

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-948

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

Title: SENTENCES.

Vote Date: 3/20/2019

Vote Action: Joint Favorable

PH Date: 3/8/2019

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

The Sentencing Commission brought this issue to the attention of the Judiciary Committee. Federal immigration law, currently requires non-citizens be deported if they are sentenced to a year or more in prison. This bill seeks to slightly reduce the maximum sentence by one day, so non-citizens who commit misdemeanors, will not automatically be deported. This bill reduces the maximum sentence for a misdemeanor conviction from 365 days to 364 days for any crime committed before, on, or after July 1, 2019.

RESPONSE FROM ADMINISTRATION/AGENCY:

CT Attorney General, William Tong: Attorney General Tong supports this bill because he disagrees with current federal immigration policies where a non-citizen will be deported if they are sentenced to a year or more in jail. Since the bill reduces the maximum sentence from 365 days to 364 days for a misdemeanor, it does not trigger automatic deportation for non-citizens.

Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo:

The Office of the Chief Public Defender supports the bill because this bill would “ensure that Connecticut’s legislative definition of a misdemeanor offense is properly interpreted in federal proceedings”. Since there currently is a disparity between the federal definition and the state definition of what a felon is, this bill would create less of a gap between the two definitions for what a felon is.

CT Sentencing Commission, Executive Director Alex Tsarkov and Professor Sarah

Russell, Member: Support bill because it reduces the maximum sentences for misdemeanors from 365 to 364 days, so that non-citizens do not automatically get deported if they get sentenced to a year in jail for a misdemeanor. This bill would also give more discretion to immigration judges because they would not be forced to deport a non-citizen if they were sentenced to the maximum sentence of a misdemeanor in Connecticut.

NATURE AND SOURCES OF SUPPORT:

Many groups testified about their support of this bill. These groups support this bill because they believe current sentencing guidelines for misdemeanor crimes overwhelmingly hurt immigrant groups and subject non-citizens to significantly harsher penalties for committing a misdemeanor crime than citizens:

Connecticut Chapter of the American Immigration Lawyers Association (AILA): The CT Chapter of the AILA supports this bill because this bill would “provide certainty to many Connecticut residents, and their attorneys, convicted of misdemeanors as to whether they will be deported and permanently barred from returning to the United States”.

Connecticut Women’s Education and Legal Fund (CWEALF), submitted by Madeline Granato, Policy Manager: CWEALF supports this bill because they believe it will “sever a segment of the prison-to-deportation pipeline that currently funnels community members from the state criminal justice system directly into deportation proceedings”.

The ACLU of CT, submitted by David McGuire, Executive Director: The ACLU of CT supports this bill because it would “protect immigrants from unnecessary involvement with ICE by reducing the maximum sentence”.

The Connecticut Bail Fund (CBF), submitted by Ana Maria Rivera Forastieri, Co-Director: The CBF supports this bill because the reduction in the maximum misdemeanor sentence would result in “reducing some of the most harmful immigration consequences for non-citizens”.

Connecticut Immigrant Rights Alliance, submitted by Alok Bhatt, Community Defense Coordinator: Supports because they believe that Connecticut should have “no complicity in the violence ICE commits against our communities” and this bill would achieve that.

Connecticut Working Families Organization, submitted by Carlos Moreno, State Director: The Working Families Organization supports this bill because it would “disentangle at least one part of our state system from a cruel deportation regime”, “diminish the cycle of mass incarceration that disproportionately impacts people of color”, and allows “immigration judges greater discretion to consider the totality of the circumstances in considering applications for immigration relief”.

Connecticut Criminal Defense Lawyers Association, submitted by Frank J. Riccio II, Member of CCDLA Executive Board: The CCDLA supports this bill because it “remedies many issues that are brought with pleas by non-citizen defendants in our courts”.

Planned Parenthood of Southern New England, submitted by Gretchen Raffa, Director of Public Policy, Advocacy and Strategic Engagement: Supports this bill because they

believe the bill “will send a strong message that our state is working towards addressing discriminatory policies by supporting reducing the maximum sentence for certain misdemeanors”.

Connecticut Shoreline Indivisible, submitted by Jane Nadel, Policy Director:

Connecticut Shoreline Indivisible supports this bill because it will “rectify this one injustice by preventing people from being cruelly expelled from the country “.

Many speakers testified about the benefits of decreasing the maximum sentence of a misdemeanor in Connecticut. These speakers spoke of the unfairness they believe automatically deporting non-citizens carries and the necessity for providing second chances to those non-citizens, while also keeping more families together:

- Linda Harris, Manchester, CT
- Megan E. Corning, Hartford, CT
- Ralph Stein, Bethel, CT
- Kimberly Alexander, Hartford, CT
- Christian Krog, Norwalk, CT
- Diane Szymaszek, Meriden, CT
- Melissa Perez-Constantine, Torrington, CT
- Robert M. Goodrich, Waterbury, CT
- Angela Bellas, Manchester, CT
- Charoll Rios, Willimantic, CT
- Iva Velickovic, CT
- Camille Giraldo Kritzman, Hartford, CT
- Carolyn Shaw, Middletown, CT
- Robert Andrews, Moodus, CT
- Marios Bourtzonis, CT
- Mary Bugbee, Manchester, CT
- Christine Halfar, Danbury, CT
- Rev. Gini King, Guilford, CT
- Emily Napear, Niantic, CT
- Margaret Shapiro, Simsbury, CT
- Sonia Hernandez, Bridgeport, CT
- Nancy Bowden, Bloomfield, CT
- Attorney Robert Farr, West Hartford, CT
- Marianne Hebenstreit, New Britain, CT
- Rachel Schmidt, New Haven, CT
- Karell Rose, South Windsor, CT
- James Root, Danbury, CT
- Dr. Laurel LaPorte-Grimes, Manchester, CT
- Melinda Tuhus, Hamden, CT
- Holly McGrath, Simsbury, CT
- Norwalk Police Chief Thomas Kulhawik, Norwalk, CT
- Lynn H. Taborsak, Danbury, CT

NATURE AND SOURCES OF OPPOSITION:

None Expressed

Reported by: Logan Durant

Date: March 26, 2019