



General Assembly

**Amendment**

January Special Session, 2008

LCO No. 10095

**\*SB0170010095SRO\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> 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 from passage*) (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 or second degree or  
11 stalking in the first degree, and (2) has been, prior to the commission of  
12 the present crime, two or more times convicted in this state or in any  
13 other state or in a federal system for (A) any of the crimes enumerated  
14 in subdivision (1) of this subsection or any predecessor statutes in this  
15 state, or an attempt to commit any of said crimes, or (B) in any other

16 state, any crimes the essential elements of which are substantially the  
17 same as any of the crimes enumerated in subdivision (1) of this  
18 subsection, the court shall sentence such person to a term of life  
19 imprisonment without the possibility of release, provided such  
20 sentence may be reviewed, upon application of the person to the  
21 superior court for the judicial district in which such conviction was  
22 rendered, after such person has served at least thirty years of the  
23 sentence.

24 (b) Upon receipt of such application for the purpose of a sentence  
25 review, the court shall review the complete criminal record of the  
26 applicant including, but not limited to, sentencing transcripts, victim  
27 statements and correctional records and conduct a hearing regarding  
28 the application. At such hearing, the court shall permit any victim of  
29 the applicant and any prosecuting attorney to appear before the court  
30 for the purpose of making a statement for the record concerning  
31 whether or not to modify the sentence of the applicant. In lieu of such  
32 appearance, the victim or prosecuting attorney may submit a written  
33 statement to the court and the court shall make such statement a part  
34 of the record at the hearing.

35 (c) After such review and hearing pursuant to subsection (b) of this  
36 section, the court may (1) reduce the sentence as the court deems  
37 appropriate, (2) modify the sentence to a period of special parole or  
38 probation, or (3) leave the sentence unaltered. The decision of the court  
39 in each case is final and the reasons for such decision shall be stated  
40 therein. If the court does not reduce or modify the sentence, the  
41 applicant may apply for another sentence review not less than five  
42 years after the court has rendered its decision.

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