

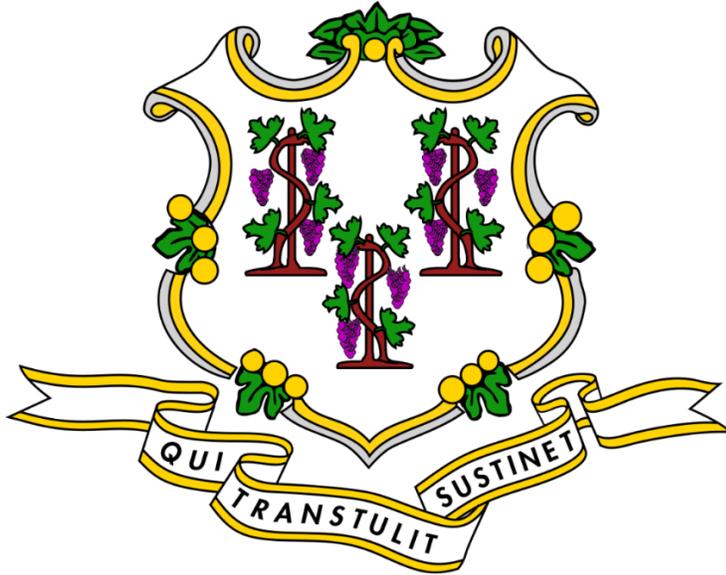


2020 ANNUAL REPORT

Connecticut Sentencing Commission

2020 Annual Report

Connecticut Sentencing Commission



Report to the Governor,
Speaker of the House of Representatives,
President of the Senate,
and Chief Justice of the Supreme Court,
pursuant to Conn. Gen. Stat. § 54-300(p)

Judge Robert Devlin, Jr.
Sentencing Commission Chair

Alex Tsarkov
Executive Director

185 Main Street, Room 212
New Britain, Connecticut 06051
Tel: 860-832-1681
Fax: 860-832-0071
ctsentencingcommission.org

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Acknowledgments

In 2020, the Connecticut Sentencing Commission completed its tenth year of work. The Commission was established by Public Act 10-129, codified under CGS § 54-300, and became effective on February 1, 2011.

Though the Commission receives assistance from sources too numerous to mention, the authors wish to recognize the dedication of the Steering Committee, Commission subcommittees, and work groups. The consistent commitment and exceptional public service of these groups promote the success of the Sentencing Commission and its accomplishments. The Commission and its staff thank all the chairs of these committees, subcommittees, and work groups. Their contributions are invaluable to the work of the Sentencing Commission.

Under Judge Devlin's leadership, with his years of experience on the bench and his tremendous talent for understanding and managing complex criminal justice matters, the Commission is tackling difficult issues, such as reforming sentence modification statutes, addressing unintended immigration consequences of state criminal conviction, and improving the state's pretrial justice system. The Commission thanks him for his continued guidance and direction.

Lastly, the Connecticut Sentencing Commission extends its sincere appreciation to numerous state agencies, universities, and community organizations for their partnership and support. In 2020, the Commission partnered with the New Haven Legal Assistance Re-entry Clinic at Yale Law School, the Quinnipiac University School of Law, the Registrars of Voters Association of Connecticut, the CT Town Clerks Association and many community groups committed to advancing a more equitable and just criminal justice system. The Commission looks forward to continuing these partnerships in 2021.



Commission Members

Robert J. Devlin, Jr., Chair

Appellate Court Judge

Appointed by: Chief Justice of the Supreme Court

John Santa, Vice Chair

Chairman, Malta Justice Initiative

Appointed by: Minority Leader of the Senate

Sarah Russell

Professor of Law, Quinnipiac University School of Law

Appointed by: Governor

Patrick L. Carroll, III

Chief Court Administrator

Appointed by: Chief Justice of the Supreme Court

William R. Dyson

Appointed by: Speaker of the House of Representatives

Thomas Kulhawik

Chief of Police, Norwalk Police Department

Appointed by: Majority Leader of the Senate

Michael Chase

Defense Attorney

Appointed by: Majority Leader of the House of Representatives

Robert Farr

Attorney (Retired)

Appointed by: Minority Leader of the House of Representatives

Joan K. Alexander

Appellate Court Judge

Appointed by: Chief Justice of the Supreme Court

Vernon D. Oliver

Superior Court Judge, J.D. & G.A. 9 Courthouse

Appointed by: Chief Justice of the Supreme Court

Gary Roberge

Executive Director, Judicial Branch Court Support Services Division

Appointed by: Chief Justice of the Supreme Court

Angel Quiros

Commissioner, Department of Correction

Ex officio: Commissioner of the Department of Correction

Commission Members, Continued

Richard Colangelo, Jr.

Chief State's Attorney

Ex officio: Chief State's Attorney

Christine Rapillo

Chief Public Defender

Ex officio: Chief Public Defender

Margaret Kelley

State's Attorney, Judicial District of Ansonia-Milford

Appointed by: Chief State's Attorney

Jennifer L. Zito

Criminal Defense Attorney

Appointed by: President of the Connecticut Criminal Defense Lawyers Association

Natasha Pierre

State Victim Advocate

Ex officio: State Victim Advocate

Carleton Giles

Chair, Board of Pardons and Paroles

Ex officio: Chair of the Board of Pardons and Paroles

James Rovella

Commissioner, Department of Emergency Services & Public Protection

Ex officio: Commissioner of Emergency Services & Public Protection

Mark A. Palmer

Chief of Police, Coventry Police Department

Appointed by: President of the Connecticut Police Chiefs Association

Miriam Delphin-Rittmon, Ph.D.

Commissioner, Department of Mental Health and Addiction Services

Ex officio: Commissioner of the Department of Mental Health and Addiction Services

Marc Pelka

Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management

Ex officio: Undersecretary for Criminal Justice Policy and Planning

Committee & Work Group Membership

STEERING COMMITTEE

<i>Name</i>	<i>Affiliation</i>
Robert J. Devlin, Jr., <i>Chair</i>	Appellate Court
John Santa, <i>Vice Chair</i>	Malta Justice Initiative
Patrick Carroll	Office of the Chief Court Administrator
Richard Colangelo, Jr.	Division of Criminal Justice
William Dyson	
Robert Farr	
Marc Pelka	Office of Policy and Management
Christine Rapillo	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law

SUBCOMMITTEE ON MENTAL HEALTH

<i>Name</i>	<i>Affiliation</i>
Michael Chase, <i>Chair</i>	
Craig Burns, M.D.	Department of Correction
Robert J. Devlin, Jr.	Appellate Court
Reena Kapoor, M.D.	Yale School of Medicine
Thomas Kocienda, Pys. D.	Department of Correction
Michael Norko, M.D.	Department of Mental Health and Addiction Services
Marc Pelka	Office of Policy and Management
John Santa	Malta Justice Initiative
Alex Tsarkov	Connecticut Sentencing Commission
Frederick V. Augur	Connecticut Sentencing Commission

SUBCOMMITTEE ON DIVERSIONARY PROGRAMS

<i>Name</i>	<i>Affiliation</i>
Hillary Strackbein, <i>Chair</i>	Superior Court
Deborah Del Prete Sullivan	Division of Public Defender Services
Robert J. Devlin, Jr.	Appellate Court
Joseph Lopez	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law
Robert Satti	Division of Criminal Justice
Bryan Sperry	Judicial Branch Court Support Services Division
Jennifer Zito	Connecticut Criminal Defense Lawyers Association

SUBCOMMITTEE ON SENTENCING REFORMS

<i>Name</i>	<i>Affiliation</i>
Robert J. Devlin, Jr., <i>Chair</i>	Appellate Court
John Santa, <i>Vice Chair</i>	Malta Justice Initiative
Richard Colangelo, Jr.	Division of Criminal Justice
Robert Farr	
Christine Rapillo	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law
Jennifer Zito	Connecticut Criminal Defense Lawyers Association
Alex Tsarkov	Connecticut Sentencing Commission

WORK GROUP ON VOTING ISSUES

<i>Name</i>	<i>Affiliation</i>
Amy Eppler-Epstein	New Haven Legal Assistance
Mary Janicki	Connecticut Sentencing Commission
James Jeter	Unlock the Vote
Sam Kuhn	Yale School of Law
Sue Larson	Registrar of Voters Association of Connecticut
Sarah Russell	Quinnipiac University School of Law
Larry Shapiro	Legislative Commissioner's Office (retired)
Nicole Thibeault	Department of Correction
Katherine Wall	Connecticut Town Clerks Association
Alex Tsarkov	Connecticut Sentencing Commission
Frederick V. Augur	Connecticut Sentencing Commission

SUBCOMMITTEE ON INCARCERATION AND THE COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION

<i>Name</i>	<i>Affiliation</i>
John Santa, <i>Chair</i>	Malta Justice Initiative
Sarah Russell, <i>Vice Chair</i>	Quinnipiac University School of Law
Brian Austin	Division of Criminal Justice
Hakima Bey-Coon	Office of the Victim Advocate
Andrew Clark	Institute for Municipal & Regional Policy
Michael Hines	Judicial Branch Court Support Services Division
Deborah Del Prete Sullivan	Division of Public Defender Services
Chris Rapillo	Division of Public Defender Services
Gary Roberge	Judicial Branch Court Support Services Division
Richard Specaro	Board of Pardon and Paroles
Jennifer Zito	Connecticut Criminal Defense Lawyers Association

Commission Staff

Alex Tsarkov
Executive Director

Mary M. Janicki
Commission Advisor

Andrew Clark
Commission Advisor

Frederick V. Augur
Research and Policy Contractor

Richard Bensics
Data Analysis Consultant

Haley Wall
Intern



Executive Summary

In 2020, the Sentencing Commission advanced research and policy reform efforts on multiple criminal justice initiatives in the state of Connecticut.

The Commission continued its work on three legislative proposals. The first, [HB 5485, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences](#), aimed to reduce the maximum penalty for misdemeanors by one day to a 364-day sentence. This change would have limited the federal immigration-related penalties noncitizens can face if convicted of a misdemeanor in Connecticut.

The second bill, [SB 389, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Sentence Review and Modification](#), proposed a reduction in eligibility for sentence review and expansion in eligibility for sentence modification. The proposal reduced eligibility for sentence review by foreclosing review for defendants who agree to a “capped” plea agreement (agreements that set a maximum sentence but allow the defendant to argue for a shorter term). This change would treat these defendants similarly to defendants who enter other types of plea agreements. The proposed bill would have also allowed defendants who are sentenced to up to three years of *actual* incarceration to seek sentence modification without prosecutorial consent. This would have expanded eligibility for modification under current law, which counts *suspended* portions of a sentence towards the three-year threshold for requiring prosecutorial consent.

The third proposal, [An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry](#), aimed to reform Connecticut’s sexual offender registry based on years of data-driven research by the Commission. This bill would have transitioned Connecticut’s offense-based registry to a risk-based registry. This would have changed how the registry is managed and maintained, providing long-term benefits to victims, law enforcement, low-risk offenders, and the general public.

The legislature adjourned in April 2020 in response to the COVID-19 pandemic. The Commission intends reintroduced versions of these proposals as a part of its 2021 legislative agenda.

In addition to its legislative work, during 2020, the Commission continued its research on possible reforms to Connecticut’s pretrial justice system. On January 1, 2020, the Commission’s proposal to amend to the Judicial Branch’s Practice Book went into effect. Under the new rule, defendants held on bonds under \$20,000 can secure release by depositing 10% of the bond amount, which they receive back when their case is over. Additionally, for the first time, the ten percent cash option is now available to defendants at the police department.

Beyond this, the Commission continues to explore the possibility of eliminating financial conditions from Connecticut’s pretrial release system. In 2021, the Commission will publish an update to its 2017 study on pretrial release and detention in Connecticut, which will include any further policy recommendations.

The Commission also continued its research on mental health in Connecticut's incarcerated population. In 2020, the Commission produced an initial memorandum quantifying the mental health needs of the incarcerated population and outlining future avenues for research. The Commission will continue this research in 2021.

The Commission's Work Group on Voting in the Incarcerated Population also made substantial strides in 2020, ultimately producing a proposal that would restore voting rights to everyone incarcerated except for those with a sentence of life without possibility of parole. The Commission has submitted this proposal to the General Assembly for the 2021 legislative session.

Pursuant to [Special Act 19-17](#), the Commission also continued its research quantifying racial, ethnic and socioeconomic disparities in pretrial and sentencing outcomes. The Commission will publish its report on this study in 2021.

Lastly, in 2020, the Commission formed a new Subcommittee on Sentencing Reforms as a successor to its prior Subcommittee on Sentencing Review and Modification. Charged with reviewing sentencing-related issues in Connecticut's criminal justice system, this subcommittee has developed two new proposals concerning drug-free school zones and sentence modification that will be proposed to the legislature in 2021.

While the challenges emanating from the COVID-19 pandemic have disrupted the Commission's normal modes of operation, 2020 nonetheless remained a productive and fruitful year for the Commission's mission to advance justice through research-driven reform.

I. Mission and Membership

The Connecticut Sentencing Commission was established on February 1, 2011, pursuant to Public Act 10-129. Its mission, as stated in the statute, 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.”

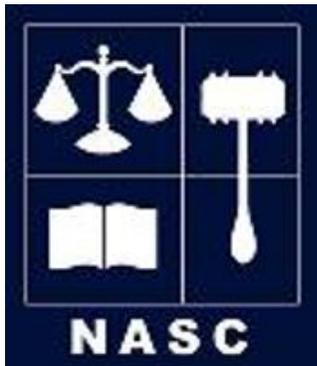
The Commission works at the state level to affect policy changes that will improve Connecticut's criminal justice system. The Commission draws upon its members' expertise and experience and works closely with elected officials and state agency leaders to promote comprehensive, data-driven policies that enhance public safety, hold offenders accountable, and reduce crime.

The Commission is composed of 23 voting members, including judges, prosecutors, criminal defense counsel, the Chief Public Defender, the commissioners of the Departments of Correction (DOC), Emergency Services and Public Protection (DESPP), and Mental Health and Addiction Services (DMHAS), the Victim Advocate, the executive director of the Court Support Services Division of the Judicial Branch, a municipal police chief, the chairperson of the Board of Pardons and Paroles, the Undersecretary of the Criminal Justice Policy and Planning Division of the Office of Policy and Management (OPM-CJPPD), and members of the public appointed by the governor and the leaders of the General Assembly. Currently, the President *pro tempore* of the Senate's appointed position on the Commission is vacant.

In 2020, the Sentencing Commission welcomed five new members. First, following the retirement of Kevin Kane in 2019, Richard Colangelo joined the Sentencing Commission as the newly appointed Chief State's Attorney in January 2020. Similarly, shortly after the resignation of Commissioner Rollin Cook in July, Angel Quiros joined the Commission as the new Commissioner of Correction. This year, the Commission also welcomed Margaret Kelley, State's Attorney for the District of Ansonia and Milford. Lastly, in 2020, the Chief Justice appointed judges Joan Alexander and Vernon Oliver to the Sentencing Commission.

The administrative work and policy research of the Commission is supported by an Executive Director, part-time staff, contracted researchers and academics, and interns through the Institute for Municipal and Regional Policy at Central Connecticut State University.

II. National Overview



NATIONAL ASSOCIATION OF SENTENCING COMMISSIONS (NASC)

The National Association of Sentencing Commissions (NASC) is a nonprofit organization whose mission is “to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies and guidelines and commissions.” NASC was established to enable individuals in the criminal justice field to share information and experiences. NASC membership includes states with and without sentencing guidelines, states with presumptive and voluntary guidelines, and states with determinate and indeterminate sentencing practices.

NASC provides members a forum to exchange experiences about successes and failures in sentencing reform. Seldom does a state face a problem that has not been dealt with in some fashion or form by another state. Promoting collaboration and cooperation among members is core to the NASC’s mission and has helped states take more informed approaches to sentence reform. Additional information about NASC is available at <https://www.thenasc.org/about>.

[2020 NASC Programming](#)

Due to restrictions on travel and large gatherings enacted in response to the COVID-19 pandemic, NASC cancelled its 2020 Annual Conference. Instead, NASC held two virtual workshops over the summer of 2020, titled “[The Work of Sentencing Commissions in Times of Change](#)” and “[The Power of Data: Impact on Criminal Justice Reform](#).”

III. Activities of the Commission

COMMISSION MEETINGS

By statute, the Sentencing Commission must meet at least four times each calendar year. In 2020, the Sentencing Commission met five times: January 23, April 17, May 27, September 16, and December 16. Beginning with the April 17 meeting, the Commission shifted to a virtual meeting format to comply with state and federal guidelines concerning the COVID-19 pandemic. These virtual meetings were open to the public.

STEERING COMMITTEE

Nine members of the Commission serve on the Steering Committee. The committee is responsible for the Commission's budget and administration, setting meeting schedules and agendas, overseeing projects, coordinating subcommittee research activities, and selecting recommendations for the full Commission to consider.

PRETRIAL RELEASE AND DETENTION

Since the enactment of [An Act Concerning Pretrial Justice Reform \(PA 17-145\)](#), the Commission continues to seek improvements to the Connecticut's pretrial release and detention system.

On January 1, 2020, the Commission's most recent bail proposal went into effect, automatically allowing defendants held on surety bonds of \$20,000 or less to be released by depositing ten percent of the bond amount. Unlike defendants utilizing bail bondsmen to secure release, defendants utilizing the ten percent cash option receive their money back once their cases are adjudicated. The Commission's proposal also made the ten percent cash option available at police departments for the first time. In April, the Court Support Services Division of the Judicial Branch (CSSD) provided an early analysis on the utilization of this option. Preliminary data showed that, in the first three months of 2020, one in four defendants who secured financial release used the ten percent option, with utilization concentrated in lower-amount bonds.

Pursuant to a 2019 request from the President *Pro Tempore* of the Senate, the Commission has also continued to discuss reform proposals that would reduce the pretrial population and eliminate the use of money as a detention mechanism. With assistance from Commission staff and retired Judge Jon Silbert, Commission members have identified a framework for potential reforms and the major points of disagreement among key stakeholders. While members have not yet formed a consensus around a proposal to eliminate monetary bail, the Commission will publish an updated report on pretrial release and detention in coming months. This report will detail 1) the Commission's status on fulfilling the President *Pro Tempore's* request, 2) national updates in bail reform, and 3) updated data on releases under the ten percent option.

SEXUAL OFFENDER REGISTRY

In 2015, the General Assembly passed Special Act 15-2, which required the Commission to research and develop proposals for reforming Connecticut's policies for sexual offenders, including the state's management of the sex offender registry, the sentencing of sex offenders, obstacles faced by sex offender registrants, and the usefulness of the sex offender registry to law enforcement and the general public. In response to this, the Commission spent multiple years consulting with experts and developed a reform that would transition Connecticut's sex offender registration requirements from an offense-based system to a risk-based system. In 2021, the Sentencing Commission will reintroduce this proposal to the legislature.

VOTING RIGHTS & ACCESS IN CONNECTICUT'S CORRECTIONAL POPULATION

For several years, the Commission has supported the restoration of the right to vote for individuals on parole for a felony conviction. In 2019, the Sentencing Commission's Subcommittee on Incarceration and the Collateral Consequences of Criminal Conviction formed a work group to explore issues encountered by eligible individuals when voting from Connecticut's correctional facilities. In June 2020, the New Haven Legal Assistance Reentry Clinic at Yale Law School published [a report](#) summarizing the work group's 2019 efforts, describing the approaches other jurisdictions have taken on this issue, and suggesting possible solutions.

Over 2020, the work group continued discussing potential policy solutions and ultimately developed a proposal that would expand voting rights to most incarcerated individuals and eliminate many of the obstacles faced when voting from correctional facilities. The proposal mirrors the "Permanent Absentee Ballot" status currently available to disabled voters.

The Commission voted in December 2020 to recommend expanding suffrage to all incarcerated individuals except for those sentenced to life without the possibility of release. This proposal will be submitted to the Government Administration and Elections Committee for consideration by the General Assembly in the 2021 legislative session.

SENTENCING OUTCOMES FOR FIREARM OFFENSES

In 2020, the Commission finalized and published a study on sentencing outcomes for firearm offenses committed between 2008 and 2017. Among other findings, the study revealed that 79% of firearm convictions result in some executed term of incarceration. The study also found that legislation passed after the 2012 Sandy Hook Elementary School shooting increased mandatory minimum sentences for many firearm crimes, ultimately resulting in longer average sentences for affected offenses. The study further identified the utility and limitations of using data from the Superior Court Operations Division of the Judicial Branch for quantitative sentencing analyses. The full report can be found [here](#).

PRETRIAL DIVERSIONARY PROGRAMS

In 2020, the Commission completed its analysis of Connecticut's statutory diversionary programs. As a part of this study, the Commission outlined the legislative histories, eligibility criteria, program requirements, and fees for nine statutory diversionary programs. The Commission also performed quantitative analysis on demographic, enrollment, and outcome data for eight of these programs over a 10-year period. The study found the vast majority of program participants enrolled in just one program over the period studied, and that most participants successfully divert their charges through these programs. The full report can be viewed [here](#).

MENTAL ILLNESS IN CONNECTICUT'S INCARCERATED POPULATION

In 2019, the Commission formed a new subcommittee to study mental health issues among Connecticut's incarcerated population in response to a request from Senator Catherine Osten. In 2020, the subcommittee published its first report, which analyzed the overall mental health needs of the incarcerated population using the Department of Correction's classification system. The memorandum, [available online](#), found that over 28% of the incarcerated population has a mental illness requiring active treatment. An additional 40% of inmates were classified as having a history of mental health issues but not requiring active treatment.

Members of the subcommittee are currently working with the Department of Correction to obtain data on specific mental health diagnoses, which will form the basis for a follow-up study that will commence in 2021.

STUDY ON RACIAL, ETHNIC, GENDERED, AND SOCIOECONOMIC DISPARITIES

In 2019, Governor Lamont signed [Special Act 19-17](#) into law, which requires the Commission to conduct a study on racial, ethnic, gendered, and socioeconomic disparities in pretrial and sentencing outcomes. The Commission has partnered with professors from the University of Connecticut and developed a proposal for this study. An [interim report](#) detailing the methodology, timeframe, and status of the study is available on the Commission's website.

In 2020, the Commission and its affiliated professors began collecting the requisite information from state agencies and identifying potential issues with the data. A final report will follow in late 2021.

SENTENCING REFORMS

In 2020, the Commission explored a wide array of possible sentencing reforms. As part of this effort, the Commission reformed its Subcommittee on Sentence Review and Sentence Modification into the Subcommittee on Sentencing Reforms, broadening its charge to include all aspects of criminal sentencing. Since its formation, this subcommittee has considered a variety of potential sentencing reforms, such as those concerning the sentencing and release of

juveniles and young adults. These included proposals to potentially 1) eliminate mandatory minima for juveniles, 2) eliminate the felony murder doctrine for juveniles, and 3) expand parole eligibility under Public Act 15-84 to certain young adults.

Heading in the 2021 legislative session, the Commission has focused on reforms concerning three sentencing issues. First, the Commission continues to support a one-day reduction to the maximum class A misdemeanor sentence, which would prevent noncitizens from facing deportation – a felony-level punishment – for misdemeanor offenses.

Second, the Commission supports a change to the drug-free school zone sentencing enhancement that would 1) codify case law requiring that the accused person intended to sell in a school zone in order to receive the enhanced sentence and 2) decrease the school zone from 1,500 feet to 200 feet, as measured from the perimeter of the school property.

Third, in 2020, the Commission revised its proposal to expand eligibility for sentence modification, recommending that prosecutorial consent for sentence modification should only be required for defendants serving a plea-bargained sentence of more than seven years.

COMPASSIONATE RELEASE

Commission members continued to work with the Board of Pardons and Paroles (BOPP) to explore potential changes to Connecticut’s Medical Parole and Compassionate Parole statutes, which allow BOPP to parole inmates whose medical infirmity or other compelling justifications warrant release into community supervision.

SEX WORKERS AND NONCONSENSUAL REMOVAL OF CONTRACEPTION DURING INTERCOURSE

In 2019, the Commission received a legislative request to examine (1) the current status and possible reforms to the criminal laws concerning sex workers in other jurisdictions, and (2) the legality of and potential proposals concerning the nonconsensual removal of contraception during sexual intercourse. In 2020, Commission staff, working with the New Haven Legal Assistance Reentry Clinic at Yale Law School, published two memoranda in response to these requests. These memoranda explored other jurisdictions’ approaches to these issues and provided possible avenues for reform. The [Alternatives to Sex Work Criminalization](#) and [Nonconsensual Condom Removal](#) memos can be found on the Commission’s website.

IV. 2020 Legislative Session

The Connecticut General Assembly adjourned the 2020 Legislative Session *sine die* in April 2020 in response to growing concerns about COVID-19. All unenacted legislative proposals at the time of adjournment were terminated.

PROPOSED

In 2020, the Commission proposed three bills to the Judiciary Committee:

- [HB 5485](#), An Act Concerning Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences;
- [SB 389](#), An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Sentence Review and Modification; and
- [An Act](#) Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry.

SUPPORTED

The Commission also testified in support of one section of [SB 233](#), *An Act Concerning Elections*, which was considered by the Government Administration and Elections Committee. The relevant section of this bill would have restored electoral privileges to individuals serving time on parole for a felony.

2021 LEGISLATIVE SESSION

In 2021, the Sentencing Commission will propose four bills to the Judiciary Committee and one bill to the Government Administration and Elections Committee. These include:

- [An Act](#) Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences;
- [An Act](#) Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects;
- [An Act](#) Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Sentence Modification;
- [An Act](#) Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry; and
- [An Act](#) Facilitating Voting by Persons Who Are Incarcerated in Connecticut Correctional Facilities and Restoring Voting Rights and Electoral Privileges for Persons Who Are Incarcerated for Felony Convictions.

APPENDICES

APPENDIX A: C.G.S §54-300. Sentencing Commission

APPENDIX B: Letter Requesting a Study on Inmates with Chronic Mental Illness

APPENDIX C: Letter Requesting a Study on Nonmonetary Bail

APPENDIX D: Letter Requesting a Study on Sex Work Criminalization

APPENDIX E: Letter Requesting a Study on Nonconsensual Condom Removal

APPENDIX F: Special Act 19-17



APPENDIX A

Sec. 54-300. Sentencing Commission

(a) There is established, within existing budgetary resources, a Connecticut Sentencing Commission which shall be within the Office of Policy and Management for administrative purposes only.

(b) The mission of the commission shall be 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.

(c) 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.

(d) The commission shall be composed of the following members:

(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.

(e) The commission shall elect a vice-chairperson from among the membership. Appointed members of the commission shall serve for the term specified in subsection (d) of this section and may be reappointed. Any vacancy in the appointed membership of the commission shall be filled by the appointing authority for the unexpired portion of the term.

(f) The commission shall:

(1) 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;

(2) Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis;

(3) Conduct sentencing trends analyses and studies and prepare offender profiles;

(4) Provide training regarding sentencing and related issues, policies and practices;

(5) Act as a sentencing policy resource for the state;

(6) Preserve judicial discretion and provide for individualized sentencing;

(7) Evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs;

(8) Perform fiscal impact analyses on selected proposed criminal justice legislation; and

(9) Identify potential areas of sentencing disparity related to racial, ethnic, gender and socioeconomic status.

(g) Upon completing the development of the state-wide sentencing database pursuant to subdivision (1) of subsection (f) of this section, the commission shall review criminal justice legislation as requested and as resources allow.

(h) 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.

(i) The commission shall have access to confidential information received by sentencing courts and the Board of Pardons and Paroles including, but not limited to, arrest data, criminal history records, medical records and other non-conviction information.

(j) 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.

(k) The commission may request any office, department, board, commission or other agency of the state or any political subdivision of the state to supply such records, information and assistance as may be necessary or appropriate in order for the commission to carry out its duties. Each officer or employee of such office, department, board, commission or other agency of the state or any political subdivision of the state is authorized and directed to cooperate with the commission and to furnish such records, information and assistance.

(l) The commission may accept, on behalf of the state, any grants of federal or private funds made available for any purposes consistent with the provisions of this section.

(m) Any records or information supplied to the commission that is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the commission and shall not be disclosed. Any penalty for the disclosure of such records or information applicable to the officials, employees and authorized representatives of the office, department, board, commission or other agency of the state or any political subdivision of the state that supplied such records or information shall apply in the same manner and to the same extent to the members, staff and authorized representatives of the commission.

(n) The commission shall be deemed to be a criminal justice agency as defined in subsection (b) of section 54-142g.

(o) The commission shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary.

(p) Not later than January 15, 2012, and annually thereafter, the commission shall submit a report, in accordance with the provisions of section 11-4a, to the Governor, the General Assembly and the Chief Justice of the Supreme Court.



APPENDIX B

SENATOR CATHY OSTEN
Nineteenth District

Legislative Office Building
Room 2700
Hartford, CT 06106-1591
Tel. 860-240-0579
Toll-free 1-800-842-1420
www.senatedems.ct.gov/Osten



State of Connecticut
SENATE

Chair
Appropriations Committee

Vice Chair
Labor & Public Employees Committee
Public Safety & Security Committee

Member
Legislative Management Committee
Regulation Review Committee
Transportation Committee
Veterans' Affairs Committee

September 4, 2019

Honorable Robert J. Devlin, Jr.
Chair, Connecticut Sentencing Commission
185 Main Street, Room 212
New Britain, CT 06051

RE: Study concerning Inmates established as Chronically Mentally Ill

Dear Judge Devlin,

I am writing to respectfully request that the Connecticut Sentencing Commission undertake a study to provide data on the number of inmates in Connecticut prisons who are identified as chronically mentally ill, ascertain if this class of inmates is completing a longer portion of their sentences as compared to other inmates, and if so, the reasons why, and determine if this class of inmates accesses programs which allow for a smooth transition into the community at the same percentage rate as other inmates access such programs. To assist the Commission's efforts with this study, I am enclosing a copy of my Proposed Bill No. 760 from the 2019 regular legislative session for your reference.

Thank you for undertaking this important task. I look forward to your Commission's findings. Please don't hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Catherine A. Osten".

Catherine A. Osten
State Senator, 19th District

Enclosure

APPENDIX C

SENATOR MARTIN M. LOONEY
PRESIDENT PRO TEMPORE

Eleventh District
New Haven, Hamden & North Haven



State of Connecticut
SENATE

State Capitol
Hartford, Connecticut 06106-1591
132 Fort Hale Road
New Haven, Connecticut 06512
Home: 203-468-8829
Capitol: 860-240-8600
Toll-free: 1-800-842-1420
www.SenatorLooney.cga.ct.gov

October 15, 2019

Hon. Robert J. Devlin, Jr.
Chair, Connecticut Sentencing Commission
185 Main Street, Room 212
New Britain, CT 06051

Re: a study on non- monetary bail

Dear Judge Devlin,

I am writing to respectfully request that the Connecticut Sentencing Commission undertake a study and develop recommendations for a proposal on pretrial justice that would (1) reduce the pretrial detained population and (2) eliminate money bail as a detention mechanism so that release/detention decisions are not impacted by the amount of money defendants may or may not have while (3) ensuring that public safety is not negatively impacted. It appears evident that the current pretrial detention system does not provide for equal justice for all of those who are accused of crimes and that it also perpetuates inequalities based on wealth.

Thank you for your willingness to examine this extraordinarily important issue.

Sincerely,

A handwritten signature in blue ink that reads "Martin Looney".

Martin M. Looney
State Senator, Eleventh District

CC: Senator Winfield

APPENDIX D



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JOSH ELLIOTT
88TH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
CAPITOL: (860) 240-8585
TOLL FREE: (800) 842-8267
FAX: (860) 240-0206
E-MAIL: Josh.Elliott@cga.ct.gov

ASSISTANT MAJORITY LEADER

VICE CHAIR
COMMERCE COMMITTEE

MEMBER
FINANCE, REVENUE AND BONDING COMMITTEE
ENERGY & TECHNOLOGY COMMITTEE

December 17, 2019

To Judge Devlin, Mr. Tsarkov and Members of the Connecticut Sentencing Commission:

I write today to request that the Sentencing Commission undertake a study of Connecticut's laws concerning sex work. In particular, it would be helpful to our legislative efforts if the Commission considered the impact that making our current laws on sex work more lenient may have on overall public health and safety and on human trafficking. I would also be interested in the Commission's findings as to best practices for how to deal with individuals who engage the services of sex workers. If the Commission chooses to undertake this study, I would greatly appreciate if it would transmit its findings and recommendations for legislative action to the Joint Committee on Judiciary.

I thank you for your consideration and continued partnership in the policymaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Elliott", with a long horizontal flourish extending to the right.

Representative Josh Elliott
88th District

APPENDIX E



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JOSH ELLIOTT
88TH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
CAPITOL: (860) 240-8585
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ASSISTANT MAJORITY LEADER

VICE CHAIR
COMMERCE COMMITTEE

MEMBER
FINANCE, REVENUE AND BONDING COMMITTEE
ENERGY & TECHNOLOGY COMMITTEE

December 17, 2019

To Judge Devlin, Mr. Tsarkov and Members of the Connecticut Sentencing Commission:

I write today to request that the Sentencing Commission undertake a study of Connecticut's laws concerning stealthing, which is the nonconsensual removal of a condom during a consensual sexual act. In particular, it would be helpful to our legislative efforts if the Commission considered the impact of our current laws on the practice of stealthing and recommended ways to improve the way stealthing is addressed. If the Commission chooses to undertake this study, I would greatly appreciate if it would transmit its findings and recommendations for legislative action to the Joint Committee on Judiciary.

I thank you for your consideration and continued partnership in the policymaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Elliott", with a stylized flourish at the end.

Representative Josh Elliott
88th District

APPENDIX F



Senate Bill No. 1008

Special Act No. 19-17

***AN ACT CONCERNING A STUDY OF THE DISPARITIES IN
PRETRIAL AND SENTENCING OUTCOMES OF CRIMINAL
DEFENDANTS.***

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

Section 1. (*Effective from passage*) (a) The Connecticut Sentencing Commission shall study potential disparities in pretrial and sentencing outcomes related to the racial, ethnic, gender and socioeconomic status of a criminal defendant. In furtherance of such study, said commission shall have access to: (1) All databases maintained in the state's criminal justice information system; (2) the Connecticut Information Sharing System; and (3) any state or local criminal or judicial databases that have not yet been integrated into the Connecticut Information Sharing System.

(b) Not later than January 1, 2020, said commission shall submit an interim report on the study, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Not later than January 1, 2021, said commission shall submit its final report on the study and any recommendations from the commission, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General

Senate Bill No. 1008

Assembly having cognizance of matters relating to the judiciary and to the Governor.

Approved July 1, 2019

Special Act No. 19-17

2 of 2