



**House Bill No. 7006**

**September Special Session, Public Act No. 09-10**

**AN ACT IMPLEMENTING CERTAIN PROVISIONS OF THE BUDGET  
CONCERNING GENERAL GOVERNMENT.**

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

Section 1. (*Effective from passage*) In achieving the reductions specified in the provisions of sections 1 and 11 of public act 09-3 of the June special session, Reduce Other Expenses to FY 07 Levels, no reductions shall be made to the Other Expenses account of the Judicial Department.

Sec. 2. (*Effective from passage*) The sum of \$700,000 appropriated to the Department of Correction in sections 1 and 11 of public act 09-3 of the June special session, for Children of Incarcerated Parents, shall be made available, for each of the fiscal years ending June 30, 2010, and June 30, 2011, as follows: (1) \$650,000 to the Judicial Department to provide funding for the purposes of section 3 of this act, and (2) \$50,000 to the Connecticut Pardon Team, Inc. to assist individuals in applying for pardons.

Sec. 3. (*Effective from passage*) Not later than December 1, 2009, the Judicial Department and Central Connecticut State University shall enter into a memorandum of understanding providing for the Institute for Municipal and Regional Policy to conduct research, evaluation,

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outreach and public policy development concerning children of incarcerated parents and to create and implement programs for such children, which may include, but not be limited to, programs to reunify incarcerated women with their children in the community.

Sec. 4. Section 17a-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes concerning the sale, lease or transfer of real property by or on behalf of the state, during the period commencing on July 1, [2007] 2009, and ending on June 30, [2009] 2011, no state-owned real property that is being used for residential purposes by persons with mental retardation may be sold, leased or transferred by or on behalf of the state. The provisions of this subsection shall [not apply to any agreement for the sale, lease or transfer of any state-owned property entered into before June 2, 2005.

(b) Subsection (a) of this section shall only] apply to any state-operated community-based residential facility, boarding house, group home or halfway house [meeting the criteria set forth in subsection (a) of this section and] occupied by persons with mental retardation, persons with psychiatric disabilities, alcohol-dependent persons or drug-dependent persons.

(b) The provisions of subsection (a) of this section shall not apply to: (1) Any agreement for the sale, lease or transfer of any state-owned property entered into before June 2, 2005; or (2) any state-operated community-based residential facility, boarding house, group home or halfway house privatized by the Department of Developmental Services prior to the effective date of this section.

Sec. 5. (NEW) (*Effective from passage*) (a) There is established, within existing budgetary resources, a Connecticut Sentencing Commission

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which shall be within the Office of Policy and Management for administrative purposes only.

(b) The mission of the commission shall be to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.

(c) In fulfilling its mission, the commission shall be mindful that the primary purpose of sentencing in this state is to enhance public safety while holding the offender accountable to the community. Sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community, utilizing the most appropriate sanctions available, including incarceration, community punishment and supervision. Sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender. Sentences should be fair, just and equitable while promoting respect for the law.

(d) The commission shall be composed of the following members:

(1) Eight persons appointed one each by: (A) The Governor, (B) the Chief Justice of the Supreme Court, (C) the president pro tempore of the Senate, (D) the speaker of the House of Representatives, (E) the majority leader of the Senate, (F) the majority leader of the House of Representatives, (G) the minority leader of the Senate, and (H) the minority leader of the House of Representatives, all of whom shall serve for a term of four years;

(2) Two judges appointed by the Chief Justice of the Supreme Court, one of whom shall serve for a term of one year and one of whom shall

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serve for a term of three years;

(3) One representative of the Court Support Services Division of the Judicial Branch appointed by the Chief Justice of the Supreme Court, who shall serve for a term of two years;

(4) The Commissioner of Correction, who shall serve for a term coterminous with his or her term of office;

(5) The Chief State's Attorney, who shall serve for a term coterminous with his or her term of office;

(6) The Chief Public Defender, who shall serve for a term coterminous with his or her term of office;

(7) One state's attorney appointed by the Chief State's Attorney, who shall serve for a term of three years;

(8) One member of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association, who shall serve for a term of three years;

(9) The Victim Advocate, who shall serve for a term coterminous with his or her term of office;

(10) The chairperson of the Board of Pardons and Paroles, who shall serve for a term coterminous with his or her term of office;

(11) The Commissioner of Public Safety, who shall serve for a term coterminous with his or her term of office;

(12) A municipal police chief appointed by the president of the Connecticut Police Chiefs Association, who shall serve for a term of two years;

(13) The Commissioner of Mental Health and Addiction Services,

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who shall serve for a term coterminous with his or her term of office;

(14) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, who shall serve for a term coterminous with his or her term of office; and

(15) An active or retired judge appointed by the Chief Justice of the Supreme Court, who shall serve as chairperson of the commission and serve for a term of four years.

(e) The commission shall elect a vice-chairperson from among the membership. Appointed members of the commission shall serve for the term specified in subsection (d) of this section and may be reappointed. Any vacancy in the appointed membership of the commission shall be filled by the appointing authority for the unexpired portion of the term.

(f) The commission shall:

(1) Facilitate the development and maintenance of a state-wide sentencing database in collaboration with existing state and local agencies, and use existing state databases or resources where appropriate;

(2) Evaluate current sentencing statutes, policies and practices including conducting a cost-benefit analysis;

(3) Conduct sentencing trends analyses and studies and prepare offender profiles;

(4) Provide training regarding sentencing and related issues, policies and practices;

(5) Act as a sentencing policy resource for the state;

(6) Preserve judicial discretion and provide for individualized

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sentencing;

(7) Evaluate the impact of pre-trial, sentencing diversion, incarceration and post-release supervision programs;

(8) Perform fiscal impact analyses on selected proposed criminal justice legislation; and

(9) Identify potential areas of sentencing disparity relevant to racial, ethnic, gender and socioeconomic status.

(g) Upon completion of the state-wide sentencing database provided in subdivision (1) of subsection (f) of this section, the commission shall review criminal justice legislation as requested and as resources allow.

(h) The commission shall make recommendations concerning criminal justice legislation, including proposed modifications thereto, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall hold a hearing thereon.

(i) The commission shall have access to confidential information received by sentencing courts and the Board of Pardons and Paroles including, but not limited to, arrest data, criminal history records, medical records and other nonconviction information.

(j) The commission shall obtain full and complete information with respect to programs and other activities and operations of the state that relate to the criminal sentencing structure in the state.

(k) The commission may request any office, department, board, commission or other agency of the state or any political subdivision of the state to supply such records, information and assistance as may be necessary or appropriate in order for the commission to carry out its

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duties. Each officer or employee of such office, department, board, commission or other agency of the state or any political subdivision of the state is authorized and directed to cooperate with the commission and to furnish such records, information and assistance.

(l) The commission may accept, on behalf of the state, any grants of federal or private funds made available for any purposes consistent with the provisions of this section.

(m) Any records or information supplied to the commission that is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the commission and shall not be disclosed. Any penalty for the disclosure of such records or information applicable to the officials, employees and authorized representatives of the office, department, board, commission or other agency of the state or any political subdivision of the state that supplied such records or information shall apply in the same manner and to the same extent to the members, staff and authorized representatives of the commission.

(n) The commission shall be deemed to be a criminal justice agency as defined in subsection (b) of section 54-142g of the general statutes.

(o) The commission shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary.

(p) Not later than January 15, 2010, and annually thereafter, the commission shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the Governor, the General Assembly and the Chief Justice of the Supreme Court.

Sec. 6. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Public Works shall sell the former Seaside Regional Center property located in the town of Waterford, at a cost equal to the fair market value of said property, as

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determined by the average of the appraisals of two independent appraisers selected by said commissioner. The sale shall be subject to the approval of the State Properties Review Board.

(b) The State Properties Review Board shall complete its review of the sale of said property not later than thirty days after it receives a proposed agreement from the Department of Public Works. The property shall remain under the care and control of said department until a sale is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for said sale. The Commissioner of Public Works shall have the sole responsibility for all other incidents of said sale.

(c) Notwithstanding the provisions of section 17a-451d of the general statutes, all moneys received by the state from the sale authorized by this section shall be deposited in the General Fund.

Vetoed October 5, 2009