



STATE OF CONNECTICUT  
**SENTENCING COMMISSION**

**Testimony of Honorable Judge Robin Pavia and Alex Tsarkov before the Judiciary Committee on  
SB 425, An Act Concerning Sentence Modification**

Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and members of the Judiciary Committee. For the record, Alex Tsarkov, Executive Director of the Connecticut Sentencing Commission. With me is Judge Robin Pavia, a superior court judge and the new chair of the Sentencing Commission. We are here to testify in support of SB 425, *An Act Concerning Sentence Modification*.

We would first like to give some background about the Sentencing Commission. We are a permanent commission consisting of stakeholders in Connecticut's criminal justice system. Our membership includes four judges; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; the commissioners of Correction, and Emergency Services and Public Protection; community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; the undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; as well as others vitally engaged in the criminal justice system. Our work is informed by all the major system stakeholders of the criminal justice system and aims to adhere to the best legal and evidence-based research and practices.

Last year, the General Assembly passed major reform to sentence modification, a process that gives judges discretion to re-evaluate and modify a criminal sentence. Under previous law, defendants had to obtain prosecutor approval for the court to hold a modification hearing when the defendant's entire sentence (the executed period of incarceration together with any period of suspended incarceration) exceeded **three years**.

Last year, the General Assembly passed Public Act 21-102, as amended by section 63 of Public Act 21-104, which removed the prosecutorial approval requirement for modifying of any plea-bargained sentence of **seven years** or less of *actual incarceration* after a hearing and a showing of good cause. In addition, those defendants whose sentence is a result of a trial are now allowed to move for sentence modification without a prosecutor's agreement, regardless of sentence length.

The bill before you would simply clarify that the changes to sentence modification passed in Section 25 of Public Act 21-102, as amended by section 63 of Public Act 21-104, are to be applied retroactively. The Sentencing Commission in its discussions has always intended for the bill to be retroactive.

We thank the Committee for raising this important legislation and urge the Committee's JOINT FAVORABLE Report.