



General Assembly

Substitute Bill No. 543

January Session, 2009

* _____SB00543JUD___040209_____*

AN ACT CONCERNING SENTENCE MODIFICATION.

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

1 Section 1. Section 53a-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) At any time during the period of a definite sentence₂ [of three
4 years or less,] the defendant may seek modification of the sentence
5 pursuant to this section, except that a defendant may not seek such
6 modification for a second or subsequent time without the agreement of
7 the state's attorney.

8 (b) The sentencing court or judge may, after hearing and for good
9 cause shown, reduce the sentence, order the defendant discharged [,]
10 or order the defendant discharged on probation or conditional
11 discharge for a period not to exceed that to which the defendant could
12 have been originally sentenced.

13 [(b) At any time during the period of a definite sentence of more
14 than three years, upon agreement of the defendant and the state's
15 attorney to seek review of the sentence, the sentencing court or judge
16 may, after hearing and for good cause shown, reduce the sentence,
17 order the defendant discharged, or order the defendant discharged on
18 probation or conditional discharge for a period not to exceed that to
19 which the defendant could have been originally sentenced.]

20 (c) The provisions of this section shall not apply to any portion of a
21 sentence imposed that is a mandatory minimum sentence for an
22 offense which may not be suspended or reduced by the court.

23 (d) At a hearing held by the sentencing court or judge under this
24 section, such court or judge shall permit any victim of the crime to
25 appear before the court or judge for the purpose of making a statement
26 for the record concerning whether or not the sentence of the defendant
27 should be reduced, the defendant should be discharged or the
28 defendant should be discharged on probation or conditional discharge
29 pursuant to [subsection (a) or (b) of] this section. In lieu of such
30 appearance, the victim may submit a written statement to the court or
31 judge and the court or judge shall make such statement a part of the
32 record at the hearing. For the purposes of this subsection, "victim"
33 means the victim, the legal representative of the victim or a member of
34 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	53a-39

JUD *Joint Favorable Subst.*