

CONNECTICUT SENTENCING COMMISSION

Sentencing Structure, Policy and Practices Committee Meeting

Thursday, March 5, 2015

2:00 p.m. – 4:30 p.m.

Room 3A

Fairfield County Courthouse

1061 Main Street

Bridgeport, CT

Members Present: Hon. Robert Devlin (chair), Atty. David Shepack, Chief Mark Palmer, Atty. Tejas Bhatt (on behalf of Susan Storey).

Also Participating: Atty. Robert Farr, Atty. Leland Moore (Staff), Madonna Burns

MINUTES

I. MEETING CONVENED

The meeting was called to order at approximately 2:09 p.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF DECEMBER 11, 2014

The minutes were approved by a unanimous voice vote.

III. UPDATE ON CHILD PORNOGRAPHY STATUTES

1. The Committee reviewed the findings of the Court Support Services Division (CSSD) regarding mental health issues and recidivism among individuals convicted of possessing child pornography.
2. The Committee continued its discussion concerning Connecticut's child pornography statute. The Committee considered language that would allow the court to better address repeat offenders and outlier cases.
3. The Committee agreed to review a draft proposal at its next meeting. The proposal will allow the court to deviate from the mandatory minimum after a finding of good cause and will double the mandatory minimum for repeat offenders.

IV. PERSISTENT OFFENDER STATUTE

The Committee reviewed the findings of CSSD regarding the use of 43a-40 by law enforcement. The data indicates that 43a-40 has been rarely utilized in the past three years and that when utilized, only the larceny provision is employed. The Committee noted that a more workable statute would be valuable to law enforcement and tabled the discussion for a future meeting.

V. STATE v. DECICCIO:

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Judge Devlin provided the Committee with a summary of the Connecticut Supreme Court's decision in State v. DeCiccio and presented a draft proposal that will bring Connecticut law into compliance with the Court's decision. Judge Devlin moved that the proposal be adopted as the Committee's official recommendation and submitted to the Sentencing Commission. The motion was adopted unanimously.

VI. DISCUSSION: House Bill 6926

The Committee discussed Sections 10, 11, and 12 of House Bill 6926, An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth.

Sec. 10: Several Committee members expressed concerns that Sec. 10, as written, would impose an unnecessary hardship on superior court judges and possibly lead to additional habeas corpus petitions, which would impose an additional strain existing dockets.

Sec. 11: The Committee noted that, while additional disclosure would be beneficial, imposing this additional duty on prosecutors might not be the most effective means to increase victim access to information.

Sec. 12: The Committee had no comment on this section.

VII. OTHER BUSINESS

No additional business was brought before the Committee at this time.

VIII. MEETING ADJOURNED

Judge Devlin adjourned the meeting at 3:56 p.m.