



General Assembly

February Session, 2010

**Substitute Bill No. 5248**

\*        HB05248JUD        030310        \*

**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 February 1, 2011*) (a) There is established,  
2       within existing budgetary resources, a Connecticut Sentencing  
3       Commission which shall be within the Office of Policy and  
4       Management for administrative purposes only.

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

11      (c) In fulfilling its mission, the commission shall recognize that: (1)  
12      The primary purpose of sentencing in the state is to enhance public  
13      safety while holding the offender accountable to the community, (2)  
14      sentencing should reflect the seriousness of the offense and be  
15      proportional to the harm to victims and the community, using the  
16      most appropriate sanctions available, including incarceration,  
17      community punishment and supervision, (3) sentencing should have  
18      as an overriding goal the reduction of criminal activity, the imposition  
19      of just punishment and the provision of meaningful and effective  
20      rehabilitation and reintegration of the offender, and (4) sentences  
21      should be fair, just and equitable while promoting respect for the law.

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

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

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

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

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

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

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

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

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

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

49 (10) The chairperson of the Board of Pardons and Paroles, who shall

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

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

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

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

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

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

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

70 (f) The commission shall:

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

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

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

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

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

81 (6) Preserve judicial discretion and provide for individualized  
82 sentencing;

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

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

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

89 (g) Upon completing the development of the state-wide sentencing  
90 database pursuant to subdivision (1) of subsection (f) of this section,  
91 the commission shall review criminal justice legislation as requested  
92 and as resources allow.

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

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

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

105 (k) The commission may request any office, department, board,

106 commission or other agency of the state or any political subdivision of  
107 the state to supply such records, information and assistance as may be  
108 necessary or appropriate in order for the commission to carry out its  
109 duties. Each officer or employee of such office, department, board,  
110 commission or other agency of the state or any political subdivision of  
111 the state is authorized and directed to cooperate with the commission  
112 and to furnish such records, information and assistance.

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

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

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

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

130 (p) Not later than January 15, 2012, and annually thereafter, the  
131 commission shall submit a report, in accordance with the provisions of  
132 section 11-4a of the general statutes, to the Governor, the General  
133 Assembly and the Chief Justice of the Supreme Court.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>February 1, 2011</i>	New section
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***Statement of Legislative Commissioners:***

Minor changes in wording and phrasing were made for internal consistency and consistency with the style of the general statutes.

***JUD***      *Joint Favorable Subst.-LCO*