



House of Representatives

General Assembly

File No. 651

January Session, 2023

Substitute House Bill No. 6787

House of Representatives, April 18, 2023

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROSECUTION OF CANNABIS-RELATED CASES AND MODIFICATION OF SENTENCES FOR CANNABIS-RELATED OFFENSES.

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

1 Section 1. Section 51-277c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) In the investigation and prosecution of crime, priority shall be
4 given to crimes involving physical violence and to crimes involving the
5 possession of a firearm.

6 (b) Any prosecutorial official prosecuting a criminal case pending on
7 the effective date of this section with any cannabis-related charges
8 against a defendant shall evaluate such charges and determine whether
9 the action being charged is a criminal action after the effective date of
10 any section of public act 21-1 of the June special session applicable to
11 such action. If such action is no longer a chargeable offense after the
12 effective date of any such sections of said public act, the prosecutorial
13 official shall immediately move to have any such charge dismissed. On

14 and after the effective date of this section, no prosecutorial official shall
15 charge any person with an offense for an action that was criminal before
16 the effective date of any section of said public act applicable to such
17 action, if such action is no longer a chargeable offense.

18 Sec. 2. Section 53a-39 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective from passage*):

20 (a) (1) Except as provided in subdivision (2) of this subsection or
21 subsection (b) of this section, at any time during an executed period of
22 incarceration, the sentencing court or judge may, after hearing and for
23 good cause shown, reduce the sentence, order the defendant
24 discharged, or order the defendant discharged on probation or
25 conditional discharge for a period not to exceed that to which the
26 defendant could have been originally sentenced.

27 (2) On and after the effective date of this section, in the case of any
28 defendant sentenced prior to the effective date of this section for a
29 cannabis-related offense, including as a result of a plea agreement
30 including an agreement in which there is an agreed-upon range of
31 sentence, at any time during an executed period of incarceration, the
32 sentencing court or judge shall, not later than six months after such
33 defendant has been sentenced or the effective date of this section,
34 whichever is later, order a hearing and if good cause is shown, reduce
35 the sentence, order the defendant discharged or order the defendant
36 discharged on probation or conditional discharge for a period not to
37 exceed that to which the defendant could have been originally
38 sentenced.

39 (b) [On] Except as provided in subdivision (2) of subsection (a) of this
40 section, on and after October 1, 2021, at any time during the period of a
41 sentence in which a defendant has been sentenced prior to, on or after
42 October 1, 2021, to an executed period of incarceration of more than
43 seven years as a result of a plea agreement, including an agreement in
44 which there is an agreed upon range of sentence, upon agreement of the
45 defendant and the state's attorney to seek review of the sentence, the
46 sentencing court or judge may, after hearing and for good cause shown,

47 reduce the sentence, order the defendant discharged, or order the
48 defendant discharged on probation or conditional discharge for a period
49 not to exceed that to which the defendant could have been originally
50 sentenced.

51 (c) If, after a hearing pursuant to this section, the sentencing court or
52 judge denies a motion to reduce a defendant's sentence or discharge the
53 defendant, the defendant may not file a subsequent motion for relief
54 under this section until five years have elapsed from the date of the most
55 recent decision denying such defendant relief pursuant to this section.

56 (d) The provisions of this section shall not apply to any portion of a
57 sentence imposed that is a mandatory minimum sentence for an offense
58 which may not be suspended or reduced by the court.

59 (e) At a hearing held by the sentencing court or judge under this
60 section, such court or judge shall permit any victim of the crime to
61 appear before the court or judge for the purpose of making a statement
62 for the record concerning whether or not the sentence of the defendant
63 should be reduced, the defendant should be discharged or the
64 defendant should be discharged on probation or conditional discharge
65 pursuant to subsection (a) or (b) of this section. In lieu of such
66 appearance, the victim may submit a written statement to the court or
67 judge and the court or judge shall make such statement a part of the
68 record at the hearing. For the purposes of this subsection, "victim"
69 means the victim, the legal representative of the victim or a member of
70 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	51-277c
Sec. 2	<i>from passage</i>	53a-39

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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Correction, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the court to order a hearing on cannabis-related cases sentenced before passage of the bill to potentially modify the sentence resulting in a potential marginal savings to the Department of Correction to the extent inmate sentences are reduced. On average, the annual marginal savings to the state for releasing an offender is \$2,500.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates who have cannabis related sentences reduced.

¹ Inmate marginal savings is based on decreased consumables (e.g. food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis

sHB 6787

AN ACT CONCERNING THE PROSECUTION OF CANNABIS-RELATED CASES AND MODIFICATION OF SENTENCES FOR CANNABIS-RELATED OFFENSES.

SUMMARY

This bill requires prosecutors to evaluate cannabis-related charges pending on the day the bill passes and immediately move to dismiss them if they are no longer chargeable criminal offenses after the 2021 Cannabis Act passed (see BACKGROUND). Starting on the date it passes, the bill also:

1. prohibits prosecutors from charging anyone with an offense for an action that was criminal before the passing of the 2021 Cannabis Act if it is no longer a chargeable offense; and
2. requires the court or judge, within a certain time frame, to order a hearing on cannabis-related cases sentenced before the bill passes and modify the sentences for good cause shown.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

SENTENCE MODIFICATION

For cases where a defendant was sentenced before the bill passes, the bill requires the sentencing court or judge to, within six months after a defendant was sentenced or when the bill passes, whichever is later, to order a hearing for defendants sentenced for a cannabis-related offense. Upon good cause shown, the court or judge must reduce the sentence or order the defendant discharged or placed on probation or conditional discharge for a period not to exceed the original sentence. These

modifications apply to plea agreements, including an agreement with an agreed-upon sentence range, and may occur at any time during an executed incarceration period.

BACKGROUND

2021 Cannabis Act

PA 21-1, June Special Session, among other things, eliminated certain prior criminal penalties. This includes penalties for (1) possessing cannabis near certain buildings (e.g., elementary or secondary schools), (2) possessing ½ ounce or more of cannabis, and (3) certain paraphernalia-related offenses.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 10 (03/31/2023)