

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-444

AN ACT CONCERNING THE MODIFICATION OF SENTENCES FOR

Title: CANNABIS-RELATED OFFENSES.

Vote Date: 4/1/2024

Vote Action: Joint Favorable

PH Date: 3/20/2024

File No.:

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SPONSORS OF BILL:

Judiciary Committee

CO-SPONSORS OF BILL:

Rep. Josh Elliott, 8th Dist.

REASONS FOR BILL:

Since legalization, many records have been expunged relating to marijuana convictions. However, advocates believe that there are more individuals currently incarcerated for marijuana offenses. This bill aims to provide a specific process to the courts for sentence modification in cannabis-related offenses.

RESPONSE FROM ADMINISTRATION/AGENCY:

External Affairs Division, State of Connecticut Judicial Branch: The Judicial Branch submitted testimony taking no position on this bill, but stated that it would be nearly impossible for the Branch to implement as they don't know which offenses are cannabis related. They requested that if this bill moved forward, they would want it to be in the form of a petition-based process. They stated that the bill also requires the court to order a hearing for a defendant "at any time during an executed period of incarceration" and "for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced." Once the sentence is ordered by the court, the External Affairs Division will not know if the defendant will remain incarcerated.

Patrick Griffin, Chief States Attorney, Division of Criminal Justice: He testified in opposition to the bill. The Division is not in opposition to the concept of the bill but deems it as

unnecessary because of the 2021 decriminalization of certain cannabis-related offenses. He stated that those who were affected can seek dismissal of charges and discharge of sentences under current law. He explained that in May of 2023, the Division conducted a review of cases with charges of illegal possession of cannabis-type substances, with arrests prior to July 1, 2021; 1,741 cannabis charges were nulled or dismissed statewide. The Division also offered some language changes for clarity.

NATURE AND SOURCES OF SUPPORT:

Christian Capitan, Co-Founder, CT CannaWarriors: He testified on behalf of CT CannaWarriors in support of the bill. He stated that it is their mission to resolve non-violent cannabis cases and he has received calls, messages, and letters from prisons, people seeking relief, clarity, and guidance on past convictions and current charges.

Sarah Gersten, Executive Director and General Counsel, Last Prisoner Project: She testified on behalf of the Last Prisoner Project (LPP) in support of this bill. She explained that LPP is a nonpartisan nonprofit organization focused on the intersection of cannabis and criminal justice reform. She stated that 4,248 people had pending cases for an offense invalidated by the legalization of cannabis and 1,562 individuals had cases for outdated charges that were dismissed. According to the Department of Correction, 476 individuals are currently serving sentences for offenses eligible for reconsideration, 682 individuals are eligible to co-mingled offenses, and 107 individuals have been charged and are awaiting their sentences for an eligible offense. She offered some procedural amendments they would like to see made to the bill. She stated that the bill should include an eligibility look-back period that does not extend further than January 1, 2000, and should also include language to ensure cases compiled by the Judiciary Branch are reviewed and validated by the Department of Correction.

Jess Zaccagnino, Policy Counsel, American Civil Liberties Union of Connecticut: She testified on behalf of the American Civil Liberties Union of Connecticut (ACLU-CT) in support of the bill. She stated that it has been proven that prohibition of drugs does not create drug control; in fact, prohibition led to a black market under the control of organized crime. She believes this bill will protect law-abiding citizens from arrest, prosecution, and incarceration for activities in their private life. She also added that people of color have been harmed by cannabis-related crimes because of systemic racism.

Duncan Markovich, Founder, Better Ways LLC: He testified in support of the bill. He stated that he wrote a project proposal to Connecticut's Department of Justice, Department of Corrections, and Chief Attorney Griffin's Office regarding AI tools for accelerated Cannabis Record Expungement and Prisoner Release recommendations; this aims to help information move from the point of arrest to sentencing, where information may be lost or misinterpreted.

Olivia Rinkes: She testified in support of the bill. She believes that this bill will reduce harm caused by cannabis convictions on a person's criminal record, especially since Connecticut's legalization of cannabis.

Josiah Schlee, Cannabis Advocate, CT CannaWarriors: He testified in support of the bill, stating that he is an advocate for people affected by cannabis-related offenses for CT CannaWarriors.

NATURE AND SOURCES OF OPPOSITION:

Testimony was offered by the following people in opposition to the modification of sentences for cannabis-related offenses:

Ryan Almeida
Steve Hobart

Reported by: Ajax Nanos

Date: 4-3-24