



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

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Testimony of the Division of Criminal Justice

In Support of:

S.B. No. 1458 (RAISED) AN ACT CONCERNING JESSICA'S LAW

*Presented by Chief State's Attorney Kevin T. Kane
Joint Committee on Judiciary – April 4, 2007*

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Substitute Report for S.B. No. 1458, An Act Concerning Jessica's Law. We will provide the Committee with written recommendations for what we believe are important and very necessary changes in the language of the bill.

The Division of Criminal Justice commends the Committee for the tremendous amount of thought and effort that you have given to develop legislation to appropriately deal with sexual predators. S.B. No. 1458 recognizes the severity of sexual crimes committed against children by creating the crime of Aggravated Sexual Assault of a Minor in the First Degree. This new offense would be punishable by a minimum term of incarceration of twenty-five years and a maximum term of incarceration of fifty years. The bill also creates mandatory minimum penalties for Enticing a Minor when the victim of the offense is under thirteen years of age, Employing a Minor in an Obscene Performance, Importing Child Pornography, and the three degrees of Possession of Child Pornography.

The Division recommends that the bill can be improved further by including a provision that will allow courts to impose periods of probation of up to thirty-five years in addition to incarceration on some of the most serious sex offenders. Currently, while courts can impose periods of probation of up to thirty-five years on lesser degrees of sexual assault and some forms of Risk of Injury, they cannot impose periods of probation of that length on any person convicted of Sexual Assault in the First Degree, Aggravated Sexual Assault in the First Degree, and Sexual Assault in the Third Degree with a Firearm. Courts cannot impose probation for those crimes because the statutes mandate the imposition of incarceration plus special parole. This means that many of our most serious offenders cannot be monitored for more than twenty years on class B felonies and twenty-five years on class A felonies, the maximum periods of incarceration plus special parole that can be

imposed for those crimes. This issue was recently brought to light by a decision by the Connecticut Supreme Court. In *State v. Tabone*, the Court ruled that under the present statutes the period of probation plus special parole cannot exceed the maximum possible period of incarceration.

In order to correct this problem the Division proposes that the legislature eliminate the requirement that courts impose periods of special parole for persons convicted of these crimes. This would give courts the option of placing a person on probation for up to thirty-five years if it felt that the person needed to be monitored beyond the maximum period of the sentence. The court would still, however, be able to impose a period of special parole if it felt it appropriate to do so. This proposal would in no way lessen the mandatory minimum jail sentences that currently are set forth in the statutes. It would simply provide a means by which our most serious sex offenders could be monitored for up to thirty-five years after their release.

In conclusion, the Division of Criminal Justice would express its appreciation to the Committee for your work on this important issue, and we would recommend your Joint Favorable Substitute Report incorporating the changes recommended in this testimony. We would be happy to answer any questions the Committee might have or to provide any additional information you might require. Thank you.