

# Scope of Study

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## **Mandatory Minimum Sentences**

In 2004, legislation (Public Act 04-234) was enacted to control the state's persistent prison overcrowding problem through a comprehensive series of community-based offender supervision and other initiatives. Section 22 of the act requires the Legislative Program Review and Investigations Committee to study certain aspects of the state's mandatory minimum sentencing laws and report its findings to the Judiciary Committee by January 1, 2006.

## **Background**

In Connecticut, judges have considerable discretion over the variety of court-imposed sanctions that may be imposed on convicted offenders. The state's mandatory minimum sentencing laws, however, remove that discretion. These laws require a judge impose a sentence of a set term that meets or is longer than the minimum statutory sentence guideline for the offense type and class upon conviction if certain criteria are met. Typically, the criteria pertain to the type of offense, factors related to the victim (e.g., elderly, blind, disabled, pregnant, or mentally retarded), or circumstances of the crime (e.g., involved weapon, occurred near a school, public housing, or day care center, or the type and weight of illegal drug involved in the crime).

A judge may only reduce or suspend a mandatory minimum sentence if: (1) the offender is under 18 or has impaired mental capacity; or (2) based on mitigating (or extenuating) circumstances authorized in state law. In 2000, judges were authorized to deviate from the mandatory minimum for certain drug offenses upon a showing of good cause if the offender: (1) did not use, attempt to use, or threaten to use physical force; (2) was unarmed; and (3) did not use, threaten to use, or suggest he or she had a deadly weapon (e.g., handgun or knife) or other instrument that could cause death or serious injury.

By statute, the Board of Pardons and Paroles is authorized to disallow any portion of a mandatory minimum sentence in the calculation of parole eligibility. However, if paroled, the offender is still subject to community-based supervision for the full term of the mandatory minimum sentence.

## **Area of Focus**

As required by Public Act 04-234, the study will focus on: (1) determining any impact of the state's mandatory minimum sentencing laws on the demand for prison beds; (2) evaluating the actual versus intended impact of the mandatory minimum sentencing laws on the overall criminal sentencing policy of the state; and (3) estimating the costs of mandatory minimum sentences and any proposed sentencing changes.

## Areas of Analysis

- Describe the development of the state's criminal sentencing structure since 1980, including the goals of mandatory minimum sentences.
- Identify criminal offenses that have mandatory minimum sentences.
- Review literature on mandatory minimum sentencing.
- Review other states' and federal use of mandatory minimum sentencing.
- Review federal and state case law regarding mandatory minimum sentences.
- Examine the impact of mandatory minimum sentencing on judicial sentencing discretion and authority.
- Examine the impact of mandatory minimum sentencing on the sentencing procedures and practices of state's attorneys, public defenders, and private defense counsel.
- Track trends and patterns since 1990 in sentences subject to mandatory minimum and other sentencing guidelines including, but not limited to:
  - type and length of sentence by offense and other offender characteristics;
  - incarceration and time served rates for convicted persons; and
  - parole rates.
- Estimate the cost of mandatory minimum sentences and, if any, proposed changes to the state's sentencing laws.