

BYLAWS OF THE CONNECTICUT SENTENCING COMMISSION

Article I – Establishment and Authority

Section 1.1. Name, Establishment, and Authority. The CONNECTICUT SENTENCING COMMISSION (the “Commission”) is a commission of the State of Connecticut, established in 2011 by action of the General Assembly approved by the Governor. The Commission derives its authority from Connecticut General Statutes Section 54-300.

Section 1.2. The Commission is within the Office of Policy and Management for administrative purposes only.

Section 1.3. Purpose. The purpose of these Bylaws is to ensure the consistent and efficient operation of the Commission in fulfilling its mission.

Section 1.4. State Law. These Bylaws supplement applicable law and, where inconsistent with Connecticut law, Connecticut law shall take precedence.

Section 1.5. Severability. Should any part, provision, section, or article of these Bylaws be found to be inconsistent with applicable law or held to be invalid, the remainder of these Bylaws shall nevertheless be deemed valid and binding upon the Commission.

Section 1.6. Supplemental Authority. The Commission may make rules or adopt policies and procedures that supplement these Bylaws.

Section 1.7. Mission. The mission of the Commission is to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.

Section 1.8. Mission, Goals and Purposes of Sentencing. In fulfilling its mission, the Commission shall recognize that:

- (1) The primary purpose of sentencing in the state is to enhance public safety while holding the offender accountable to the community,
- (2) sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community, using the most appropriate sanctions available, including incarceration, community punishment and supervision,
- (3) sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender, and
- (4) sentences should be fair, just and equitable while promoting respect for the law.

Article II – Statutory Duties

Section 2.1. The Commission shall facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate.

Section 2.2. The Commission shall evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis.

Section 2.3. The Commission shall conduct sentencing trends analyses and studies and prepare offender profiles.

Section 2.4. The Commission shall provide training regarding sentencing and related issues, policies and practices.

Section 2.5. The Commission shall act as a sentencing policy resource for the state.

Section 2.6. The Commission shall preserve judicial discretion and provide for individualized sentencing.

Section 2.7. The Commission shall evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs.

Section 2.8. The Commission shall perform fiscal impact analyses on selected proposed criminal justice legislation.

Section 2.9. The Commission shall identify potential areas of sentencing disparity related to racial, ethnic, gender and socioeconomic status.

Section 2.10. Upon completing the development of the state-wide sentencing database, the Commission shall review criminal justice legislation as requested and as resources allow.

Section 2.11. The Commission shall make recommendations concerning criminal justice legislation, including proposed modifications thereto, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall hold a hearing thereon.

Section 2.12. The Commission shall obtain full and complete information with respect to programs and other activities and operations of the state that relate to the criminal sentencing structure in the state.

Article III – Commission Membership

Section 3.1. Membership. The Commission shall be composed of the following members in accordance with Connecticut General Statutes Section 54-300(d):

- (1) Eight persons appointed one each by: (A) The Governor, (B) the Chief Justice of the Supreme Court, (C) the president pro tempore of the Senate, (D) the speaker of the

House of Representatives, (E) the majority leader of the Senate, (F) the majority leader of the House of Representatives, (G) the minority leader of the Senate, and (H) the minority leader of the House of Representatives, all of whom shall serve for a term of four years;

(2) Two judges appointed by the Chief Justice of the Supreme Court, one of whom shall serve for a term of one year and one of whom shall serve for a term of three years;

(3) One representative of the Court Support Services Division of the Judicial Branch appointed by the Chief Justice of the Supreme Court, who shall serve for a term of two years;

(4) The Commissioner of Correction, who shall serve for a term coterminous with his or her term of office;

(5) The Chief State's Attorney, who shall serve for a term coterminous with his or her term of office;

(6) The Chief Public Defender, who shall serve for a term coterminous with his or her term of office;

(7) One state's attorney appointed by the Chief State's Attorney, who shall serve for a term of three years;

(8) One member of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association, who shall serve for a term of three years;

(9) The Victim Advocate, who shall serve for a term coterminous with his or her term of office;

(10) The chairperson of the Board of Pardons and Paroles, who shall serve for a term coterminous with his or her term of office;

(11) The Commissioner of Emergency Services and Public Protection, who shall serve for a term coterminous with his or her term of office;

(12) A municipal police chief appointed by the president of the Connecticut Police Chiefs Association, who shall serve for a term of two years;

(13) The Commissioner of Mental Health and Addiction Services, who shall serve for a term coterminous with his or her term of office;

(14) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, who shall serve for a term coterminous with his or

her term of office; and

(15) An active or retired judge appointed by the Chief Justice of the Supreme Court, who shall serve as chairperson of the commission and serve for a term of four years.

Section 3.2. Compensation. Members of the Commission will serve without compensation. However, members may be reimbursed for any actual and necessary travel expenses incurred in the performance of their duties and pursuant to the rules and regulations of the State for such reimbursement.

Section 3.3. Conflict of Interest. Any Commission member who is present at a meeting at which any matter is discussed in which he or she has a private, pecuniary, or property interest shall declare that he or she has a potential conflict of interest. He or she shall refrain from attempting to influence the decisions of the other members of the Commission in voting on the matter, and shall abstain in respect to such matter.

Section 3.4. Resignation. Any appointed member may resign upon written notice to the Executive Director and appointing authority.

Section 3.5. Appointed Member Vacancy. In the event of vacancy of an appointed Commission position, the Chair shall promptly request the appointing authority to select a replacement to fill the position for the remainder of the unexpired term. The replacement shall meet the established qualifications for the position being vacated.

Article IV – Officers

Section 4.1. Officers. The officers of the Commission shall be the Chair and Vice Chair. The officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the Commission.

Section 4.2. Nomination Procedure. The Steering Committee shall nominate a candidate for the position of Vice Chair. The Steering Committee shall report the nomination at the regular meeting held prior to the election.

Section 4.3. Election, Term of Office, and Removal from Office. The Vice Chair shall serve for a term of two years or until the expiration of his/her term as a member of the Commission, whichever event shall first occur. The Vice Chair shall be elected by majority vote of the Commission at a regular meeting and may be removed from office at the pleasure of the membership as provided in the parliamentary authority. The Chair shall be appointed by the Chief Justice of the Supreme Court in accordance with subsection fifteen (15) of section three point one (3.1) of these Bylaws.

Section 4.4. Office-Holding Limitations. No member may hold more than one office at a time, and no member shall be eligible to serve two consecutive terms as Vice Chair.

Section 4.5. Chair Duties. In addition to other duties prescribed by these Bylaws and the

parliamentary authority adopted by the Commission, the Chair shall:

- (1) Prepare the agenda, conferring with the vice chair and executive director as appropriate;
- (2) Call special meetings;
- (3) Assure that all approved resolutions and policies of the Commission are followed and carried into effect;
- (4) Work closely with the Executive Director in the exercise of all powers granted to the Commission; and
- (5) Appoint Advisory Committee Chairs.

Section 4.6. Vice Chair. The Vice Chair shall act as assistant to the Chair and perform such duties as may be assigned by the Chair and shall possess all the powers and perform all the duties of the Chair in his or her absence.

Section 4.7. Executive Director. The Commission may appoint or designate an Executive Director and such other staff as may be necessary for the discharge of its mission and duties.

Article V – Meetings

Section 5.1. Regular Meetings. Regular meetings shall occur at least once during each calendar quarter. The schedule of meetings for the year shall be determined at the last meeting of the Commission in the preceding year.

Section 5.2. Special Meetings. Special meetings may be called by the Chair. The purpose of the meeting shall be stated in the call, which shall be sent to all members at least three days before the meeting.

Section 5.3. Voting. Each member present at any meeting of the Commission shall be entitled to one vote.

Section 5.4. Proxy Voting. Except as authorized by the Chair, no member may participate or vote by delegate sent to act as proxy in a member's absence. A member may participate or vote via telephone or other electronic means if necessary.

Section 5.5. Quorum. Twelve (12) members of the Commission constitutes a quorum. A quorum shall be required for the Commission to act. Members authorized to participate and vote under section 5.4 shall be considered present and count toward quorum.

Section 5.6. Resolutions. Members of the Commission shall strive for consensus on official recommendations whenever possible. Official recommendations concerning criminal justice policy, procedure, or legislation shall be made via written resolution approved by a two-thirds roll call vote of the membership present and entitled to vote with dissenting opinions

recorded.

Section 5.7. Open Meetings. All meetings of the Commission and its committees shall be open to the public unless closed pursuant to Connecticut General Statutes Section 1-200 et seq.

Article VI – Committees

Section 6.1. Steering Committee.

Section 6.1.1. Composition. The Steering Committee shall consist of the officers of the Commission; the Chief State’s Attorney; the Chief Court Administrator; the Chief Public Defender; the undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management; and three (3) Commission members elected by the Commission. The Executive Director shall be an ex-officio member without a vote.

Section 6.1.2. Term of Office for Elected Members. Each Commission member elected to the Steering Committee shall serve for a term of two years.

Section 6.1.3. Duties and Powers. The Steering Committee shall have general supervision of the affairs of the Commission between its business meetings, fix the hour and place of meetings, make recommendations to the Commission, appoint Advisory Committees, and perform such other duties as are specified in these Bylaws.

Section 6.1.4. Meetings. Special meetings of the Steering Committee may be called by the Chair or upon written request of three (3) members of the Steering Committee.

Section 6.1.5. Quorum. A simple majority of Steering Committee members shall constitute a quorum.

Section 6.2. Advisory Committees.

Section 6.2.1. Establishment and Composition. The Steering Committee may appoint Advisory Committees to serve for a specified period of time with the consent of the Commission. Advisory Committee members shall be appointed by the Steering Committee. Non-Commission members may serve on Advisory Committees as deemed appropriate by the Steering Committee.

Section 6.2.2. Advisory Committee Chairs, Vice Chairs. Each Advisory Committee shall have one (1) Chair and one (1) Vice Chair. With the consent of the Steering Committee, the Commission Chair shall appoint members of the Commission to serve as Advisory Committee Chairs and Vice Chairs.

Section 6.2.3. Oversight of Advisory Committees. The Steering Committee with input from the Chair and the Executive Director shall define the objectives, performance measures, and timelines for each established Advisory Committee.

Section 6.2.4. Delegation of Authority. An Advisory Committee may not delegate its authority to another group of individuals without approval from the Steering Committee.

Section 6.2.5. Quorum. A simple majority of Advisory Committee members shall constitute a quorum.

Article VII – Parliamentary Authority

Section 7.1. The rules contained in the current edition of *Robert’s Rules of Order Newly Revised* shall govern the Commission in all cases in which they are applicable and in which they do not conflict with State laws and regulations; these Bylaws; and any rules, procedures, or resolutions the Commission may adopt.

Article VIII – Amendment of Bylaws

Section 8.1. These Bylaws may be amended at any regular meeting of the Commission by a two-thirds (2/3) vote of those members present and voting, provided that the amendment has been submitted in writing at the previous regular meeting.

Article IX – Effective Date

Section 9.1. These Bylaws are effective upon adoption.