



State of Connecticut

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Testimony - Judiciary Committee
March 4, 2015

**In Support of: H.B. 6926, AN ACT CONCERNING LENGTHY SENTENCES
FOR CRIMES COMMITTED BY A CHILD OR YOUTH**

Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, thank you for the opportunity to testify in support of H.B. 6926, AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH.

I would like to take the opportunity to explain the differences between SB 796 (the Sentencing Commission's bill) and HB 6926 (the Senate Republican Caucus' legislative proposal) which both address the issue of sentence length for crimes committed by a youth.

While the main portions of both bills are the same, including the criteria required by the Miller decision to be used in reviewing or issuing sentences for juveniles, we believe that such review should only apply for class A and B felonies, and only for sentences where the juvenile will be serving a stretch of at least ten straight years. These are the lengthy sentences contemplated by Miller.

In addition, we want to add the victims of the crimes to those specified for notice under this new review system. As we have recently seen in the Castonguay parole case, we cannot trust that the system will provide notice absent a specific requirement to do so.

We also want there to be no surprises for victims or their families whenever a felon is sentenced. So we have included a section that would require the courts, at the time of sentencing, to clarify not only the longest sentence the person will serve, but to also inform victims of the shortest sentence that might be served, in light of our programs of sentence review for juveniles, parole, risk reduction credits, etc. We aren't looking for a date certain, realizing that a sentence can be commuted at any time, but rather we are looking to prevent cases where a victim is told their assaulter will be in prison for 12 years, only to find out they are released after six.

We have met with the Sentencing Commission, and these are areas where we seem to have some common ground and an agreement to go forward in passing a juvenile sentencing bill that will bring Connecticut into compliance with the Miller decision.

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Our bill is also tied in to the Senate Republican Caucus's Plan for Progress and Opportunity in Connecticut's Cities. This plan is a comprehensive approach to help support the needs of Connecticut's cities and residents. Sentencing guidelines as outlined in H.B. 6926 are part of our proposed justice system reforms. More details are included in my submitted testimony for your review.

Finally, since the last section of HB 6926 refers to the Risk Reduction program, and this is the only bill raised by this committee to deal with that subject, I want to comment on that program. This provision would simply add manslaughter to the very limited lists of crimes where risk reduction credits cannot be used to shorten a sentence. But it does not address all the ills of the system, including why violent offenders are getting their sentences shortened, why violent offenders are earning as many credits as nonviolent offenders, why inmates in our maximum security facilities are getting the same amount of credits as those in our minimum security ones, and why there is no follow up, no monitoring of released violent offenders such as Frankie Resto, who used his credits to simply walk out of prison and then to murder **Ibrahim** Ghazal, or Arthur Hapgood, who got credits for drug treatment all the while failing numerous drug tests and after his release slashed one-year old **Zaniyah Calloway** killing her while under the influence of drugs.

These are problems inherent in the risk reduction program. While they are not addressed by the section of this bill dealing with manslaughter, they are addressed in other proposed legislation. These proposals and the problems they address certainly should be considered at the very least, if not corrected by this committee.

Thank you for the opportunity to share this testimony today.

Len Fasano



The 2015 Senate Republican Caucus plan for progress and opportunity in Connecticut's Cities as it relates to the Judiciary Committee is centered on strengthening and supporting urban communities by concentrating on policy initiatives and proposed legislation promoting reforms to the justice system, including how to comply with recent court decisions dealing with lengthy sentences for juveniles.

Sentencing Guidelines and the *Miller v. Alabama* Decision

The criteria to consider when sentencing juveniles has been spelled out by the United States Supreme Court in the *Miller v. Alabama* decision, and recently adopted by our own Supreme Court in the Riley case. . Senate Republicans are in agreement with much of the *Sentencing Commission Juvenile Justice* (SCJJ) proposals.

While there were differences between what the Sentencing Commission proposed and what Senate Republicans are comfortable with, the Commission agreed Senate Republicans' proposed changes are fair and reasonable. The SCJJ is going to support said proposals enumerated below.

When the court orders a review of "lengthy" sentences, the Commission decided it would be ten (10) years - **but that is total sentence, which can include three or four three year sentences served concurrently, which adds up to ten 10 or more years but the effective term of the sentence is in fact only serving four years.** Senate Republicans wanted the length of the sentence to be a "true" ten (10) years or longer effective sentence.

Furthermore, in consideration of future sentences, SCJJ wanted courts to consider all factors in any felony sentences. **Senate Republicans believe it should only be applied to those crimes where a sentence of ten (10) years or longer will be served - so we limit it to Class A and B felonies.** For a 16 year old, serving an eight (8) year sentence, he or she is released from incarceration at age 24, which is not a particular hardship for a violent felon.

Finally, two separate notice provisions were added to Senate Republicans' proposal: First, when the current lengthy sentences served by juvenile offenders are reviewed, victims receive notice and the opportunity to be present to offer their perspective at such a review and secondly, going forward in all criminal cases, Republicans believe victims should be informed upon sentencing or a plea deal the "truth" in that sentence - Not only the maximum but also the absolute minimum time the offender may serve, with risk reduction credits, parole, any reviews under the Miller decision, etc.

There should be no surprises when a victim finds out a violent felon they believed was serving 20 years is out in less than eight (8) years.

