



General Assembly

Amendment

January Special Session, 2008

LCO No. 10103

SB0170010103HRO

Offered by:

REP. CAFERO, 142nd Dist.

SEN. MCKINNEY, 28th Dist.

To: Senate Bill No. 1700

File No.

Cal. No.

"AN ACT CONCERNING CRIMINAL JUSTICE REFORM."

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

3 "Sec. 501. (NEW) (*Effective March 1, 2008*) (a) Notwithstanding any
4 other provision of the general statutes, whenever a person (1) stands
5 convicted of murder other than a capital felony, manslaughter, arson,
6 kidnapping, robbery in the first or second degree, robbery involving
7 an occupied motor vehicle, assault constituting a felony, sexual assault
8 in the first degree, aggravated sexual assault in the first degree, sexual
9 assault in the third degree, sexual assault in the third degree with a
10 firearm, home invasion, burglary in the first degree, burglary in the
11 second degree with a firearm or stalking in the first degree, and (2) has
12 been, prior to the commission of the present crime, two or more times
13 convicted in this state or in any other state or in a federal system for
14 (A) any of the crimes enumerated in subdivision (1) of this subsection
15 or any predecessor statutes in this state, or an attempt to commit any

16 of said crimes, or (B) in any other state, any crimes the essential
17 elements of which are substantially the same as any of the crimes
18 enumerated in subdivision (1) of this subsection, the court shall
19 sentence such person to a term of life imprisonment without the
20 possibility of release, provided such sentence may be reviewed, upon
21 application of the person to a three-judge panel of the superior court
22 appointed by the Chief Court Administrator, after such person has
23 served at least thirty years of the sentence or the earliest date such
24 person is otherwise eligible for release under any other provision of
25 the general statutes, whichever is later. The decision of any two of the
26 judges shall be sufficient to determine any matter before the panel. No
27 judge may sit or act on a review under this section of a sentence
28 imposed by such judge and, in any case in which review of a sentence
29 imposed by any of the judges serving on the panel is to be acted on by
30 the panel, the Chief Court Administrator may designate another judge
31 to act in place of the judge.

32 (b) Upon receipt of such application for the purpose of a sentence
33 review, the panel shall review the complete criminal record of the
34 applicant including, but not limited to, sentencing transcripts, victim
35 statements and correctional records and conduct a hearing regarding
36 the application. At such hearing, the panel shall permit any victim of
37 the applicant and any prosecuting attorney to appear before the panel
38 for the purpose of making a statement for the record concerning
39 whether or not to modify the sentence of the applicant. In lieu of such
40 appearance, the victim or prosecuting attorney may submit a written
41 statement to the panel and the panel shall make such statement a part
42 of the record at the hearing.

43 (c) After such review and hearing pursuant to subsection (b) of this
44 section, the panel may (1) reduce the sentence as the panel deems
45 appropriate, (2) modify the sentence to a period of special parole or
46 probation, or (3) leave the sentence unaltered. The decision of the
47 panel in each case is final and the reasons for such decision shall be
48 stated therein. If the panel does not reduce or modify the sentence, the
49 applicant may apply for another sentence review not less than five

50 years after the panel has rendered its decision.

51 (d) It shall be an affirmative defense to a charge under this section
52 that (1) as to any prior conviction on which the state is relying the
53 defendant was pardoned on the ground of innocence, and (2) without
54 such conviction, the defendant was not two or more times convicted
55 and imprisoned as required by this section."