



General Assembly

**Amendment**

January Session, 2003

LCO No. 5689

\*SB0075305689HD0\*

Offered by:

REP. LAWLOR, 99<sup>th</sup> Dist.

REP. FARR, 19<sup>th</sup> Dist.

SEN. MCDONALD, 27<sup>th</sup> Dist.

SEN. SMITH, 14<sup>th</sup> Dist.

To: Senate Bill No. 753

File No. 115

Cal. No. 281

**"AN ACT CONCERNING CRIME VICTIM COMPENSATION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 51-196 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 (a) The review division shall, in each case in which an application  
6 for review is filed in accordance with section 51-195, review the  
7 judgment so far as it relates to the sentence or commitment imposed,  
8 either increasing or decreasing the penalty, and any other sentence  
9 imposed on the person at the same time, and may order such different  
10 sentence or sentences to be imposed as could have been imposed at the  
11 time of the imposition of the sentence under review, or may decide  
12 that the sentence or commitment under review should stand.

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

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

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

39       **(e)** The secretary of the review division shall act as its clerk or, if  
40 there is no such secretary, the clerk of the superior court for the judicial  
41 district in which the review division is meeting shall act as the clerk of  
42 the division. The acting clerk of the review division shall send the  
43 original of each decision to the clerk of the court where the judgment  
44 was rendered and a copy thereof to the Chief Justice, the judge who  
45 imposed the sentence or commitment reviewed, the person sentenced

46 or committed, the principal officer of the correctional institution in  
47 which [he] such person is confined and the Reporter of Judicial  
48 Decisions, who shall select therefrom for publication such decisions as  
49 [he] the reporter deems will be useful as precedents or will serve the  
50 public interest and shall prepare them for publication in the manner in  
51 which decisions of the Supreme Court are prepared. Decisions thus  
52 prepared for publication shall be published in the Connecticut Law  
53 Journal and, if the Reporter of Judicial Decisions so directs, in the  
54 Connecticut Supplement."