

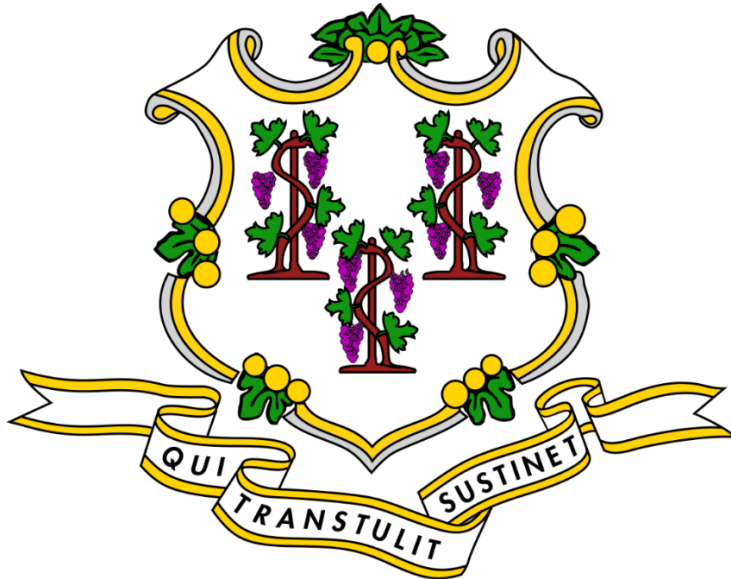


# 2021 ANNUAL REPORT

Connecticut Sentencing Commission

# 2021 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 Robin Pavia  
*Chair*

Alex Tsarkov  
*Executive Director*

Institute for Municipal & Regional Policy  
Department of Public Policy  
University of Connecticut  
Hartford Times Building, Room 550  
10 Prospect Street  
Hartford, CT 06103  
[csentencingcommission.org](http://csentencingcommission.org)

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## Acknowledgments

In 2021, the Connecticut Sentencing Commission completed its eleventh 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.

This year, the Commission would like to extend its deepest appreciation to Judge Robert Devlin, who retired from his role as the Commission chair in October 2021. Judge Devlin had served on the Commission for eight years, including four years as chairman. With Judge Devlin's substantial bench experience and significant capacity to understand and manage complex criminal justice issues, the Commission tackled difficult issues, including sentence modification, immigration, voting access, bail reform and mental healthcare. The Commission is grateful for his years of leadership and wishes Judge Devlin the best in his new role as Connecticut's first Inspector General.

The Commission is also grateful to its vice chair John Santa, who has filled the position of acting chair. Commissioner Santa's passion for improving the criminal justice system and his private sector background have greatly benefited the Commission's work.

The Commission extends a special thanks to Judge Pavia for overseeing this annual report. Judge Pavia, who was recently appointed as the chair of the Sentencing Commission, currently serves as Administrative Judge for the Judicial District of Danbury. As an experienced Criminal Presiding Judge, trial judge, and a former State's Attorney, Judge Pavia brings a breadth of knowledge and experience to the Sentencing Commission. The Commission looks forward to working under her leadership.

Lastly, the Connecticut Sentencing Commission extends its sincere appreciation to a variety of state agencies, universities, and community organizations for their continued partnership and support. In 2021, the Commission partnered with the Yale Law School Strategic Advocacy Clinic, the Arthur Liman Center for Public Interest Law, the Quinnipiac School of Law Legal Clinic, and other groups committed to advancing a more equitable and just criminal justice system. The Commission looks forward to continuing these partnerships in 2022.

## Commission Members

**Robin Pavia, Chair**

Administrative Judge for the Judicial District of Danbury

*Appointed by the Chief Justice of the Supreme Court*

**John Santa, Vice Chair**

Chairman, Malta Justice Initiative

*Appointed by the Minority Leader of the Senate*

**Sarah Russell**

Professor of Law, Quinnipiac University School of Law

*Appointed by the Governor*

**Patrick L. Carroll, III**

Chief Court Administrator

*Appointed by the Chief Justice of the Supreme Court*

**William R. Dyson**

Former Member, House of Representatives

*Appointed by the Speaker of the House of Representatives*

**Jeremiah P. Johnson, Ph. D.**

Sergeant, Darien Police Department

*Appointed by the Majority Leader of the Senate*

**Michael Chase**

Defense Attorney

*Appointed by the Majority Leader of the House of Representatives*

**Robert Farr**

Former Member, House of Representatives

*Appointed by the Minority Leader of the House of Representatives*

**Joan K. Alexander**

Appellate Court Judge

*Appointed by the Chief Justice of the Supreme Court*

**Vernon D. Oliver**

Superior Court Judge

*Appointed by the Chief Justice of the Supreme Court*

**Gary Roberge**

Executive Director, Judicial Branch Court Support Services Division

*Appointed by the 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 the Chief State's Attorney*

**Jennifer L. Zito**

Criminal Defense Attorney

*Appointed by the 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 and Public Protection

*Ex officio, Commissioner of Emergency Services & Public Protection*

**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 Membership & Commission Staff

### STEERING COMMITTEE

<i>Name</i>	<i>Affiliation</i>
Judge Pavia, <i>Chair</i>	Judicial District of Danbury
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	Former Member of the House of Representatives
Robert Farr	Former Member of the House of Representatives
Marc Pelka	Office of Policy and Management
Christine Rapillo	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law

### 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
Kevin Lawlor	Division of Criminal Justice
Hakima Bey-Coon	Office of the Victim Advocate
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 Sparaco	Board of Pardon and Paroles
Jennifer Zito	Connecticut Criminal Defense Lawyers Association

### COMMISSION STAFF

<i>Name</i>	<i>Position</i>
Alex Tsarkov	Executive Director
Andrew Clark	Commission Advisor
F. V. Augur	Research & Policy Contractor
Richard Bensics	Data Analysis Consultant
Jorge Monroy-Palacio	Research Assistant

# Executive Summary

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In 2021, the Sentencing Commission continued its work on multiple legislative proposals and advanced research and policy reforms on multiple criminal justice initiatives in Connecticut.

## ➤ Three Reforms Passed

The state's General Assembly enacted three Commission proposals in 2021. The legislature enacted two proposals through [\*Public Act 21-102, An Act Concerning the Criminal Justice Process\*](#). Sections 22 through 24 of the Act implemented the Commission's recommendations regarding drug-free school zones. The reform decreased the distance an individual must be from a school to qualify for sentencing enhancement from 1,500 feet to 200 feet and codified case law requiring intent to distribute to individuals in protected areas.

Section 25 of the act implemented the Commission's proposed sentence modification reforms. Under prior law, any individual serving a sentence of over three years, including suspended sentences, had to seek prosecutorial assent before seeking sentence modification. Under the new law, prosecutorial assent will only be required for sentences that are *both* 1) longer than seven years of executed incarceration, and 2) the result from a plea bargain.

Additionally, Section 11 of *Public Act 21-102* prohibits the court from imposing community service in lieu of a waived diversionary program fee. The Office of the Chief Public Defender introduced this proposal following discussions within the Sentencing Commission's Subcommittee on Incarceration and the Collateral Consequences of Criminal Conviction.

The General Assembly passed another Commission proposal in section 35 of [\*Public Act 21-32, An Act Concerning the Board of Pardons and Paroles, Erasure of Criminal Records for Certain Misdemeanor and Felony Offenses, Prohibiting Discrimination Based on Erased Criminal History Record Information and Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences\*](#). This reform reduced the maximum misdemeanor sentence by one day, correcting a misalignment with federal immigration law that subjected noncitizens to felony-level immigration penalties if convicted for a misdemeanor in Connecticut.

## ➤ Two Ongoing Proposals

The Commission also continued work on two ongoing proposals. First, [\*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. A shift to risk-based registration is more closely aligned with contemporary research and evidence-based practices.

Second, the Commission proposed [\*An Act Facilitating Voting by Persons Incarcerated in Connecticut Correctional Facilities and Restoring Voting Rights and Electoral Privileges for Persons Incarcerated for Felony Convictions with the Possibility of Release\*](#) to the Government Administration and Elections Committee. The Act would have restored electoral privileges to all otherwise incarcerated individuals except for those who are serving life without possibility of parole sentences. The Act would have also addressed logistical challenges of voting from prison.



Neither of these two proposals were raised by their respective committees.

➤ **Continuing Research Initiatives**

In addition to its legislative work during 2021, the Commission continued its research on possible reforms to Connecticut's pretrial justice system. The Commission continues to monitor the implementation of its ten-percent cash bail reforms from 2020. Since implementation, about \$1.75 million has been returned to defendants through changes to the ten percent cash option. Preliminary data suggests that these defendants have comparable rearrest and court appearance rates to other released defendants. The Commission is also finalizing a report outlining possible future changes to Connecticut's bail system.

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 release a report on this study in 2022.

➤ **The Commission Moves to UConn Hartford**

After several years at Central Connecticut State University, the Institute for Regional and Municipal Policy, which staffs the Sentencing Commission, moved to the University of Connecticut's downtown Hartford campus in the Hartford Times Building. Now situated within UConn's Department of Public Policy, the Sentencing Commission looks forward to partnering with the faculty and students of the Department as it furthers its work on evidence-based, non-partisan reforms.



# I. Mission and Membership

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The Connecticut Sentencing Commission was established on February 1, 2011, pursuant to Public Act 10-129. Its mission, per state 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.

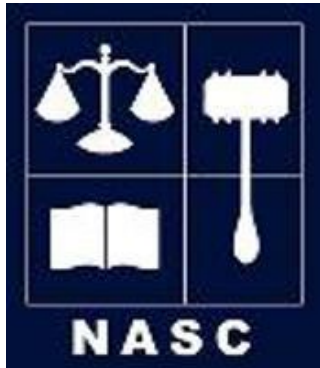
The Commission is composed of 23 members, including judges, prosecutors, criminal defense counsel, the Chief Public Defender, the commissioners of the Departments of Correction (DOC), Emergency Services and Public Protection (DESPP), and Mental Health and Addiction Services (DMHAS), the Victim Advocate, 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. The appointees of the President pro tempore of the Senate and the President of the Connecticut Police Chiefs Association are currently vacant.

In 2021, the Commission welcomed two new members, Sergeant Jeremiah P. Johnson of the Darien Police Department and Judge Robin Pavia of the Danbury Judicial District. The Commission thanks outgoing commissioners Mark Palmer, retired Chief of the Coventry Police, and Thomas Kulhawik, Chief of the Norwalk Police, for their years of service to the Commission. The Commission is especially thankful to outgoing Commission Chair Robert Devlin, who retired from the Sentencing Commission to serve as the State's first Inspector General. We wish him well as he continues to lead that state through complex criminal justice issues in his new role.

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 in the Department of Public Policy at the University of Connecticut's Hartford Campus.

## II. National Overview

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### 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>.

### 2021-2022 NASC Programming

The National Association of Sentencing Commissions cancelled its 2021 conference due to public health concerns. NASC plans to resume in-person conferences in August 2022 in Portland, Oregon. The theme for the conference is *Documenting Disruption: New Ideas for Data, Sentencing, and Justice*. The conference will focus on developments in the collection and use of criminal justice data, sentencing laws and practices, and the general understanding of the criminal justice system.

# III. Activities of the Commission

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## COMMISSION MEETINGS

By statute, the Sentencing Commission must meet at least four times each calendar year. In 2021, the Sentencing Commission met five times: January 20<sup>th</sup>, March 24<sup>th</sup>, May 26<sup>th</sup>, September 15<sup>th</sup>, and November 17<sup>th</sup>. The Commission has not yet resumed in-person meetings but continues to make its virtual meetings open to the public. The Commission looks forward to returning to in-person meetings soon.

## STEERING COMMITTEE

Nine members of the Commission serve on the Steering Committee. The committee is responsible for the Commission's 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 Connecticut's pretrial release and detention system.

In 2021, the Commission continued its ongoing work to produce a response to the President *Pro Tempore's* request to develop an alternative bail system that would eliminate the use of monetary bonds and reduce the pretrial detained population. The Commission is in the final stages of a report responding to this request, which should be released in early 2022.

The Commission has also continued to work with the Court Support Services Division of the Judicial Branch to monitor the implementation of the ten percent bail option, which went into effect in January 2020. By late 2021, one in four defendants released from custody at a police department was released through the ten percent option. Of all releases from police departments on financial conditions, over half now utilize the ten percent option. Professional sureties, which were responsible for over 80% of financial releases in 2019, now constitute just 45% of releases.

Preliminary data suggest that court appearance rates for defendants on ten percent bonds are comparable to those for other defendants. Similarly, rearrest rates for those who utilize ten percent option appear slightly lower than those for defendants using professional sureties.

Perhaps most significantly, JB-CSSD estimated the amount of reclaimed money under the new ten percent rule using administrative data. Based on this analysis, JB-CSSD approximated that between January 1, 2020 and January 5, 2022, \$1.75 million has been returned to defendants through the ten percent rule. The methodology for this estimate can be found in Appendix E.

## 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 public at large.

After several years of rigorous study and discussions with multiple stakeholders—academics, practitioners, victim advocates, and state and national experts on this subject—the Commission has made multiple proposals to improve the registry over the last several legislative sessions.

In 2021, the Sentencing Commission developed a narrower version of its proposal to the General Assembly that focuses on registry removal provisions. The version of the proposal retains offense-based registration requirements but provides for a removal mechanism for ten-year registrants. Life registrants are not eligible for removal. The proposal also gives judges more discretion when deciding whether an individual belongs on the law enforcement-only registry or the public registry at the time of conviction.

## VOTING RIGHTS & ACCESS IN CONNECTICUT’S INCARCERATED 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 working group to explore issues encountered by eligible individuals when voting from Connecticut’s correctional facilities. To better understand these issues, the working group conducted voter registration and absentee ballot application drives at York Correctional Institute in 2019 for incarcerated misdemeanants and pretrial detainees. Based on their experiences, the group cataloged the issues faced by incarcerated voters, including obstacles to applying for and obtaining absentee ballots.

In 2020, the working group continued discussing potential policy solutions and ultimately developed a proposal that expands voting rights to most incarcerated individuals and eliminates many of the obstacles faced when voting from custody. The proposal mirrors the “Permanent Absentee Ballot” status currently available to disabled voters. To provide background on the enfranchisement portion of the proposal, the Commission also hosted a presentation by Dana Paikowsky of the Campaign Legal Center.

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 was submitted to the Government Administration and Elections Committee for consideration by the General Assembly in the 2021 legislative session, and the Commission has resubmitted this proposal in 2022.

## 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](#) found that over 28% of the incarcerated population has a mental illness requiring active treatment. An additional 40% of incarcerated people were classified as having a history of mental health issues but not requiring active treatment. Larger portions of those unsentenced were documented as having a mental disorder requiring treatment compared to the portion of sentenced population.

Commission staff have recently obtained data on specific mental health diagnoses from the Department of Correction and are outlining the second phase of study.

#### 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 2021, the Commission and its affiliated professors continued to analyze and work through issues with the relevant data. A subsequent report will follow in 2022.

#### SENTENCING REFORMS

In 2020, the Commission formed the Subcommittee on Sentencing Reforms to examine various areas of criminal sentencing. The subcommittee, chaired by Judge Devlin, produced several proposals that the Sentencing Commission ultimately recommended to the General Assembly.

In the 2021 legislative session, the Commission successively advocated for three sentencing reforms in Public Acts 21-32 and 21-102. First, the Commission successfully passed a one-day reduction to the maximum class A misdemeanor sentence, which will prevent noncitizens from facing deportation – a felony-level punishment – for misdemeanor offenses. This proposal arose from a collaboration among the Sentencing Commission, the Connecticut Immigrant Rights Alliance, and the Yale Law School Worker and Immigrant Rights Advocacy Clinic. The modest but important change better aligns Connecticut's classification of offenses with the classification scheme used in federal immigration laws and regulations.

With this change, Connecticut joins other states, including Nevada, California, Washington, Colorado, Utah, New York, and Oregon, that have already enacted this change to ensure appropriate discretion for federal immigration authorities and helps protect certain non-citizens from arbitrary deportations.

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

First passed by the General Assembly in 1987, the state's drug-free school statutes initially created a zone of 1,000 feet around elementary and secondary schools. Within these zones, individuals convicted of selling drugs faced a two-year mandatory sentencing enhancement. Subsequent



legislation increased this distance to 1,500 feet, increased the mandatory sentencing enhancement to three years, expanded the enhancement to apply to possession and paraphernalia charges, and expanded the drug-free zones to include child day care centers and public housing properties.

As a result of these changes, urban areas were blanketed with drug-free zones. Nearly 100% of larger cities were drug-free zones subject to this mandatory sentencing enhancement. For instance, in New Haven, the only area that was not a drug-free zone is a golf course.

These 1,500 foot zones disparately impacted people who live in urban environments who are consequently more likely to receive the sentencing enhancement compared to people engaged in the same conduct in suburban and rural environments. After the General Assembly initially passed on this proposal in 2011-2013, the Commission succeeded in passing this important legislation in 2021. This change will reduce the number of people subjected to harsher sentences because of accidental or coincidental proximity of a school, day care centers and public housing.

Third, the Commission successfully advocated for the largest change to eligibility for sentence modification since early 1980s. Sentence modification is a process that gives judicial discretion to re-evaluate and modify a criminal sentence. Prior law required both the defendant and prosecutors to agree for the court to hold a modification hearing when the defendant's entire sentence—including both executed and suspended incarceration—exceeded three years. The Commission's proposal allows the court to modify any plea-bargained sentence of less than seven years of actual, executed incarceration without prosecutorial assent. In addition, those defendants whose sentence is a result of a trial may now petition for sentence modification without agreement from the state.

## IV. 2021 Legislative Session

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### ENACTED

In 2021, the Commission proposed three reforms to the Judiciary Committee:

- [\*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 Misdemeanor Sentences\*](#)

The General Assembly voted to enact these three proposals in two omnibus criminal justice bills.

- [\*Public Act 21-102, An Act Concerning the Criminal Justice Process\*](#)
  - Sections 22-24 implemented the Commission's proposed reforms to drug-free zones
  - Section 25 expanded eligibility for sentence modification.
- [\*Public Act 21-32, An Act Concerning the Board of Pardons and Paroles, Erasure of Criminal Records for Certain Misdemeanor and Felony Offenses, Prohibiting Discrimination Based on Erased Criminal History Record Information and Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences.\*](#)
  - Section 35 implemented the Commission's proposal to reduce the maximum sentence of a class A misdemeanor to 364 days.

### OTHER PROPOSALS

The Commission made two additional proposals in 2021 to the Judiciary Committee and the Government Administration and Elections Committee, respectively:

- [\*An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry; and\*](#)
- [\*An Act Facilitating Voting by Persons Incarcerated in Connecticut Correctional Facilities and Restoring Voting Rights and Electoral Privileges for Persons Incarcerated for Felony Convictions with the Possibility of Release.\*](#)

Neither bill was raised by its respective committee.

In 2021, the General Assembly also considered Senate Bill No. 923, *An Act Concerning Review of Animal Cruelty Laws by the Connecticut Sentencing Commission*, which would have charged the Sentencing Commission to review the state's animal cruelty laws. To prepare for the study, the Commission began conversations with interested stakeholders and hosted a presentation on animal cruelty statutes by Professor Jessica Rubin of the University of Connecticut School of Law. While SB 923 was passed by the Senate, it did not receive a vote in the House. The Commission is prepared to support any related initiatives should they arise in future legislative sessions.



## **SUPPORTED**

The Commission also testified in support [HB 5318](#), *An Act Concerning Restoring Electoral Privileges to Convicted Felons Who are on Parole*, which was considered by the Government Administration and Elections Committee. The bill would have restored electoral privileges to individuals serving time on parole for a felony. While the General Assembly did not pass HB 5318, the provisions were enacted into law by section 98 of Public Act 21-2 during the June Special Session.

## V. 2022 Legislative Session

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In 2022, the Sentencing Commission submitted three proposals to the Judiciary Committee and one bill to the Government Administration and Elections Committee. These include:

- [\*An Act Concerning the Recommendations of the Sentencing Commission Regarding Sentence Modification.\*](#)
  - This proposal complements the sentence modification reforms the General Assembly passed last year. This proposal clarifies that Section 25 of Public Act 21-102 applies retroactively. The Sentencing Commission had always intended for the reforms to have retroactive effect.
- [\*An Act Concerning Cost of Incarceration.\*](#)
  - This proposal would repeal portions of the Connecticut General Statutes that authorize the Department of Correction and Attorney General to charge incarcerated people for costs related to their term of incarceration.
- [\*An Act Concerning the Recommendations of the Sentencing Commission with Respect to Sex Offender Registry\*](#)
  - This bill would implement a narrower version of the sexual offender registry reform package that the Commission has proposed since 2018.
  - This proposal would retain the current offense-based registration requirements but would provide ten-year registrants a removal mechanism if certain requirements are met. This proposal would not affect lifetime registrants' requirements.
  - The proposal would also give discretion at the time of conviction to judges to place registrants on the law enforcement-only registry rather than the public registry.
- [\*Voting Access and Reenfranchisement Act\*](#)
  - In 2022, the Commission resubmitted its comprehensive proposal concerning voting at correctional facilities to the Government Administration and Elections Committee.

# APPENDICES

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APPENDIX A: Connecticut General Statutes §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: Special Act 19-17

APPENDIX E: Ad-Hoc Request: Ten-Percent Bonds Collected and Returned



## 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](http://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,

Catherine A. Osten  
State Senator, 19<sup>th</sup> 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](http://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



**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***

## APPENDIX E



### State of Connecticut

#### JUDICIAL BRANCH

COURT SUPPORT SERVICES DIVISION  
455 Winding Brook Drive, Glastonbury, CT 06033

### Ad-Hoc Request: Ten-Percent Bonds Collected and Returned

1/5/2022

**Question Posed:** Approximately how much money has been collected using the Ten Percent Bond option, and how much money has been returned to defendants?

**Methodology:** Ten Percent Bond option's primary impact involves defendants who post bond at police departments prior to interview or arraignment. JBCSSD maintains a snapshot of bond information (bond type and amount) for court cases that are released at police departments. While this snapshot is generally accurate there are some instances where bond type/amount can change prior to the snapshot. Thus, these figures should be considered approximate.

To estimate the amount returned to defendants, JBCSSD identifies whether cases have been disposed, and uses the presence of a Failure to Appear as a proxy measure. It is assumed for the purposes of this effort that all cases re-arrested for FTA would have bond forfeited, and all cases that disposed without FTA would have bonds returned. JBCSSD asserts that this is an estimate and that this may not be the actual practice in the courts.

**Answer:** Since Ten Percent bond was expanded on January 1 of 2020, the Judicial Branch has collected over \$4.25 million worth of bond posted at police departments:

	# Bonds	\$ Collected	\$ Forfeited	\$ Held	\$ Returned
Cases w/ Ten Percent Bonds Posted at PD since 1/1/2020	14,090	\$ 4,264,812			
Bonds with FTA	1,611		\$ 365,620		
Pending Cases, no FTA	6,412			\$ 2,145,346	
Disposed without FTA	6,067				\$ 1,753,845

Based on the methodology, it is assumed that \$365,620 has been forfeited, and that \$1.75 million has been returned to defendants. Another \$2.15 million is held in anticipation of case disposition.