



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
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**Testimony of Michelle Cruz, State Victim Advocate
Submitted to the Judiciary Committee
Tuesday, March 24, 2009**

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Senate Bill No. 543, An Act Concerning Sentence Review
Raised Bill No. 6697, An Act Establishing a Sentencing Commission
Raised Bill No. 6706, An Act Concerning Rescission of Probation

Senate Bill No. 543 proposes to eliminate the requirement that the state's attorney be in agreement with a defendant seeking a sentence review for a definite sentence of three years or more. The Office of the Victim Advocate (OVA) has concerns with the proposal, as drafted, because there is no requirement that the state's attorney be notified of the defendant's request for a sentence review. Plea agreements are reached between the state and the defense in most criminal cases. At the time of the sentencing, the record may or may not reflect the reasons for such plea and the decision of the state's attorney to seek a sentence of greater than three years. The proposal should be amended to include that notice be provided to the state's attorney in order for the state to properly respond to the defendant's request for a sentence review.

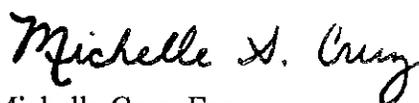
The State Victim Advocate is a member of the Connecticut Sentencing Taskforce. The OVA plays a critical role, representing the crime victim community, on this taskforce as the taskforce seeks to review the existing and proposed sentencing structure and to make recommendations to the General Assembly, Governor and other criminal justice agencies. The OVA supports the recommendation of the taskforce for the creation of a permanent sentencing commission and recognizes the need to dedicate financial resources in the most effective and efficient manner while ensuring public safety.

The OVA has deep concerns regarding Raised Bill No. 6706. The proposal will allow the state to seek a reconsideration of a defendant's sentence to probation based on the defendant's conduct prior to the defendant's release on probation. I realize that this practice could be an incentive tool for the Department of Correction (DOC) while managing incarcerated offenders. However, many offenders that are currently on probation and have violated one or more conditions of their probation are not being charged with violation of probation. It is very frustrating for crime victims when a defendant violates orders of probation and is not held accountable. My fear is that Raised Bill No. 6706 will complicate the process for a violation of probation even more.

Additionally, there is no provision in the proposal that the victim be notified of the state's motion to reopen the sentence. Crime victims have a constitutional right to address the court at the sentencing hearing of a defendant. In the event that the sentence is being reopened, the victim should again have the opportunity to be heard by the court regarding the sentence. Further, when the court orders probation as part of a sentence, the court intends for the offender to gradually be reintroduced with some structure in order to prevent recidivism. To cut short a sentence and eliminate probation is not always best. Although this proposed legislation is identifying some important issues within the DOC, the unintended consequences need to be further examined. I strongly urge the committee to reject this proposal.

Thank you for consideration of my testimony.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle A. Cruz". The signature is written in a cursive, flowing style.

Michelle Cruz, Esq.
State Victim Advocate