



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Judiciary
March 7, 2012**

In Support of:

S.B. No. 100: An Act Concerning the Recommendations of the Sentencing Commission with Respect to Sexual Assault in the Fourth Degree and Kidnapping in the First Degree with a Firearm

H.B. No. 5145: An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors

The Division of Criminal Justice supports S.B. No. 100, An Act Concerning the Recommendations of the Sentencing Commission with Respect to Sexual Assault in the Fourth Degree and Kidnapping in the First Degree with a Firearm, and H.B. No. 5145, An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors. These bills are excellent examples of exactly what the General Assembly and other policymakers had in mind when the Sentencing Commission was established – to provide a means for the various components of the criminal justice system to come together and reach consensus on sentencing issues.

S.B. No. 100 is more of a technical “fix” in that it corrects inconsistencies in two existing statutes. This bill is essentially one step beyond the Revisor’s Technical Corrections. Section 1 removes one word – “intentionally” -- to bring consistently to the statute governing Sexual Assault in the Fourth Degree. Section 2 is a provision the Division of Criminal Justice has repeatedly proposed in the past without success. This would remove an irreconcilable conflict in the kidnapping statutes. As it now stands, Kidnapping in the First Degree is a class A felony, and as such it carries a mandatory minimum sentence of ten years imprisonment (Section 53a-35a). Kidnapping in the First Degree with a Firearm – a more serious crime in that it involves an aggravating factor – actually carries a lower mandatory penalty because of the way the statute is written. S.B. No. 100 simply deletes the inconsistent language, which would provide the same penalty for both of these class A felony crimes.

H.B. No. 5145 is an example of how much can be accomplished when we work together in collaboration through the process envisioned when the Sentencing Commission was established. This bill represents the consensus results of an intense and thorough examination of the host of unclassified misdemeanors that have been enacted over the years and scattered throughout the General Statutes. The bill eliminates some provisions that have become obsolete

while setting new penalties for others and creating a new class of misdemeanor, that being a class D misdemeanor punishable by a penalty of up to a maximum of 30 days in jail and a fine not to exceed \$250. In some cases, jail terms are eliminated altogether as a means of punishment, in others fines are increased. Again, this is the consensus product of a comprehensive examination and the Division is proud to stand with the others on the Sentencing Commission in recommending its passage.