



CRIMES WITH MANDATORY MINIMUM PRISON SENTENCES-UPDATED AND REVISED

MANDATORY MINIMUM SENTENCES

- Mandatory minimum sentences are minimum prison terms that a court must impose.
- We identified 74 crimes with mandatory minimum sentences.
- A court may impose a greater sentence, up to the maximum authorized for the specific crime.
- Although the court must sentence an offender convicted of one of these crimes to at least the mandatory minimum prison term, an offender may be released from prison on supervision before completing a mandatory term if he or she meets the criteria and is granted a release under various statutes.

otherwise apply.

ISSUE

List Connecticut criminal offenses that have mandatory minimum prison sentences. This report updates OLR Report [2013-R-0103](#) to reflect changes from the 2013 and 2014 legislative sessions. **This OLR Report has been updated by OLR Report [2017-R-0134](#).**

SUMMARY

We identified 74 crimes that carry a mandatory minimum prison sentence of a specific duration. The mandatory minimum sentences range from a low of 48 hours, for a first offense of driving or boating under the influence if the offender is not sentenced to community service, to a high of life without possibility of release for murder with special circumstances.

Of these 74 crimes, we identified 15 which can result in a person being punished as a persistent dangerous felony offender. By law, someone can be prosecuted as a persistent dangerous felony offender if he or she stands convicted of certain serious crimes and has prior convictions of certain serious crimes. This law enhances penalties for these offenders, including doubling or tripling the mandatory minimum sentence that would

We identified a number of changes to mandatory minimum sentencing laws since our 2013 report. These changes relate to gun offenses and kidnapping crimes.

CHANGES FROM 2013 AND 2014 LEGISLATIVE SESSIONS

Gun-Related Offenses

[PA 13-3](#) made many changes to Connecticut's gun laws, including increasing penalties for a number of gun-related crimes. The act imposed or increased mandatory minimum sentences for the following crimes:

1. trafficking in firearms ([CGS § 53-202aa](#));
2. stealing a firearm ([CGS § 53a-212](#));
3. transferring a handgun to a prohibited person or violating transfer procedures ([CGS § 29-33](#));
4. making a false statement related to a handgun transfer ([CGS § 29-34\(a\)](#));
5. transferring a pistol or revolver to someone under age 21 except for target or shooting range use ([CGS § 29-34\(b\)](#));
6. altering a firearm's identification mark, number, or name ([CGS § 29-36](#));
7. "straw man" transactions (which involve buying a firearm intending to transfer it to an ineligible person) ([CGS § 29-37j](#)); and
8. criminal possession of a pistol or revolver ([CGS § 53a-217c](#)).

1st Degree Kidnapping and 1st Degree Kidnapping with a Firearm

[PA 13-28](#) responded to a Connecticut Supreme Court ruling on the mandatory minimum sentences for 1st degree kidnapping and 1st degree kidnapping with a firearm.

By statute, 1st degree kidnapping is a class A felony. Ordinarily, 10 years of a sentence for a class A felony cannot be suspended. However, in *State v. Jenkins*, the Connecticut Supreme Court ruled that it was unconstitutional to subject a person convicted of 1st degree kidnapping to a higher mandatory minimum sentence than a person convicted of kidnapping with a firearm, which was punishable as a class A felony with only a one-year mandatory

minimum sentence (198 Conn. 671 (1986)). The court ruled that the one-year mandatory minimum sentence would apply to both crimes.

[PA 13-28](#) eliminated the one-year mandatory minimum for 1st degree kidnapping with a firearm, making both 1st degree kidnapping and 1st degree kidnapping with a firearm class A felonies subject to a 10-year mandatory minimum sentence.

OFFENSES WITH MANDATORY MINIMUM SENTENCES

In Table 1 below, we list offenses that carry a mandatory minimum sentence arranged by their classification, with crimes in statutory numerical order within each classification. These include class A felonies, which carry a 10-year minimum sentence. ([CGS §§ 53a-28](#) and [53a-29](#) prohibit suspension or reduction of any sentence for a class A felony, meaning that the 10-year minimum sentence for a class A felony becomes a mandatory minimum.) Unclassified crimes are listed at the end of the table.

By law, attempt or conspiracy to commit a crime “are crimes of the same grade and degree as the most serious offense which is attempted or is an object of the conspiracy, except that an attempt or conspiracy to commit a class A felony is a class B felony” ([CGC § 53a-51](#)). Thus, if someone is convicted of attempt or conspiracy to commit a crime that carries a mandatory minimum sentence other than a class A felony, the offender would be subject to that mandatory minimum sentence (see *State v. Moran*, 264 Conn. 593 (2003)).

It also appears that someone who is an accomplice in committing a crime that is punishable by a mandatory minimum sentence would be subject to that mandatory minimum. By law, someone is criminally liable for the acts of another if he or she acts with the mental state required to commit a crime and solicits, requests, commands, or intentionally aids another to engage in criminal conduct. These offenders can be prosecuted and punished as if they were the principal offenders ([CGS § 53a-8](#)).

Table 1: Crimes with Mandatory Minimum Sentences

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|---|---|--|--|
| Class A Felonies | Murder with special circumstances (53a-54b) | Life imprisonment without possibility of release | Same |
| | Murder (53a-54a) | 25 years | 60 years |
| | Felony murder (53a-54c) | 25 years | 60 years |
| | Assault of pregnant woman resulting in termination of pregnancy (53a-59c) | 10 years | 25 years |
| | Aggravated sexual assault of a minor (53a-70c) | <ul style="list-style-type: none"> 1st offense: 25 years Subsequent offense: 50 years | 50 years |
| | Kidnapping 1 st degree (53a-92) | 10 years (+) | 25 years |
| | Kidnapping 1 st degree with a firearm (53a-92a) | 10 years (+) | 25 years |
| | Home invasion (53a-100aa) | 10 years (+) | 25 years |
| | Employing a minor in an obscene performance (53a-196a) | 10 years | 25 years |
| Class A or B Felonies (Depending on Circumstances) | Sexual assault 1 st degree (53a-70) | Two, five, or 10 years depending on the conduct and victim's age * ^ + | 20 or 25 years depending on the conduct and victim's age |
| | Aggravated sexual assault 1 st degree (53a-70a) | Five, 10, or 20 years depending on the conduct and victim's age * ^ + | 20 or 25 years depending on the conduct and victim's age |
| Class B Felonies | Transferring a handgun to a prohibited person or violating transfer procedures, knowing the transferred weapon is stolen or has an altered identification mark (29-33) | Three years | 20 years |
| | Straw man gun purchase violations when offender had felony conviction in past five years (29-37(j)(c)) | Three years | 20 years |
| | Injury or risk of injury to a minor (involving contact with intimate parts of a minor under age 13) (53-21) | Five years | 20 years |
| | Trafficking in firearms (53-202aa) | Three years | 20 years |
| | Manslaughter 1 st degree with a | Five years (+) | 40 years |

Table 1 (continued)

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|---|--|---|--|
| | firearm (53a-55a) | | |
| | Assault 1 st degree (53a-59) | <ul style="list-style-type: none"> • Five years if cause injury using a deadly weapon (+) • 10 years if the victim is under age 10 or a witness (+) | 20 years |
| | Assault 1 st degree of elderly, blind, disabled, or pregnant person or person with intellectual disability (53a-59a) | Five years (+) | 20 years |
| | Promoting prostitution 1 st degree (including someone under age 18) (53a-86(b)) | Nine months | 20 years |
| | Enticing a minor (when minor under age 13) (53a-90a) | <ul style="list-style-type: none"> • 1st offense: five years • Subsequent offense: 10 years | 20 years |
| | Kidnapping 2 nd degree (53a-94) | Three years (+) | 20 years |
| | Kidnapping 2 nd degree with a firearm (53a-94a) | Three years (+) | 20 years |
| | Burglary 1 st degree (with explosive, deadly weapon, or dangerous instrument) (53a-101) | Five years (+) | 20 years |
| | Robbery 1 st degree (with deadly weapon) (53a-134) | Five years (+) | 20 years |
| | Importing child pornography (53a-196c) | Five years | 20 years |
| | Possessing child pornography 1 st degree (53a-196d) | Five years | 20 years |
| | Computer crime in furtherance of terrorism (when directed toward public safety agency) (53a-301) | Five years | 20 years |
| Class B or C Felonies (Depending on Circumstances) | Sexual assault 2 nd degree (53a-71) | Nine months | 10 or 20 years, depending on the circumstances |
| | Sexual assault 3 rd degree with a firearm (53a-72b) | Two years ^ + | 10 or 20 years, depending on the circumstances |
| Class C Felonies | Transferring a handgun to a prohibited person or violating transfer procedures (29-33) | Two years | 10 years |

Table 1 (continued)

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|-----------------------|---|--|--------------------------------|
| | Making a false statement related to a handgun transfer or transferring handgun illegally to someone under age 21 (29-34) | Two years | 10 years |
| | Altering firearm identification mark, number, or name (29-36) | Two years | 10 years |
| | Buying a firearm intending to transfer it to an ineligible person (straw man transactions) (29-37j(a)) | Two years | 10 years |
| | Ineligible person soliciting or using a straw man to obtain a firearm and actually obtaining one (29-37j(b)) | Two years | 10 years |
| | Selling or transporting assault weapon (53-202b) | <ul style="list-style-type: none"> • Two years • Six years if sale is to a minor | 10 years |
| | Manslaughter 2 nd degree with a firearm (53a-56a) | One year (+) | 10 years |
| | Burglary 2 nd degree with a firearm (53a-102a) | One year (+) | 10 years |
| | Hindering prosecution 1 st degree (53a-165aa) | Five years | 10 years |
| | Possessing child pornography 2 nd degree (53a-196e) | Two years | 10 years |
| | Stealing a firearm (53a-212) | Two years | 10 years |
| | Criminal possession of a firearm, ammunition, or electronic defense weapon (53a-217) | Two years | 10 years |
| | Criminal possession of a pistol or revolver (53a-217c) | Two years | 10 years |
| | Contaminating public water or food for terrorism (53a-303) | Five years | 10 years |

Table 1 (continued)

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|-------------------------|--|-----------------------------------|--------------------------------|
| Class D Felonies | Increasing speed to elude police after signaled to stop (involving death or serious physical injury) (14-223(b)) | Subsequent offense: One year | Five years |
| | Refusing to stop boat when ordered by officer in law enforcement vessel and interfering with or endangering a boat, people, or property or increasing speed to escape or elude (causing death or serious physical injury) (15-154(c)) | Subsequent offense: One year | Five years |
| | Ineligible person soliciting or using a straw man to obtain a firearm (29-37(j)(b)) | One year | Five years |
| | Possession of an assault weapon (53-202c) | One year | Five years |
| | Assault 2 nd degree with a firearm (53a-60a) | One year | Five years |
| | Assault or larceny of elderly, blind, disabled, or pregnant person or person with intellectual disability 2 nd degree (53a-60b) | Two years | Five years |
| | Assault of elderly, blind, disabled, or pregnant person or person with intellectual disability 2 nd degree with a firearm (53a-60c) | Three years | Five years |
| | Burglary 3 rd degree with a firearm (53a-103a) | One year | Five years |
| | Possessing child pornography 3 rd degree (53a-196f) | One year | Five years |
| | Criminal use of a firearm or electronic defense weapon (53a-216) | Five years | Five years |

Table 1 (continued)

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|--|---|--|--|
| Class A Misdemeanors | Assault 3 rd degree (causing physical injury with deadly weapon, dangerous instrument, or electronic defense weapon) (53a-61) | One year | One year |
| | Assault of elderly, blind, disabled, or pregnant person or person with intellectual disability 3 rd degree (53a-61a) | One year | One year |
| Class A or C Misdemeanor (Depending on Circumstances) | Use, possession, or delivery of drug paraphernalia near school by non-student (unless it relates to less than 0.5 oz. of marijuana) (21a-267(c)) | One year Judges can depart from this sentence under certain circumstances#% | In addition and consecutive to any imprisonment for the underlying drug crime |
| Unclassified Crimes | Operating a motor vehicle without a license or with a suspended or revoked license(two or more prior offenses) (14-36(i)) | 90 days | One year |
| | Operating a motor vehicle with a revoked, suspended, or refused license or registration. (two prior violations of this or operating in violation of license conditions) (14-215(b)(2)) | 90 days | One year |
| | Driving during license suspension for driving under the influence (DUI) or DUI related offenses, or for violating ignition interlock restrictions or court orders resulting from such offenses (14-215(c)) | <ul style="list-style-type: none"> • 30 days unless mitigating circumstances% • If offense is after 2nd suspension for DUI related offenses: 120 days unless mitigating circumstances% • If offense is after 3rd or subsequent suspension for DUI related offenses: one year unless mitigating circumstances% | <ul style="list-style-type: none"> • One year • If after 2nd suspension: two years • If after 3rd or subsequent suspension: three years |
| | DUI (includes snowmobiles and all-terrain vehicles) (14-227a(q)) | <ul style="list-style-type: none"> • 1st offense: 48 hours if not given community service% • 2nd offense: 120 days % • Subsequent offenses: one year% | <ul style="list-style-type: none"> • 1st offense: six months • 2nd offense: two years • Subsequent offenses: three years |
| | Boating under the influence (15-133(b)) | <ul style="list-style-type: none"> • 1st offense: 48 hours if not given community service • 2nd offense: 120 days | <ul style="list-style-type: none"> • 1st offense: six months • 2nd offense: two years |

Table 1 (continued)

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|-----------------------|---|--|--|
| | | <ul style="list-style-type: none"> Subsequent offenses: one year | <ul style="list-style-type: none"> Subsequent offenses: three years |
| | Operating boat while certificate or right to operate is suspended or revoked for drunken boating or refusing to stop (15-156(d)(1)) | 30 days unless mitigating circumstances | One year |
| | Operating boat while certificate or right to operate is suspended or revoked for reckless boating 1 st or 2 nd degree while under the influence (15-156(d)(2)) | 30 days unless mitigating circumstances | One year |
| | Manufacture or sale of heroin, methadone, cocaine, or crack by non-dependent person (21a-278(a)) | Five years but the court may suspend it if the person (1) was under age 18 at the time or (2) had significantly impaired mental capacity Judges can also depart from this sentence under certain circumstances# | 20 years or 60 years |
| | Manufacture or sale of narcotic, hallucinogen, amphetamine, or at least 1 kg marijuana by non-dependent person (21a-278(b)) | <ul style="list-style-type: none"> 1st offense: five years Subsequent offense: 10 years The court may suspend it if the person (1) was under age 18 at the time or (2) had significantly impaired mental capacity Judges can also depart from this sentence under certain circumstances# | <ul style="list-style-type: none"> 1st offense: 20 years Subsequent offense: 25 years |
| | Sale of drugs to minor (21a-278a(a)) | Two years | In addition and consecutive to any imprisonment for the underlying drug crime |
| | Sale of drugs to minor near school, public housing project, or day care center (21a-278a(b)) | Three years Judges can depart from this sentence under certain circumstances# | In addition and consecutive to any imprisonment for the underlying drug crime |
| | Using person under 18 to sell drugs (21a-278a(c)) | Three years | In addition and consecutive to any imprisonment for the underlying drug crime |
| | Possess narcotic, hallucinogen, or controlled substance near school or day care center (21a-279(d)) | Two years Judges can depart from this sentence under certain circumstances#% | In addition and consecutive to any imprisonment for the underlying drug crime |
| | Carry handgun without a permit (29-37(b)) | One year if no mitigating circumstances | Five years |
| | Commit class A, B, or C felony with firearm (53-202k) | Five years | In addition and consecutive to any imprisonment for the felony |

Table 1 (continued)

| Classification | Crime (CGS §) | Mandatory Minimum Sentence | Maximum Prison Sentence |
|----------------|---|---|---|
| | Carjacking (53a-136a) | Three years | In addition and consecutive to any imprisonment for the robbery |
| | Acts of terrorism (when commit a class B felony) (53a-300) | 10 years (this law authorizes the court to impose the penalty for the next most serious degree of felony; if the felony is a class B felony, this law would impose the penalty for a class A felony which would carry a 10-year mandatory minimum sentence) | 25 years |

+ These crimes are subject to the persistent dangerous felony offender law which, depending on the offender's record, could double or triple the mandatory minimum sentence the court imposes.

* The law also sets a 10-year mandatory minimum period of combined imprisonment and special parole for these crimes.

^ An offender convicted of this crime could, based on his or her record, be prosecuted as a persistent dangerous sexual offender, which requires a combined prison sentence and period of special parole that constitutes a life sentence (statutorily defined as 60 years) instead of the statutory sentence for the crime.

Judges can impose less than the mandatory minimum sentence if no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not use, threaten to use, or suggest that he or she had a deadly weapon or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke this provision only once (CGS § 21a-283a).

% An offender convicted of these crimes could be released to home confinement by the correction commissioner after a needs and risk assessment.

NO MANDATORY MINIMUM SENTENCE FOR 1ST DEGREE ARSON

By statute, 1st degree arson is a class A felony, and 10 years of a sentence for a class A felony cannot be suspended. In *State v. O'Neill*, the Connecticut Supreme Court ruled that it was unconstitutional to subject a person convicted of 1st degree arson to a 10-year mandatory minimum while allowing the suspension of a sentence for arson murder, a more serious crime (200 Conn. 268 (1986)).

PERSISTENT DANGEROUS FELONY OFFENDERS

Of the 74 crimes that carry a mandatory minimum sentence, we identified 15 which can result in a person being punished as a persistent dangerous felony offender. By law, someone can be prosecuted as a persistent dangerous felony offender if he or she stands convicted of certain serious crimes and has prior convictions of certain serious crimes (CGS § 53a-40). This law enhances penalties for these offenders, including doubling or tripling the mandatory minimum sentence that would otherwise apply.

For those with one of the required prior convictions, the penalty is a range between twice the minimum penalty for the crime the person stands convicted of, including twice any mandatory minimum sentence that applies, to a maximum of 40 years or twice the maximum penalty for the crime the person stands convicted of, whichever is longer. (This is often referred to as "two strikes.")

For those with two of the required prior convictions, the penalty is a range between three times the minimum penalty for the crime the person stands convicted of, including three times any mandatory minimum sentence that applies, and life in prison (statutorily defined as 60 years). (This is often referred to as “three strikes.”)

In addition to mandatory minimum prison sentences, the law sets a 10-year mandatory minimum period of combined imprisonment and special parole for aggravated 1st degree sexual assault and 1st degree sexual assault. Similarly, persistent dangerous sexual offenders are subject to a mandatory combined prison sentence and period of special parole that constitutes a life sentence (statutorily defined as 60 years) instead of the statutory sentence for the underlying crime ([CGS § 53a-40\(i\)](#)). A persistent dangerous sexual offender is a person awaiting sentencing for 1st or 3rd degree sexual assault, aggravated 1st degree sexual assault, or 3rd degree sexual assault with a firearm who has previously been sentenced to at least one year in prison for one of these crimes, attempt to commit one of them, similar crimes under predecessor statutes, or substantially similar crimes prosecuted elsewhere ([CGS § 53a-40\(b\)](#)).

Other persistent offender provisions allow the court to impose a harsher sentence than otherwise authorized for the crime, including authorizing a three year mandatory minimum for a persistent felony offender ([CGS § 53a-40\(m\)](#)), but these provisions do not require the court to impose the enhanced penalties.

The law contains a list of crimes that someone can stand convicted of, to be eligible for sentencing as a persistent dangerous felony offender. Some of the crimes carry a mandatory minimum prison sentence. Table 2 shows the crimes and how that mandatory minimum sentence would be doubled or tripled for a persistent dangerous felony offender.

Table 2: Penalties Under the Persistent Dangerous Felony Offender Statute for Crimes With Mandatory Minimum Sentences

| <i>Current Conviction</i> | <i>Penalty With One Prior Conviction</i> | <i>Penalty With Two Prior Convictions</i> |
|---|---|---|
| Manslaughter 1 st degree with a firearm (CGS § 53a-55a) | 10 to 80 years; 10 year mandatory minimum | 15 to 60 years; 15 year mandatory minimum |
| Manslaughter 2 nd degree with a firearm (CGS § 53a-56a) | 2 to 40 years; 2 year mandatory minimum | 3 to 60 years; 3 year mandatory minimum |
| Kidnapping 1 st degree or 1 st degree with firearm (CGS §§ 53a-92 and 53a-92a) | 20 to 50 years; 20 year mandatory minimum | 30 to 60 years; 30 year mandatory minimum |
| Kidnapping 2 nd degree or 2 nd degree with a firearm (CGS §§ 53a-94 and 53a-94a) | 2 to 40 years; 6 year mandatory minimum | 3 to 60 years; 9 year mandatory minimum |

Table 2 (continued)

| Current Conviction | Penalty With One Prior Conviction | Penalty With Two Prior Convictions |
|--|--|---|
| Robbery 1 st degree (CGS § 53a-134) | 2 to 40 years; 10 year mandatory minimum if armed with a deadly weapon | 3 to 60 years; 15 year mandatory minimum if armed with a deadly weapon |
| Assault 1 st degree (CGS § 53a-59) | 2 to 40 years; 10 year mandatory minimum if used a deadly weapon or dangerous instrument to cause serious physical injury or 20 year mandatory minimum if victim under age 10 or a witness | 3 to 60 years; 15 years mandatory minimum if used a deadly weapon or dangerous instrument to cause serious physical injury or 30 year mandatory minimum if victim under age 10 or a witness |
| Assault of elderly, blind, disabled, or pregnant person or person with intellectual disability 1 st degree (CGS § 53a-59a) | 2 to 40 years; 10 year mandatory minimum | 3 to 60 years; 15 year mandatory minimum |
| Home invasion (53a-100aa) | 20 to 50 years; 20 year mandatory minimum | 30 to 60 years; 30 year mandatory minimum |
| Burglary 1 st degree (CGS § 53a-101) | 2 to 40 years; 10 year mandatory minimum if armed with explosives, deadly weapon, or dangerous instrument | 3 to 60 years; 15 year mandatory minimum if armed with explosives, deadly weapon, or dangerous instrument |
| Burglary 2 nd degree with a firearm (CGS § 53a-102a) | 2 to 40 years; 2 year mandatory minimum | 3 to 60 years; 3 year mandatory minimum |
| Sexual assault 1 st degree (CGS § 53a-70) | Depending on the circumstances and age of the victim: 2 to 40 years or 20 to 50 years; mandatory minimum of 4, 10, or 20 years | Depending on the circumstances and age of the victim: 3 to 60 years or 30 to 60 years; mandatory minimum of 6, 15, or 30 years |
| Aggravated sexual assault 1 st degree (CGS § 53a-70a) | 2 to 40 years or 20 to 50 years if victim under 16 years; 10 year mandatory minimum or 40 year mandatory minimum if victim under 16 and force used or threatened | 3 to 60 years or 30 to 60 years if victim under 16 years; 15 year mandatory minimum or 60 year mandatory minimum if victim under 16 and force used or threatened |
| Sexual assault 3 rd degree with a firearm, when victim under age 16 (CGS § 53a-72b) | 2 to 40 years; 4 year mandatory minimum | 3 to 60 years; 6 years mandatory minimum |

The persistent dangerous felony offender statute uses the terms “manslaughter,” “arson,” “kidnapping,” and “assault in the first degree.” These do not refer to specific criminal statutes but they appear to apply to all of the crimes listed in the table above. For example, “manslaughter” appears to include the crimes of 1st degree manslaughter, 1st degree manslaughter with a firearm, 2nd degree manslaughter, 2nd degree manslaughter with a firearm, and 2nd degree manslaughter with a motor vehicle.

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