
OLR Bill Analysis

SB 948

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

SUMMARY

This bill reduces the maximum sentence for misdemeanors by one day, from one year to 364 days. Currently, the maximum sentence for a class A misdemeanor, and certain unclassified misdemeanors, is one year.

The bill provides that if someone was sentenced to a one-year prison term for a misdemeanor, the conviction must still be deemed a misdemeanor after the maximum term is reduced to 364 days as provided above.

It (1) allows anyone previously sentenced to a one-year prison term for a misdemeanor to apply to court to modify the sentence to 364 days and (2) requires the court to issue the modification unless the sentencing records have been destroyed. The person must apply to the court that entered the judgment of conviction, and may apply at any time (thus, even after completing the sentence).

The bill applies regardless of when the person was sentenced.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Federal Immigration Law

Federal law lists certain categories of crimes that render a non-citizen removable from the United States or otherwise affect immigration status. In some situations, immigration consequences are triggered based on whether the crime was punishable by at least one year in prison.

For example, a non-citizen may be removed following conviction for (1) a “crime involving moral turpitude” committed within five years after admission (or 10 years in some cases) if the maximum sentence for the crime is at least one year, or (2) an “aggravated felony” committed at any time after admission (8 U.S.C. § 1227(a)(2)). Aggravated felonies include, among others, certain offenses with a sentence of at least one year, regardless of the offense’s classification under state law (8 U.S.C. § 1101(a)(43)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 26 Nay 12 (03/20/2019)