

Sept 15, 2020 DRAFT- Sentence Modification Proposal

REVISED on December 4, 2020 at 2:25 pm

New language in caps

Section 53a-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) Except as provided in subsection (b), [A] at any time during the period of a [definite] sentence in which a defendant has been sentenced to an executed period of incarceration [of three years or less], the sentencing court or judge may, after a hearing 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.

(b) At any time during the period of a [definite] sentence in which a defendant has been sentenced to an executed period of incarceration of more than [three]seven years as a result of a plea agreement INCLUDING AN AGREEMENT IN WHICH A RANGE OF SENTENCE IS AGREED UPON in which there was an agreed upon sentence, upon agreement of the defendant and the state's attorney to seek review of the sentence, the sentencing court or judge may, after a hearing 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.

(c) If the sentencing court or judge denies a motion AFTER A HEARING brought pursuant to this subsection after a hearing, the defendant must wait five years from the date of denial DECISION before moving again for relief pursuant to this subsection.

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

~~[(d)]~~ (e) At a hearing held by the sentencing court or judge under this section, such court or judge shall permit any victim of the crime to appear before the court or judge for the purpose of making a statement for the record concerning whether or not the sentence of the defendant should be reduced, the defendant should be discharged or the defendant should be discharged on probation or conditional discharge pursuant to subsection (a) or (b) of this section. In lieu of such appearance, the victim may submit a written statement to the court or judge and the court or judge shall make such statement a part of the record at the hearing. For the purposes of this subsection, "victim" means the victim, the legal representative of the victim or a member of the deceased victim's immediate family.