



House of Representatives

General Assembly

File No. 543

February Session, 2016

Substitute House Bill No. 5631

House of Representatives, April 7, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION.

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

1 Section 1. (NEW) (*Effective October 1, 2016*) Whenever a defendant
2 convicted of one or more crimes receives a definite sentence of
3 imprisonment of more than two years, or a total effective sentence of
4 imprisonment of more than two years, the court shall, at sentencing,
5 indicate: (1) The maximum term of imprisonment that may apply to
6 the defendant; (2) whether the defendant may be eligible to earn risk
7 reduction credits pursuant to section 18-98e of the general statutes; and
8 (3) whether the defendant may be eligible to apply for release on
9 parole pursuant to section 54-125a of the general statutes.

10 Sec. 2. Subsection (d) of section 54-91c of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective*
12 *October 1, 2016*):

13 (d) Upon the request of a victim, prior to the acceptance by the court
 14 of a plea of a defendant pursuant to a proposed plea agreement, the
 15 state's attorney, assistant state's attorney or deputy assistant state's
 16 attorney in charge of the case shall provide such victim with the terms
 17 of such proposed plea agreement in writing. If the terms of the
 18 proposed plea agreement provide for a definite sentence of
 19 imprisonment of more than two years or a total effective sentence of
 20 imprisonment of more than two years, the state's attorney, assistant
 21 state's attorney or deputy assistant state's attorney in charge of the case
 22 shall indicate: (1) The maximum term of imprisonment that may apply
 23 to the defendant; (2) whether the defendant may be eligible to earn risk
 24 reduction credits pursuant to section 18-98e; and (3) whether the
 25 defendant may be eligible to apply for release on parole pursuant to
 26 section 54-125a.

27 Sec. 3. (NEW) (*Effective October 1, 2016*) The Department of
 28 Correction shall make publicly available general offender sentencing
 29 information. Such information shall include: (1) The inmate release
 30 mechanisms under the authority of the department; (2) information on
 31 presentence confinement credit and the application of such credit
 32 earned pursuant to section 18-98d of the general statutes; (3)
 33 information on the eligibility for and application of risk reduction
 34 credits earned pursuant to section 18-98e of the general statutes; (4) the
 35 standards for eligibility for parole; (5) the state-wide automated victim
 36 information and notification system established under section 54-235
 37 of the general statutes; and (6) any other information the
 38 Commissioner of Correction deems pertinent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	54-91c(d)
Sec. 3	<i>October 1, 2016</i>	New section

Statement of Legislative Commissioners:

In Sections 1 and 2, "sentence of more than a two-year term of imprisonment" was changed to "sentence of imprisonment of more than two years" for conformity with the general statutes and in Section 3, "of such credit earned" was added after "application" for clarity.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with requiring courts to provide information at sentencing or with requiring the Department of Correction to make general sentencing information available.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5631*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION.*****SUMMARY:**

This bill requires the court to provide certain information at sentencing when a defendant convicted of one or more crimes receives a definite, or total effective, prison sentence of more than two years. The court must provide the following information:

1. the maximum period of imprisonment that may apply to the defendant and
2. whether the defendant may be eligible to earn risk reduction credits, apply for release on parole, or both.

Under the bill, when the terms of a proposed plea agreement provide for a term of imprisonment as described above, the state's attorney, assistant state's attorney, or deputy assistant state's attorney in charge of the case, upon the victim's request and before the court accepts the plea, must provide the victim with the same information described above. The law already requires the attorney, in such circumstances, to notify the victim of the terms of the plea agreement.

The bill also requires the Department of Correction (DOC) to make general offender sentencing information available to the public (e.g., information on the eligibility and application of earned risk reduction credits).

EFFECTIVE DATE: October 1, 2016

SENTENCING INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC

Under the bill, DOC must make general offender sentencing information available to the public. This must include:

1. the inmate release mechanisms under the department’s authority,
2. information on and application of presentence confinement credit,
3. information on the eligibility and application of earned risk reduction credits,
4. the standards for parole eligibility,
5. the statewide automated victim information and notification system (CT SAVIN), and
6. any other information the commissioner deems important.

CT SAVIN

The Judicial Branch’s statewide automated victim information and notification system (CT SAVIN) is a fully automated service that helps keep crime victims and interested individuals informed of the progress of offender cases through the Connecticut criminal court process.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 43 Nay 0 (03/21/2016)