



House of Representatives

File No. 813

General Assembly

January Session, 2023

(Reprint of File No. 651)

Substitute House Bill No. 6787
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 22, 2023

***AN ACT CONCERNING MODIFICATION OF SENTENCES FOR
CERTAIN CANNABIS-RELATED OFFENSES.***

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

1 Section 1. Section 53a-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

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

10 (2) In the case of any defendant sentenced for a violation of (A)
11 section 21a-267 for use of or possession with intent to use drug
12 paraphernalia to store, contain or conceal, or to ingest, inhale or

13 otherwise introduce into the human body cannabis, (B) section 21a-277
14 for manufacturing, distributing, selling, prescribing, compounding,
15 transporting with the intent to sell or dispense, possessing with the
16 intent to sell or dispense, offering, giving or administering to another
17 person a cannabis-type substance and the amount was less than or equal
18 to four ounces or six plants grown inside such person's own primary
19 residence for personal use, or (C) section 21a-279 for possession of a
20 cannabis-type substance and the amount possessed was less than or
21 equal to four ounces of such substance, at any time during an executed
22 period of incarceration, the sentencing court or judge shall discharge the
23 defendant, if the defendant's sentence of incarceration is solely for such
24 violation, or modify the sentence to remove any period of incarceration
25 for such violation, if the defendant's sentence of incarceration was a
26 result of such violation along with a conviction for one or more
27 additional crimes.

28 (b) [On] Except as provided in subdivision (2) of subsection (a) of this
29 section, on and after October 1, 2021, at any time during the period of a
30 sentence in which a defendant has been sentenced prior to, on or after
31 October 1, 2021, to an executed period of incarceration of more than
32 seven years as a result of a plea agreement, including an agreement in
33 which there is an agreed upon range of sentence, upon agreement of the
34 defendant and the state's attorney to seek review of the sentence, the
35 sentencing court or judge may, after hearing and for good cause shown,
36 reduce the sentence, order the defendant discharged, or order the
37 defendant discharged on probation or conditional discharge for a period
38 not to exceed that to which the defendant could have been originally
39 sentenced.

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

45 (d) The provisions of this section shall not apply to any portion of a

46 sentence imposed that is a mandatory minimum sentence for an offense
47 which may not be suspended or reduced by the court.

48 (e) At a hearing held by the sentencing court or judge under this
49 section, such court or judge shall permit any victim of the crime to
50 appear before the court or judge for the purpose of making a statement
51 for the record concerning whether or not the sentence of the defendant
52 should be reduced, the defendant should be discharged or the
53 defendant should be discharged on probation or conditional discharge
54 pursuant to subsection (a) or (b) of this section. In lieu of such
55 appearance, the victim may submit a written statement to the court or
56 judge and the court or judge shall make such statement a part of the
57 record at the hearing. For the purposes of this subsection, "victim"
58 means the victim, the legal representative of the victim or a member of
59 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>	53a-39

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 courts to discharge certain cannabis offenders from custody or shorten sentences if specific conditions are met, resulting in a potential marginal savings to the Department of Correction (DOC) to the extent inmate sentences are reduced. On average, the annual marginal savings to the state for releasing an offender is \$2,500.¹

House "A" strikes various sections which removes the potential marginal savings to the DOC resulting in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates whose sentences are shortened.

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 (as amended by House "A")******AN ACT CONCERNING THE PROSECUTION OF CANNABIS-RELATED CASES AND MODIFICATION OF SENTENCES FOR CANNABIS-RELATED OFFENSES.*****SUMMARY**

This bill requires the sentencing court or judge to discharge or modify a sentence of a defendant who is incarcerated for certain cannabis-related violations. The court or judge must discharge defendants incarcerated solely for these violations or modify the sentence to remove any period of incarceration for these violations if the sentence was for the violation along with one or more additional crimes.

Under the bill, the cannabis-related violations for which a sentencing court or judge must discharge or modify a sentence are:

1. using or possessing with intent to use drug paraphernalia to store, contain, or conceal cannabis, or to ingest, inhale, or otherwise introduce cannabis into the human body (CGS § 21a-267);
2. manufacturing, distributing, selling, prescribing, compounding, transporting with the intent to sell or dispense, possessing with the intent to sell or dispense, offering, giving, or administering to another person a cannabis-type substance of less than or equal to four ounces or six plants grown inside a person's own primary residence for personal use (CGS § 21a-277); or
3. possessing a cannabis-type substance of less than or equal to four ounces (CGS § 21a-279).

*House Amendment "A" (1) eliminates provisions in the underlying bill (a) requiring prosecutors to evaluate cannabis-related charges and move to dismiss certain offenses and (b) prohibiting prosecutors from charging someone for certain actions that are no longer chargeable offenses, (2) specifies the cannabis-related offenses that the court or judge must modify, and (3) eliminates deadlines by which the court or judge must hold a hearing as required in the underlying bill.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 10 (03/31/2023)