



General Assembly

February Session, 2024

Raised Bill No. 444

LCO No. 3063



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE 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 53a-39 of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

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

11 (2) (A) On and after the effective date of this section, in the case of any
12 defendant granted permission to participate in a diversionary program,
13 including as a result of a plea agreement, prior to, on or after the
14 effective date of this section for a cannabis-related offense, the court
15 shall, not later than three months after the granting of such permission,

16 order a hearing and, if good cause is shown and where the defendant
17 would not be in the program but for the alleged cannabis-related
18 offense, vacate the decision concerning participation in the program and
19 dismiss the charge or charges for which permission to participate in the
20 program was granted. For the purposes of this subparagraph, good
21 cause shall include, but not be limited to, the granting of permission to
22 a defendant to participate in a diversionary program for the commission
23 of a cannabis-related offense or offenses pursuant to section 21a-267,
24 21a-277, 21a-278 or 21a-279.

25 (B) As soon as is practicable after the effective date of this section, any
26 defendant sentenced prior to the effective date of this section for only a
27 cannabis-related offense or offenses that are no longer chargeable
28 offenses on and after July 1, 2021, including as a result of a plea
29 agreement, including any agreement in which there is an agreed-upon
30 range of sentence or a period of probation or conditional discharge, the
31 sentencing court or judge shall order the defendant discharged.

32 (b) On and after the effective date of this section, in the case of any
33 defendant sentenced prior to the effective date of this section for a
34 cannabis-related offense or offenses, including as a result of a plea
35 agreement, including an agreement in which there is an agreed-upon
36 range of sentence, at any time during an executed period of
37 incarceration, or a period of probation or conditional discharge, the
38 sentencing court or judge shall, not later than three months after such
39 defendant has been sentenced or the effective date of this section,
40 whichever is sooner, order a hearing and, if good cause is shown, order
41 the defendant discharged or order the defendant discharged on
42 probation or conditional discharge for a period not to exceed that to
43 which the defendant could have been originally sentenced. For the
44 purposes of this subsection, good cause shall include, but not be limited
45 to, the commission of a cannabis-related offense or offenses pursuant to
46 section 21a-267, 21a-277, 21a-278 or 21a-279 by the defendant.

47 [(b) On] (c) Except as provided in subdivision (2) of subsection (a) of
48 this section, on and after October 1, 2021, at any time during the period

49 of a sentence in which a defendant has been sentenced prior to, on or
50 after October 1, 2021, to an executed period of incarceration of more than
51 seven years as a result of a plea agreement, or whenever any defendant
52 has been convicted of an offense and such offense has been
53 decriminalized subsequent to the date of the conviction, including an
54 agreement in which there is an agreed upon range of sentence, upon
55 agreement of the defendant and the state's attorney to seek review of the
56 sentence, the sentencing court or judge may, after hearing and for good
57 cause shown, reduce the sentence, order the defendant discharged, or
58 order the defendant discharged on probation or conditional discharge
59 for a period not to exceed that to which the defendant could have been
60 originally sentenced.

61 [(c)] (d) If, after a hearing pursuant to this section, the sentencing
62 court or judge denies or grants in full a motion to reduce a defendant's
63 sentence or discharge the defendant, the defendant may not file a
64 subsequent motion for relief under this section until five years have
65 elapsed from the date of the most recent decision denying such
66 defendant relief pursuant to this section. If, after a hearing pursuant to
67 this section, the sentencing court or judge grants in part a motion to
68 reduce a defendant's sentence, the defendant may not file a subsequent
69 motion for relief under this section until three years from the date of the
70 most recent decision granting such defendant relief pursuant to this
71 section.

72 [(d)] (e) The provisions of this section shall not apply to any portion
73 of a sentence imposed that is a mandatory minimum sentence for an
74 offense which may not be suspended or reduced by the court.

75 [(e)] (f) At the time the defendant files a motion with the court, the
76 defendant shall provide the state with a copy of the motion and any
77 materials and documentation filed with the court in support of such
78 motion.

79 (g) Following the entry of an order to modify a sentence pursuant to
80 this section, the clerk of the court in which such person was convicted,

81 or the Office of the Chief Court Administrator if such person was
82 convicted in the Court of Common Pleas, the Circuit Court, a municipal
83 court or a trial justice court, shall cause a copy of such order to be
84 forwarded to the Connecticut Sentencing Commission, the Criminal
85 Justice Policy and Planning Division within the Office of Policy and
86 Management and the correctional facility or temporary detention
87 facility where the defendant is incarcerated, not later than ten days after
88 the entry of such order.

89 (h) If a defendant is denied a modification pursuant to this section,
90 the sentencing court or judge shall file with the record of the case a
91 written explanation for the denial and shall provide a copy of such
92 written explanation to the defendant whose sentence was considered for
93 modification, the defendant's attorney, if so represented, and the
94 Connecticut Sentencing Commission.

95 [(f)] (i) At a hearing held by the sentencing court or judge under this
96 section, such court or judge shall permit any victim of the crime to
97 appear before the court or judge for the purpose of making a statement
98 for the record concerning whether or not the sentence of the defendant
99 should be reduced, the defendant should be discharged or the
100 defendant should be discharged on probation or conditional discharge
101 pursuant to subsection (a) or (b) of this section. In lieu of such
102 appearance, the victim may submit a written statement to the court or
103 judge and the court or judge shall make such statement a part of the
104 record at the hearing. For the purposes of this subsection, "victim"
105 means the victim, the legal representative of the victim or a member of
106 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
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Statement of Purpose:

To provide for a specific process for sentence modification in the case of cannabis-related offenses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]