony, a class A felony or a violation of section 21a-278,
333 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any
334 offense for which there is a mandatory minimum sentence which may
335 not be suspended or reduced by the court, and any sentence of
336 imprisonment is suspended, participate in an alternate incarceration
337 program; (9) reside in a residential community center or halfway
338 house approved by the Commissioner of Correction, and contribute to
339 the cost incident to such residence; (10) participate in a program of
340 community service labor in accordance with section 53a-39c; (11)
341 participate in a program of community service in accordance with
342 section 51-181c; (12) if convicted of a violation of subdivision (2) of
343 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
344 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
345 if convicted of a criminal offense against a victim who is a minor, a
346 nonviolent sexual offense or a sexually violent offense, as defined in
347 section 54-250, or of a felony that the court finds was committed for a
348 sexual purpose, as provided in section 54-254, register such person's
349 identifying factors, as defined in section 54-250, with the
350 Commissioner of Public Safety when required pursuant to section 54-
351 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic
352 monitoring, which may include the use of a global positioning system;
353 (15) if convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-
354 181k or 53a-181l, participate in an anti-bias crime education program;
355 (16) if convicted of a violation of section 53-247, undergo psychiatric or
356 psychological counseling or participate in an animal cruelty
357 prevention and education program provided such a program exists
358 and is available to the defendant; or (17) satisfy any other conditions
359 reasonably related to the defendant's rehabilitation. The court shall
360 cause a copy of any such order to be delivered to the defendant and to
361 the probation officer, if any.

362 (b) Notwithstanding the provisions of subsection (a) of this section,
363 when imposing sentence of probation or conditional discharge for any

WORKING DRAFT

Raised Bill No.

364 violation of section 53a-101, as amended by this act, or 53a-102, as
365 amended by this act, the court shall, as a condition of the sentence,
366 order that the defendant be subject to electronic monitoring which
367 shall include the use of a global positioning system for the duration of
368 the period of such probation or conditional discharge.

369 [(b)] (c) When a defendant has been sentenced to a period of
370 probation, the Court Support Services Division may require that the
371 defendant comply with any or all conditions which the court could
372 have imposed under subsection (a) of this section which are not
373 inconsistent with any condition actually imposed by the court.

374 [(c)] (d) At any time during the period of probation or conditional
375 discharge, after hearing and for good cause shown, the court may
376 modify or enlarge the conditions, whether originally imposed by the
377 court under this section or otherwise, and may extend the period,
378 provided the original period with any extensions shall not exceed the
379 periods authorized by section 53a-29. The court shall cause a copy of
380 any such order to be delivered to the defendant and to the probation
381 officer, if any.

382 [(d)] (e) The period of participation in an alternate incarceration
383 program, unless terminated sooner, shall not exceed the period of
384 probation authorized by section 53a-29 or two years, whichever is less.

385 [(e)] (f) The court may require that the person subject to electronic
386 monitoring pursuant to subsection (a) or (b) of this section pay directly
387 to the electronic monitoring service provider a fee for the cost of such
388 electronic monitoring services. If the court finds that the person subject
389 to electronic monitoring is indigent and unable to pay the costs of
390 electronic monitoring services, it shall waive such costs. Any contract
391 entered into by the judicial branch and the electronic monitoring
392 service provider shall include a provision stating that the total cost for
393 electronic monitoring services shall not exceed six dollars per day.
394 Such amount shall be indexed annually to reflect the rate of inflation.

WORKING DRAFT

Raised Bill No.

395 Sec. 16. Section 53a-20 of the general statutes is repealed and the
396 following is substituted in lieu thereof (*Effective from passage*):

397 A person in possession or control of premises, or a person who is
398 licensed or privileged to be in or upon such premises, is justified in
399 using reasonable physical force upon another person when and to the
400 extent that [he] such person reasonably believes such to be necessary to
401 prevent or terminate the commission or attempted commission of a
402 criminal trespass by such other person in or upon such premises; but
403 [he] such person may use deadly physical force under such
404 circumstances only (1) in defense of a person as prescribed in section
405 53a-19, or (2) when [he] such person reasonably believes such to be
406 necessary to prevent an attempt by the trespasser to commit arson or
407 any crime of violence, or (3) to the extent that [he] such person
408 reasonably believes such to be necessary to prevent or terminate an
409 unlawful entry by force into [his] such person's dwelling, as defined in
410 section 53a-100, or place of work, and for the sole purpose of such
411 prevention or termination. There shall be a presumption that the belief
412 of a person that the use of deadly physical force is necessary to prevent
413 or terminate an unlawful entry by force into such person's dwelling is
414 a reasonable belief.

415 Sec. 17. (NEW) (*Effective from passage*) (a) Notwithstanding any
416 provision of the general statutes, any person convicted of a capital
417 felony and sentenced to death in accordance with section 53a-46a of
418 the general statutes who takes a direct appeal of such conviction to the
419 Supreme Court shall file such appeal not later than twenty-one days
420 after imposition of sentence. The Supreme Court shall consolidate such
421 appeal with the sentence review required pursuant to section 53a-46b
422 of the general statutes as provided in subsection (c) of said section.

423 (b) The defendant's briefs and the state's briefs shall be filed in
424 accordance with a schedule that will ensure that all briefs are filed not
425 later than four months after the date of the imposition of sentence.

426 (c) The Supreme Court shall schedule oral argument not later than

WORKING DRAFT

Raised Bill No.

427 six months after the date of the imposition of sentence.

428 Sec. 18. (NEW) (*Effective from passage*) (a) An application for a writ of
429 habeas corpus pursuant to section 52-466 of the general statutes
430 challenging a capital felony conviction or the imposition of a sentence
431 of death pursuant to section 53a-46a of the general statutes shall be
432 brought not later than one hundred eighty days after the date of the
433 imposition of such sentence. Such application shall fully plead all
434 cognizable claims that the defendant's conviction or sentence was
435 entered in violation of the Constitution or laws of the state or the
436 Constitution of the United States. The court shall hold a hearing on
437 such application not later than one hundred eighty days after the filing
438 of such application.

439 (b) Notwithstanding the provisions of subsection (a) of this section,
440 the filing of a subsequent application for a writ of habeas corpus shall
441 not be barred if (1) the facts underlying the claim were unknown to the
442 defendant or the defendant's attorney and could not have been
443 ascertained by the exercise of due diligence prior to the filing of the
444 earlier application, and (2) the facts underlying the claim, if proven
445 and viewed in light of the evidence as a whole, would have reasonably
446 led the original trier of fact to have either found the defendant not
447 guilty or not sentence the defendant to death. The court shall hold a
448 hearing on such subsequent application not later than one hundred
449 eighty days after the filing of such application.

450 (c) The Chief Court Administrator shall designate one judge of the
451 Superior Court to hear and decide all applications for a writ of habeas
452 corpus filed by a person convicted of a capital felony and sentenced to
453 death in accordance with section 53a-46a of the general statutes.

454 Sec. 19. (NEW) (*Effective from passage*) Notwithstanding the
455 provisions of subsection (b) or (c) of section 54-102kk of the general
456 statutes, whenever any person convicted of a capital felony and
457 sentenced to death in accordance with section 53a-46a of the general
458 statutes files a petition pursuant to subsection (a) of said section 54-

WORKING DRAFT

Raised Bill No.

459 102kk requesting DNA testing of evidence, the court shall, without a
460 hearing, order such DNA testing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	53a-40(h) to (m)
Sec. 2	<i>from passage</i>	53a-40a(b)
Sec. 3	<i>from passage</i>	53a-40d(b)
Sec. 4	<i>from passage</i>	53a-40f(b)
Sec. 5	<i>from passage</i>	53a-300(b)
Sec. 6	<i>from passage</i>	53a-40(a)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	53a-101
Sec. 9	<i>from passage</i>	53a-102
Sec. 10	<i>from passage</i>	53a-102a
Sec. 11	<i>from passage</i>	53a-103
Sec. 12	<i>from passage</i>	53a-103a
Sec. 13	<i>from passage</i>	54-125a(b)
Sec. 14	<i>from passage</i>	54-125b
Sec. 15	<i>from passage</i>	53a-30
Sec. 16	<i>from passage</i>	53a-20
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section

Statement of Purpose:

To enact a "three strikes" law and revise laws on persistent dangerous felony offenders, burglary, eligibility for parole release, conditions of probation, defense of premises, death penalty appeals, habeas corpus challenges in capital felony cases and post-conviction DNA testing in death penalty cases.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]