



House of Representatives

General Assembly

File No. 497

February Session, 2006

Substitute House Bill No. 5492

House of Representatives, April 12, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE RELATIVE TO MANDATORY MINIMUM SENTENCING.***

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

1 Section 1. (*Effective July 1, 2006*) (a) There is established a
2 Connecticut Sentencing Task Force to review criminal justice and
3 sentencing policies and laws of this state for the purpose of creating a
4 more just, effective and efficient system of criminal sentencing.

5 (b) The task force shall be composed of the following members:

6 (1) The chairpersons and ranking members of the joint standing
7 committee of the General Assembly on the judiciary;

8 (2) Two judges of the superior court, each of whom shall have been
9 a judge for at least ten years and have at least five years experience
10 presiding over cases in judicial district criminal courts, appointed by
11 the Chief Court Administrator;

12 (3) Two state's attorneys each of whom shall have at least ten years
13 experience as a prosecuting attorney and at least five years experience
14 prosecuting cases in judicial district criminal courts, appointed by the
15 Chief State's Attorney;

16 (4) Two public defenders each of whom shall have at least ten years
17 experience as a public defender and at least five years experience
18 representing defendants in judicial district criminal courts, appointed
19 by the Chief Public Defender;

20 (5) Two criminal defense lawyers each of whom shall have at least
21 fifteen years experience representing defendants in criminal cases, one
22 of whom shall be appointed by the criminal justice section of the
23 Connecticut Bar Association and one of whom shall be appointed by
24 the Connecticut Criminal Defense Lawyers Association;

25 (6) The executive director of the Court Support Services Division of
26 the Judicial Branch or the executive director's designee;

27 (7) The Commissioner of Correction or the commissioner's designee;

28 (8) The Chairperson of the Board of Pardons and Paroles or the
29 chairperson's designee;

30 (9) The Commissioner of Mental Health and Addiction Services or
31 the commissioner's designee;

32 (10) The Victim Advocate or the Victim Advocate's designee;

33 (11) The undersecretary of the Criminal Justice Policy and Planning
34 Division within the Office of Policy and Management;

35 (12) An assistant attorney general, appointed by the Attorney
36 General;

37 (13) Three municipal police chiefs, one of whom shall represent an
38 urban area, one of whom shall represent a suburban area and one of
39 whom shall represent a rural area, appointed by the Connecticut Police
40 Chiefs Association; and

41 (14) Six members of the General Assembly, appointed one each by
42 the president pro tempore of the Senate, the speaker of the House of
43 Representatives, the majority leader of the Senate, the majority leader
44 of the House of Representatives, the minority leader of the Senate and
45 the minority leader of the House of Representatives.

46 (c) The chairpersons of the joint standing committee of the General
47 Assembly on the judiciary shall serve as chairpersons of the task force.

48 (d) The task force shall:

49 (1) Identify overarching criminal justice and sentencing goals and
50 policies;

51 (2) Define current sentencing models including sentencing
52 guidelines, criteria, exemptions and enhancements;

53 (3) Analyze sentencing trends by offense types and offender
54 characteristics;

55 (4) Review the actual versus intended impact of sentencing policies;

56 (5) Determine the direct and indirect costs associated with
57 sentencing policies;

58 (6) Review the fines and terms of imprisonment specified for
59 violations of criminal statutes that are classified or unclassified felonies
60 or misdemeanors and make recommendations including, but not
61 limited to: (A) Whether crimes that are currently unclassified should
62 be classified; (B) whether certain classified crimes should be
63 reclassified or the penalties for certain unclassified crimes should be
64 revised in order to make the penalties for similar crimes more uniform;
65 (C) whether the penalty or type of penalty for certain crimes should be
66 revised or eliminated where such penalty or type of penalty is no
67 longer deemed necessary or appropriate or is disproportionate to the
68 severity of the crime; and (D) whether crimes that are obsolete should
69 be repealed; and

70 (7) Make any recommendations for the revision of criminal justice
71 and sentencing policies as deemed necessary.

72 (e) The Criminal Justice Policy and Planning Division within the
73 Office of Policy and Management shall assist the task force by
74 providing criminal justice data, analyses and technical assistance
75 necessary for the task force to carry out its duties.

76 (f) The task force may request any office, department, board,
77 commission or other agency of the state to supply such reports,
78 information and assistance as may be necessary or appropriate in
79 order for the task force to carry out its duties. Each officer or employee
80 of such office, department, board, commission or other agency of the
81 state is authorized and directed to cooperate with the task force and to
82 furnish such reports, information and assistance.

83 (g) The task force shall report its findings and recommendations to
84 the joint standing committee of the General Assembly on the judiciary
85 in accordance with section 11-4a of the general statutes not later than
86 December 1, 2008. The task force shall terminate upon the completion
87 of its duties.

88 Sec. 2. Section 2-24 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective July 1, 2006*):

90 The words "State of Connecticut" shall be printed at the head of each
91 bill and document printed by order of the General Assembly, or either
92 house thereof, and on its title page or cover, if any. Before printed or
93 photographic copies of an original bill are made, the bill shall be
94 endorsed with (1) the date of its introduction; (2) its number; (3) the
95 name of the member or committee introducing it; and (4) the name of
96 the committee to which it was referred. Copies of bills or resolutions
97 printed after favorable report by a committee or reprinted after
98 amendment on the third reading, i.e., files, shall bear the file number of
99 such bill or resolution, placed conspicuously at the head of the same,
100 which file number shall be assigned by the printer in the order printed,
101 the number and title of the bill, the name of the committee to which it

102 was referred, the date and nature of the committee's report, and, in any
103 case where the bill, if passed, would require the expenditure of state or
104 municipal funds or affect state or municipal revenue, a fiscal note,
105 including an estimate of the cost or of the revenue impact shall be
106 appended thereto, and, in any case where the bill, if passed, would
107 affect correctional facilities, probation sentences, parole sentences,
108 court resources, court dockets, public safety or crime victim's rights, a
109 fiscal impact assessment shall be appended thereto assessing the fiscal
110 impact of the bill on such facilities, sentences, resources, dockets,
111 public safety or crime victim's rights. When a bill or resolution is
112 accompanied with a report of a committee, other than a
113 recommendation that it ought or ought not to pass, it shall then have
114 an additional endorsement, as follows: "Accompanied by special
115 report, No.-". Bills shall be designated in the printed calendar of each
116 house by their file numbers, as well as by the titles and numbers of the
117 bills.

118 Sec. 3. Section 2-24a of the 2006 supplement to the general statutes is
119 repealed and the following is substituted in lieu thereof (*Effective July*
120 *1, 2006*):

121 (1) No bill without a fiscal note appended thereto which, if passed,
122 would require the expenditure of state or municipal funds or affect
123 state or municipal revenue in the current fiscal year or any of the next
124 ensuing five fiscal years shall be acted upon by either house of the
125 General Assembly unless said requirement of a fiscal note is dispensed
126 with by a vote of at least two-thirds of such house. Such fiscal note
127 shall clearly identify the cost and revenue impact to the state and
128 municipalities in the current fiscal year and in each of the next ensuing
129 five fiscal years.

130 (2) If a fiscal impact assessment is required under section 2-24, as
131 amended by this act, no bill without such assessment appended
132 thereto shall be acted upon by either house of the General Assembly
133 unless said requirement is dispensed with by a vote of at least two-
134 thirds of such house.

135 Sec. 4. Section 2-26 of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective July 1, 2006*):

137 At each regular or special session of the General Assembly no bill
138 shall be passed or become a law unless it has been printed in its final
139 form, as prescribed by section 2-24, with the exception of germane
140 amendments, and upon the desks of the members at least two
141 legislative days prior to its final passage, unless the president pro
142 tempore of the Senate and the speaker of the House of Representatives
143 have certified, in writing, the facts which in their opinion necessitate
144 an immediate vote on such bill, in which case it shall nevertheless be
145 upon the desks of the members in final form, accompanied by the
146 fiscal note and fiscal impact assessment required by section 2-24, as
147 amended by this act, when applicable, with the exception of germane
148 amendments, but not necessarily printed, before its final passage.

149 Sec. 5. Subsections (b) and (c) of section 2-71c of the 2006
150 supplement to the general statutes are repealed and the following is
151 substituted in lieu thereof (*Effective July 1, 2006*):

152 (b) The legislative Office of Legislative Research shall assist the
153 General Assembly and the Legislative Department, legislative
154 commissions and legislative committees in a research and advisory
155 capacity as follows: (1) Assisting the development of legislative
156 programs; (2) analyzing the long-range implications of the several
157 alternative programs; (3) preparing abstracts, summaries, explanations
158 of state executive agency and federal government reports; (4)
159 informing the legislative leaders of action taken by the federal
160 government with regard to problems of their particular concern and
161 federal law; (5) assisting in the research and writing of interim reports;
162 (6) preparing bill analyses and summaries; (7) assisting in hearings by
163 preparing agendas, contacting potential witnesses, scheduling their
164 appearances and analyzing testimonies; (8) preparing fiscal impact
165 assessments as required by section 2-24, as amended by this act; and
166 ~~[(8)]~~ (9) performing such other research and analysis services as may
167 be determined by the Joint Committee on Legislative Management.

168 (c) The legislative Office of Fiscal Analysis shall assist the General
169 Assembly and the Legislative Department, legislative commissions
170 and legislative committees in a research and advisory capacity as
171 follows: (1) Reviewing department and program operating budget
172 requests; (2) analyzing and helping to establish priorities with regard
173 to capital programs; (3) checking executive revenue estimates for
174 accuracy; (4) recommending potential untapped sources of revenue; (5)
175 assisting in legislative hearings and helping to schedule and prepare
176 the agenda of such hearings; (6) assisting in the development of means
177 by which budgeted programs can be periodically reviewed; (7)
178 preparing short analyses of the costs and long-range projections of
179 executive programs and proposed agency regulations; (8) keeping
180 track of federal aid programs to make sure that Connecticut is taking
181 full advantage of opportunities for assistance; (9) reviewing, on a
182 continuous basis, departmental budgets and programs; (10) analyzing
183 and preparing critiques of the Governor's proposed budget; (11)
184 studying, in depth, selected executive programs during the interim;
185 (12) performing such other services in the field of finance as may be
186 requested by the Joint Committee on Legislative Management; (13)
187 preparing the fiscal notes, required under section 2-24, as amended by
188 this act, upon favorably reported bills which require expenditure of
189 state or municipal funds or affect state or municipal revenue; (14)
190 preparing at the end of each fiscal year a compilation of all fiscal notes
191 on legislation and agency regulations taking effect in the next fiscal
192 year, including the total costs, savings and revenue effects estimated in
193 such notes; (15) preparing fiscal impact assessments as required by
194 section 2-24, as amended by this act; and [(15)] (16) every second and
195 fourth year after the effective date of each enacted bill, review the fiscal
196 note of such bill to compare it to the fiscal note prepared at the time
197 such bill was enacted. The governing body of any municipality, if
198 requested, shall provide the Office of Fiscal Analysis, within two
199 working days, with any information that may be necessary for analysis
200 in preparation of such fiscal notes. Each officer, board, commission or
201 department of the state government shall assist the Office of Fiscal
202 Analysis in carrying out its duties and, if requested, shall make its

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-Effect	FY 07 \$	FY 08 \$
Legislative Mgmt.; Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	Significant	Significant
Policy & Mgmt., Off.	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a cost to the Office of Legislative Management (OLM) related to staffing needs in the Office of Legislative Research (OLR) and the Office of Fiscal Analysis (OFA). Sections 2-5 of the bill require OLR and OFA to prepare fiscal impact assessments on bills that, if passed, would affect correctional facilities, probation sentences, parole sentences, court resources, court dockets, public safety or crime victim's rights.

OFA currently prepares fiscal impacts on the various governmental agencies affected by legislative proposals relating to changes in correctional facilities and parole sentences (the Department of Correction); and changes in probation sentences, court resources and court dockets (the Judicial Department). The bill would now require OLR to jointly prepare these fiscal impact assessments (which is outside its current statutory responsibilities). It is unclear to what extent the fiscal impact statements for justice agencies and court dockets prepared under current law would need to be modified or expanded as a result of the bill.

The bill also requires fiscal impact assessments on "public safety" and "crime victim's rights." It is unclear how fiscal impacts would be prepared for these essentially non-fiscal categories. It should be noted

that no model currently exists to illustrate the requirements of these sections.

Since the bill presumably mandates more complex research-intensive analysis than is provided under current law, three additional staff researchers/analysts could be required (two in OLR and one in OFA). These staff would likely be experienced candidates with advanced degrees and expertise in these areas with an estimated salary of \$75,000 each. Total costs would be \$281,100 in year 1 and \$359,175 in year 2 (including salaries, fringe benefits¹ and \$1,000 miscellaneous expenses each).

Additional costs associated with purchasing/creating and maintaining a model to assist with the development of statistical information to be included in the fiscal impact assessments could be required. Additional technical costs could also result in order to facilitate linkages to existing electronic databases. These costs are unknown at this time but could be significant.

Section 1 of the bill establishes a Connecticut Sentencing Task Force made up of 28 uncompensated members and requires the Criminal Justice Policy and Planning Division of the Office of Policy and Management (OPM) to provide data, analysis, and technical assistance to the task force. Depending on the extent of support required by the task force, the division can provide this assistance within existing resources.²

The bill also results in a cost to OLM for legislator mileage

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate as a percentage of payroll is 23.6%, effective July 1, 2005. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2005-06 fringe benefit rate is 34.7%, which when combined with the non pension fringe benefit rate would total 58.3%.

² PA 05-240 established the new Criminal Justice Policy and Planning Division in OPM effective July 1, 2006. Funding of \$200,000 for six positions is included in OPM's FY 07 budget for this purpose.

reimbursement (currently 44.5 cents per mile). Such costs are budgeted as part of the normal resources of OLM.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5492****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE RELATIVE TO MANDATORY MINIMUM SENTENCING.****SUMMARY:**

This bill creates a 28 member Connecticut Sentencing Task Force to review the state's criminal justice and sentencing policies and laws to create a more just, effective, and efficient system of sentencing. The task force must report to the Judiciary Committee by December 1, 2008, and it terminates when it completes its duties.

The bill requires the Office of Fiscal Analysis (OFA) and Office of Legislative Research to prepare fiscal impact statements for bills that, if passed, would affect correctional facilities, probation sentences, parole sentences, court resources, court dockets, public safety, or crime victim's rights. By law, OFA must already prepare a fiscal note estimating the cost or revenue impact of a bill.

The bill files printed by the General Assembly must include these assessments showing the fiscal impact on these facilities, sentences, resources, dockets, public safety, and rights. The bill prohibits the House and Senate from acting on a bill if it is required to have one of these assessments but does not have one, unless two-thirds of the chamber votes to dispense with the requirement.

EFFECTIVE DATE: July 1, 2006

SENTENCING TASK FORCE

The bill requires the task force to:

1. identify overarching criminal justice and sentencing goals and

policies;

2. define current sentencing models, including sentencing guidelines, criteria, exemptions, and enhancements;
3. analyze sentencing trends by offense type and offender characteristics;
4. review the actual versus intended impact of sentencing policies;
5. determine direct and indirect costs of sentencing policies; and
6. recommend revisions of criminal justice and sentencing policies.

The bill also requires the task force to review the fines and terms of imprisonment for classified and unclassified felonies and misdemeanors and make recommendations, including whether:

1. unclassified crimes should be classified;
2. certain classified crimes should be reclassified or penalties for certain unclassified crimes revised to make penalties for similar crimes more uniform;
3. the penalty or type of penalty for certain crimes should be revised or eliminated as no longer necessary, appropriate, or disproportionate to the severity of the crime; and
4. a crime is obsolete and should be repealed.

Access to Information

The bill requires the Office of Policy and Management's Criminal Justice Policy and Planning Division to provide criminal justice data, analyses, and technical assistance to carry out the task force's duties. The task force can request any state office, department, board, commission, or agency to supply reports, information, and assistance necessary or appropriate to carry out its duties, and each officer or employee is authorized and directed to cooperate with the take force.

Membership

The task force consists of the following 28 members:

1. the Judiciary Committee's chairmen and ranking members;
2. two Superior Court judges, appointed by the chief court administrator, who have been on the bench at least 10 years and have presided over cases in the judicial district criminal court for at least five years;
3. two state's attorneys, appointed by the chief state's attorney, who have at least 10 years experience as a prosecuting attorney and at least five years prosecuting cases in judicial district criminal courts;
4. two public defenders, appointed by the chief public defender, who have at least 10 years experience as a public defender and at least five years representing defendants in judicial district criminal courts;
5. two criminal defense lawyers with at least 15 years experience representing defendants in criminal cases, with one appointed by the Connecticut Bar Association's criminal justice section and the other appointed by the Connecticut Criminal Defense Lawyers Association;
6. the Judicial Branch's Court Support Services Division executive director or his designee;
7. the correction commissioner or her designee;
8. the Board of Pardons and Paroles chairman or his designee;
9. the mental health and addiction services commissioner or his designee;
10. the victim advocate or his designee;
11. The Office of Policy and Management, Criminal Justice Policy

and Planning Division undersecretary;

- 12. an assistant attorney general appointed by the attorney general;
- 13. three municipal police chiefs appointed by the Connecticut Police Chiefs Association, with one from an urban area, one from a suburban area, and one from a rural area; and
- 14. six legislators with one appointed by each of the top six legislative leaders.

The Judiciary Committee chairmen chair the task force.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference
Yea 11 Nay 0 (03/09/2006)

Judiciary Committee

Joint Favorable Substitute
Yea 38 Nay 0 (03/27/2006)