



General Assembly

January Session, 2009

**Raised Bill No. 6697**

LCO No. 5016

\*05016\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT ESTABLISHING A SENTENCING COMMISSION.***

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) There is established a  
2 Connecticut Sentencing Commission which shall be within the Office  
3 of Policy and Management for administrative purposes only.

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

10 (c) In fulfilling its mission, the commission shall be mindful that the  
11 primary purpose of sentencing in this state is to enhance public safety  
12 while holding the offender accountable to the community. Sentencing  
13 is to reflect the seriousness of the offense and should be proportional  
14 to the harm to victims and the community, utilizing the most  
15 appropriate sanctions available, including incarceration, community  
16 punishment and supervision. Sentencing should have as an overriding

17 goal the reduction of criminal activity, the imposition of just  
18 punishment and the provision of meaningful and effective  
19 rehabilitation and reintegration of the offender. Sentences should be  
20 fair, just and equitable while promoting respect for the law.

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

22 (1) Four members of the General Assembly appointed as follows:

23 (A) The president pro tempore of the Senate shall appoint one member  
24 of the Senate from the majority party who serves on the joint standing  
25 committee of the General Assembly having cognizance of matters  
26 relating to appropriations and the budgets of state agencies, (B) the  
27 speaker of the House of Representatives shall appoint one member of  
28 the House of Representatives from the majority party who serves on  
29 the joint standing committee of the General Assembly having  
30 cognizance of matters relating to the judiciary, (C) the minority leader  
31 of the Senate shall appoint one member of the Senate from the  
32 minority party who serves on the joint standing committee of the  
33 General Assembly having cognizance of matters relating to the  
34 judiciary, and (D) the minority leader of the House of Representatives  
35 shall appoint one member of the House of Representatives from the  
36 minority party who serves on the joint standing committee of the  
37 General Assembly having cognizance of matters relating to  
38 appropriations and the budgets of state agencies;

39 (2) Two judges appointed by the Chief Justice of the Supreme Court,  
40 one of whom shall serve for a term of one year and one of whom shall  
41 serve for a term of three years;

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

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

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

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

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

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

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

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

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

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

65 (13) The Commissioner of Mental Health and Addiction Services,  
66 who shall serve for a term coterminous with his or her term of office;

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

70 (15) Four members of the public, appointed as follows: (A) The  
71 president pro tempore of the Senate and the speaker of the House of  
72 Representatives shall jointly appoint a formerly incarcerated person or  
73 an advocate for formerly incarcerated persons, who shall serve for a  
74 term of four years, (B) the Governor shall appoint a crime victim or a

75 victim advocate, who shall serve for a term of four years, (C) the Chief  
76 Justice of the Supreme Court shall appoint an academic, who shall  
77 serve for a term of four years, and (D) the minority leader of the Senate  
78 and the minority leader of the House of Representatives shall jointly  
79 appoint a member of a civil rights organization involved in addressing  
80 issues of racial disparity in the criminal justice system, who shall serve  
81 for a term of four years; and

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

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

91 (f) The commission shall:

92 (1) Facilitate the development and maintenance of a state-wide  
93 sentencing database in collaboration with existing state and local  
94 agencies;

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

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

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

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

102 (6) Preserve judicial discretion and provide for individualized

103 sentencing;

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

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

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

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

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

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

123 (j) The commission shall obtain full and complete information with  
124 respect to programs and other activities and operations of the state.

125 (k) The commission may request any office, department, board,  
126 commission or other agency of the state or any political subdivision of  
127 the state to supply such records, information and assistance as may be  
128 necessary or appropriate in order for the commission to carry out its  
129 duties. Each officer or employee of such office, department, board,  
130 commission or other agency of the state or any political subdivision of  
131 the state is authorized and directed to cooperate with the commission

132 and to furnish such records, information and assistance.

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section

**Statement of Purpose:**

To adopt the recommendation of the Connecticut Sentencing Task Force to establish a permanent Connecticut Sentencing Commission.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*