



General Assembly

**Substitute Bill No. 6697**

January Session, 2009

\*          HB06697JUD          040209          \*

**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) Seven 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, (D) the minority leader of the House of Representatives shall  
35 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, (E) the African-  
39 American Affairs Commission shall appoint one member of the  
40 General Assembly, (F) the Latino and Puerto Rican Affairs  
41 Commission shall appoint one member of the General Assembly, and  
42 (G) the Permanent Commission on the Status of Women shall appoint  
43 one member of the General Assembly;

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

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

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

52 (5) The Chief State's Attorney, who shall serve for a term

53 coterminous with his or her term of office;

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

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

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

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

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

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

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

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

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

75 (15) Four members of the public, appointed as follows: (A) The  
76 president pro tempore of the Senate and the speaker of the House of  
77 Representatives shall jointly appoint a formerly incarcerated person or  
78 an advocate for formerly incarcerated persons, who shall serve for a  
79 term of four years, (B) the Governor shall appoint a crime victim or a  
80 victim advocate, who shall serve for a term of four years, (C) the Chief

81 Justice of the Supreme Court shall appoint an academic, who shall  
82 serve for a term of four years, and (D) the minority leader of the Senate  
83 and the minority leader of the House of Representatives shall jointly  
84 appoint a member of a civil rights organization involved in addressing  
85 issues of racial disparity in the criminal justice system, who shall serve  
86 for a term of four years; and

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

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

96 (f) The commission shall:

97 (1) Facilitate the development and maintenance of a state-wide  
98 sentencing database in collaboration with existing state and local  
99 agencies;

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

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

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

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

107 (6) Preserve judicial discretion and provide for individualized  
108 sentencing;

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

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

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

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

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

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

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

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

138 (l) Any records or information supplied to the commission that is

139 confidential in accordance with any provision of the general statutes  
140 shall remain confidential while in the custody of the commission and  
141 shall not be disclosed. Any penalty for the disclosure of such records  
142 or information applicable to the officials, employees and authorized  
143 representatives of the office, department, board, commission or other  
144 agency of the state or any political subdivision of the state that  
145 supplied such records or information shall apply in the same manner  
146 and to the same extent to the members, staff and authorized  
147 representatives of the commission.

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

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

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

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