



# Senate

## File No. 715

General Assembly

January Session, 2003

**(Reprint of File No. 115)**

Senate Bill No. 753  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 16, 2003

**AN ACT CONCERNING COMPENSATION OF CRIME VICTIMS AND  
AUTHORIZING CRIME VICTIMS TO MAKE A STATEMENT BEFORE  
THE SENTENCE REVIEW DIVISION.**

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

1 Section 1. Subdivision (2) of section 54-201 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (2) "Personal injury" means (A) actual bodily harm and mental  
5 anguish which is the direct result of bodily injury and includes  
6 pregnancy and any condition thereof, or (B) injury to a guide dog or  
7 assistance dog owned or kept by a blind or disabled person.

8 Sec. 2. Section 51-196 of the general statutes is repealed and the  
9 following is substituted in lieu thereof (*Effective October 1, 2003*):

10 (a) The review division shall, in each case in which an application  
11 for review is filed in accordance with section 51-195, review the  
12 judgment so far as it relates to the sentence or commitment imposed,  
13 either increasing or decreasing the penalty, and any other sentence

14 imposed on the person at the same time, and may order such different  
15 sentence or sentences to be imposed as could have been imposed at the  
16 time of the imposition of the sentence under review, or may decide  
17 that the sentence or commitment under review should stand.

18 (b) In reviewing any judgment, the review division may, for good  
19 cause, waive its authority to increase the penalty and may, thereafter,  
20 conduct a hearing on such application without the applicant being  
21 present. Nothing in this section shall be construed to prohibit an  
22 applicant from having counsel present or from appearing pro se at the  
23 hearing. In reviewing any judgment, said division may require the  
24 production of presentence or precommitment reports and any other  
25 records, documents or exhibits connected with such review  
26 proceedings.

27 (c) At a hearing held under this section, the review division shall  
28 permit any victim of the crime to appear before the division for the  
29 purpose of making a statement for the record concerning whether or  
30 not the sentence or commitment of the defendant should be increased  
31 or decreased or should stand. In lieu of such appearance, the victim  
32 may submit a written statement to the review division and the review  
33 division shall make such statement a part of the record at the hearing.  
34 For the purposes of this subsection, "victim" means the victim, the legal  
35 representative of the victim or a member of the deceased victim's  
36 immediate family.

37 (d) If the review division orders a different sentence or disposition  
38 of the case, the Superior Court shall resentence the defendant or make  
39 any other disposition of the case ordered by the review division. Time  
40 served on the sentence reviewed shall be deemed to have been served  
41 on the sentence substituted. The decision of the review division in each  
42 case shall be final and the reasons for such decision shall be stated  
43 therein.

44 (e) The secretary of the review division shall act as its clerk or, if  
45 there is no such secretary, the clerk of the superior court for the judicial

46 district in which the review division is meeting shall act as the clerk of  
47 the division. The acting clerk of the review division shall send the  
48 original of each decision to the clerk of the court where the judgment  
49 was rendered and a copy thereof to the Chief Justice, the judge who  
50 imposed the sentence or commitment reviewed, the person sentenced  
51 or committed, the principal officer of the correctional institution in  
52 which [he] such person is confined and the Reporter of Judicial  
53 Decisions, who shall select therefrom for publication such decisions as  
54 [he] the reporter deems will be useful as precedents or will serve the  
55 public interest and shall prepare them for publication in the manner in  
56 which decisions of the Supreme Court are prepared. Decisions thus  
57 prepared for publication shall be published in the Connecticut Law  
58 Journal and, if the Reporter of Judicial Decisions so directs, in the  
59 Connecticut Supplement.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Cost	Less than 5,000	Less than 5,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill permits a blind or disabled person to apply for compensation from the Criminal Injuries Compensation Fund<sup>1</sup> for an injury to a guide dog or service dog. Any impact on the fund as a result of the bill is anticipated to be minimal. The median amount of compensation received in a victim compensation claim is \$1,700. The FY 02 year ending balance of the fund was \$2.4 million.

House Amendment "A" required the court to permit any victim of a crime to make a statement on the record when a hearing is held to modify a defendant's sentence. This could increase the length of certain sentencing hearings. However, any such increase is not expected to be substantial, and would not necessitate additional appropriations.

<sup>1</sup> The fund receives an annual appropriation of about \$1.5 million, which comes primarily from costs imposed in misdemeanor and felony prosecutions in accordance with CGS Section 54-143. Additional money may come from the person directly responsible for a victim's criminal injuries or death.

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**OLR Bill Analysis**

SB 753 (as amended by House "A")\*

**AN ACT CONCERNING CRIME VICTIM COMPENSATION****SUMMARY:**

This bill allows blind or disabled crime victims to receive victim compensation for injuries to their guide or assistance dogs under the same circumstances as they may currently receive it for personal injuries.

By law, the Office of Victim Services (OVS) may compensate crime victims, or their immediate families when the victim is deceased, incapacitated, or a minor child, for actual and reasonable expenses, lost wages, and pecuniary and other losses resulting from injury or death. Maximum awards are \$15,000 for personal injuries and \$25,000 for death. Eligible victims must have been injured or killed during (1) their attempt to prevent crime, aid police, or apprehend suspects; (2) attempts to commit, or actual commissions of, crimes by another person; (3) international terrorism; or (4) another person's violation of enumerated motor vehicle offenses.

The bill permits crime victims to make a statement to the Superior Court's Review Division before it decides to grant defendants' requests for reduction of their criminal sentences. The division, made up of three Superior Court judges, must allow the victims to appear and make a statement on the record before deciding to increase, decrease, or let stand defendants' original sentences. Instead of a personal appearance, the bill allows the victims to submit written statements to the division, which it must make a part of the record. The bill defines "victim" as crime victims, their legal representatives, or the immediate family of deceased victims.

\*House Amendment "A" deletes the provision added by Senate Amendment "A" on crime victims statement at sentencing and adds the provision on victim statements at sentencing review.

EFFECTIVE DATE: October 1, 2003

## **BACKGROUND**

### ***Related Bills***

SB 1066 (File 607) requires courts to ask in open court whether crime victims were contacted to make statements before the courts impose sentencing or accept a plea agreement.

HB 6432 (File 600) allows OVS to include attorney's fees in crime victim compensation awards and increases maximum emergency compensation from \$1,000 to \$2,000.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 41    Nay 0