

An Act Concerning Family Impact Statements

Purpose: To require that a Family Impact Statement be considered by the court prior to sentencing in any case in which a custodial parent will be incarcerated.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

(NEW) (Effective October 1, 2018) (a) Prior to sentencing a defendant convicted of a misdemeanor or motor vehicle offense for which a sentence of imprisonment may be imposed, the court shall permit the defendant to submit a Family Impact Statement if the defendant is the parent or guardian of a minor child and has physical custody of the minor child. The judge shall consider such Family Impact Statement prior to pronouncing any sentence.

(b) A Family Impact Statement submitted by a defendant pursuant to subsection (a) of this section may address the impact on the minor child and other family members that would result if the defendant is sentenced to a term of imprisonment, including, but not limited to, the impact on the financial needs of the child and other family members, the relationship between the defendant and the child, the availability of community and family support for the child, the defendant's employment history and available employment opportunities, programs available to rehabilitate the defendant if the defendant is not sentenced to a term of imprisonment, the seriousness of the offense and the defendant's criminal history.

(c) Nothing in this section shall be construed as creating a basis for vacating a conviction or ground for appellate relief in a criminal case.