

CONNECTICUT SENTENCING COMMISSION

Regular Meeting

Wednesday, June 20, 2018

2:00 – 4:00 p.m.

Legislative Office Building, Room 2D

300 Capitol Avenue

Hartford, CT

Minutes

Members Present: *Hon. Robert Devlin (chair); Atty. Robert Farr; Atty. Kevin Kane; Chief Mark Palmer; Atty. Jennifer Zito; Atty. Sarah Russell; John Santa (Vice Chair); Atty. David Shepack; Atty. Christine Rapillo; Gary Roberge; Atty. Natasha Pierre; Hon. Hillary Strackbein; Carleton Giles and Hon. Gary White.*

Staff: *Alex Tsarkov (Executive Director)*

I. MEETING CONVENED

Judge Robert Devlin called the meeting to order at approximately 2:05 p.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF MARCH 8, 2018

A motion was made to approve the minutes from the March 8th meeting. The minutes were approved by a unanimous voice vote.

III. COMMISSION AND STEERING COMMITTEE MEMBERSHIP

Jennifer Zito has been appointed to the Sentencing Commission by the Connecticut Defense Lawyers Association. Judge Robert Devlin nominated Bob Farr to join the Steering Committee. The nomination was seconded and approved unanimously.

IV. LEGISLATIVE UPDATE

Judge Robert Devlin and Alex Tsarkov provided an update on the two bills submitted by the Commission to the Judiciary Committee: *HB 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry*; and *HB 5544, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences.*

CONNECTICUT SENTENCING COMMISSION

V. THE TRAFFICKING IN PERSONS COUNCIL PRESENTATION

Jillian Gilchrest of the Connecticut Trafficking in Persons Council presented on the Council's recommendation to forward to the Sentencing Commission a proposal dealing with the unlawful decimation of an intimate image statute.

VI. SENTENCING ANALYSIS OF CRIMES INVOLVING FIREARMS

Renee LaMark Muir presented the study scope of the sentencing analysis of crimes involving firearms.

VII. COLLATERAL CONSEQUENCES SUBCOMMITTEE

John Santa gave an update on the work of the Collateral Consequences Subcommittee.

VIII. WORKING GROUP ON SENTENCE REVIEW, SENTENCE MODIFICATION AND MOTIONS TO CORRECT AN ILLEGAL SENTENCE

Judge Gary White provided an update on the work of the Subcommittee on Sentence Review, Sentence Modification and Motions to Correct and Illegal Sentence.

IX. PRETRIAL RELEASE AND DETENTION

Judge Robert Devlin and Alex Tsarkov provided an update on the work of the Pretrial Release and Detention Subcommittee.

X. SEX OFFENDER STUDY

Atty. Bob Farr gave an update on the work of the subcommittee looking to amend child pornography statutes.

XI. 2018 COMMISSION SYMPOSIUM

Alex Tsarkov gave an update on the planning of the symposium on sex offender sentencing, management and registry issues.

XII. MEETING ADJOURNED

The meeting was adjourned at 3:35pm.

CONNECTICUT SENTENCING COMMISSION

I. WORKING GROUP ON SENTENCE REVIEW, SENTENCE MODIFICATION AND MOTIONS TO CORRECT AN ILLEGAL SENTENCE

Judge Gary White provided an update on the first meeting held by the working group on sentence review, sentence modification and motions to correct an illegal sentence.

II. ADOPTION AND SAFE FAMILIES ACT PROPOSAL

Atty. Maureen Price-Boreland and Atty. Christine Rapillo explained the Adoption and Safe Families Act Proposal that came from the Subcommittee on Collateral Consequences. After the discussion, the Commission unanimously approved the proposal to forward to the Judiciary Committee for the 2019 Legislative Session.

III. UPDATE ON THE PRETRIAL RELEASE AND DETENTION STUDY

Judge Robert Devlin and Alex Tsarkov provided an update to the Commission on the work of the subcommittee on pretrial release and detention.

IV. SEX OFFENDER STUDY

Atty. Ullmann updated members on the subcommittee working to amend child pornography statutes.

V. 2017 ANNUAL REPORT

CONNECTICUT SENTENCING COMMISSION

Judge Robert Devlin and Alex Tsarkov described the proposed annual report. The report was adopted unanimously.

VI. COMMISSION and Steering Committee MEMBERSHIP

- A.** As we discussed it would be good to say a few words about Tom Ullmann.
- B.** We have a new member. Jennifer Zito has been appointed by the Connecticut Defense Lawyers Association. Jen will be there for part of the meeting, but then she'll have to step out.
- C.** We also have a vacancy on Steering. Under the bylaws, Steering members have to be approved by the whole Commission. I would suggest Bob Farr. He's done a lot for the Commission over the years.

VII. LEGISLATIVE UPDATE

- We can both give an update on this.
- A.** HB 5544, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences
 - i.** We can mentioned the letter to the congressional delegation. I'm going to distribute copies to members tomorrow.
- B.** HB 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry
 - i.** We don't have to decide on this tomorrow, but it might make sense to start a conversation about what to do with this one next session. We can reintroduce the same thing as we typically do when something doesn't pass. However, I'm not sure how we do that if we can't solve the question with the proposed assessment/classification board. Since the Board of Pardons and Paroles is adamantly against it and no other agency really wants to house this body, then we may want to amend the proposal and focus solely on the removal process

VIII. THE TRAFFICKING IN PERSONS COUNCIL PRESENTATION

- A.** This will be 10-15 minutes presentation Jillian Gilcrest, Chair of the Connecticut Trafficking in Persons Council.

IX. SENTENCING ANALYSIS OF CRIMES INVOLVING FIREARMS

- A.** Short presentation from Renee LaMark Muir to go over the study scope. We just want to make sure that we're on the right track and if members raise any new issues, we will incorporate those in the scope.

X. COLLATERAL CONSEQUENCES SUBCOMMITTEE

- A.** John Santa will give an update. Sarah Russell can't make it tomorrow.

CONNECTICUT SENTENCING COMMISSION

XI. WORKING GROUP ON SENTENCE REVIEW, SENTENCE MODIFICATION AND MOTIONS TO CORRECT AN ILLEGAL SENTENCE

A. Judge White will give an update.

XII. PRETRIAL RELEASE AND DETENTION

A. Judge Devlin/Alex Tsarkov

XIII. SEX OFFENDER STUDY

A. Bob Farr will give an update. We met a few weeks ago and have another meeting on July 11th. Everyone seems to agree that we should move away from the number of images as the controlling factor in these statutes, but there is no consensus on what to replace it with. Can definitely use your help with that.

XIV. 2018 COMMISSION SYMPOSIUM

A. Just a quick update. The idea is to hold the symposium similar to the one on bail, but this time on sex offender sentencing, management and registry issues.

XV. OTHER BUSINESS

XVI. MEETING ADJOURNED

NEW WEBSITE: <http://ctsentencingcommission.org>

Meeting SCHEDULE: August 13th - 15th - National Association of Sentencing Commissions Conference
September 15th, 2-4pm
November 15th, 2-4pm
December 6th, Public Hearing, 10am
December 19th, 2-4pm