

**CT Sentencing Commission (CSC)**  
**Legislative Subcommittee**  
**Meeting**

*CT Appellate Court, Attorney's Lounge*  
Wednesday, June 22, 2011  
9:30 AM

**Members In Attendance:** *Hon. David Borden (Subcommittee Chair), Hon. Joseph Shortall (Commission Chair), Mike Lawlor (Commission Vice Chair), William Carbone, Robert Farr*

**Also Participating:** *Andrew Clark, Sarah Russell, Linda Meyer, Jason DePatie, Cathy Foley-Geib, Michael Kaczynski*

**MINUTES**

**I. MEETING CONVENED**

Justice Borden called the meeting to order at approximately 9:41 AM.

**II. APPROVAL OF THE MINUTES FROM THE MEETING OF MAY 5, 2011**

Upon a duly made and seconded motion, the minutes were **approved by a unanimous voice vote.**

**III. CONSIDERATION OF PROPSALS FOR THE 2012 CT GENERAL ASSEMBLY LEGISLATIVE SESSION, INCLUDING:**

**A. UPDATE- Conforming the penalties of some of the unclassified criminal statues to those in the penal code (Farr);**

A working group of the subcommittee will conform the penalties of some unclassified misdemeanors to the penal code. The working group will not be able to address all of the issues but there are several the Commission will begin to review. Justice Borden asked for a list to present at the Commission's September meeting. Chris Reinhart (OLR), Brian Austin (State's Attorney), and Deborah Sullivan (Public Defender) were identified as people who may be interested in being involved in this process.

**B. UPDATE- Establishing some process for juveniles convicted in adult court to seek modification of their sentences (Carbone)**

Justice Borden asked it be noted in the minutes that Quinnipiac Law School Professors Linda Meyer and Sarah Russell, along with their students did an incredible job preparing the memos on the *Sentencing Options for Juveniles Charged with Serious Crimes* and the *Pardons System in Connecticut*.

Professor Linda Meyer outlined the memo of *Sentencing Options for Juveniles Charged with Serious Crimes*. The subcommittee asked Professors Linda Meyer and Sarah Russell, and the Quinnipiac Law students to re-draft Bill II in the memo and present it at the next meeting of the Legislative Subcommittee. The subcommittee decided this draft legislation will be included in a recommendation to the General Assembly for the 2012 legislative session.

The need for more specific DOC information in regard to this memo was also identified and Professors Linda Meyer and Sarah Russell will work with Mike Lawlor to request this data.

### **C. UPDATE- Pardons in CT (Clark)**

Bob Farr noted the *Pardons System in Connecticut* memo was very good and stated that it may be possible for the report's recommendations to be made administratively in coordination with the current BOPP Chair, Erika Tindill, rather than through statute. Mr. Farr also noted the AR process should be considered by the subcommittee in relation to this report. Mike Lawlor commented that the recommendation to allow judges to grant provisional pardons seemed like a good idea, and William Carbone emphasized employment and housing as the most significant issues facing ex-offenders during the reentry process. Expungement and sealing mechanisms were also discussed in relation to the pardons system.

The subcommittee asked for 2-3 options for draft legislation authorizing judges to grant provisional pardons. Additionally, the subcommittee asked for more information on Illinois and New York's programs.

## **IV. DISCUSSION OF SOLICITATION OF IDEAS FROM COMMISSION MEMBERS**

### **A. Sentencing modification for individuals with psychiatric disabilities (Norko)**

This topic will be re-examined in relation to Earned Risk Reduction Credits and possible coordination with DOC.

### **B. Familial consideration for ex-offender's success (Blackford)**

The subcommittee determined this topic may be more appropriate for another subcommittee to explore. Judge Shortall or Andrew Clark will follow-up with Vivien Blackford to determine how the Commission can best address this issue.

### **C. Possible vehicle for inmates with serious with mental illness (SMI) or substance use disorders (SA) to earn credit towards early release (Norko)**

This topic will be re-examined in relation to Earned Risk Reduction Credits and possible coordination with DOC.

**D. Consideration of appropriate intervention for inmates who have been sentenced 15 or more times (Farr)**

Referred to the Research Subcommittee.

**E. Reduction of the number of inmates who are discharging end of sentence to the community without supervision (Farr)**

This topic will be re-examined in relation to Earned Risk Reduction Credits and possible coordination with DOC.

**F. Reinstatement of “Good Time” or Earned Risk Reduction Credits (Shortall, Lawlor)**

An Earned Risk Reduction Credit program was approved by the 2011 General Assembly.

**G. Kidnapping penal code anomalies (Devlin)**

This topic addresses anomalies in the penal code involving the minimum sentence of the kidnapping statute. Justice Borden will contact Richard Taff in regard to draft language for the full Sentencing Commission’s September meeting.

**H. Sexual assault fourth degree statute inconsistency (Devlin)**

This topic addresses an anomaly in the penal code involving sexual assault in the fourth degree. Justice Borden will contact Richard Taff in regard to draft language for the full Sentencing Commission’s September meeting.

**By a consensus voice vote the subcommittee identified four recommendations to present at the September meeting of the Sentencing Commission for approval:**

- 1.) Conform the penalties of some unclassified misdemeanors to the penal code;
- 2.) Amend the sentencing modification statute to permit offenders who receive long sentences for crimes committed under the age of 18 to seek an amendment of their sentence at some appropriate time;
- 3.) Allow judges to grant provisional pardons for occupational licenses;
- 4.) Address anomalies in the penal code involving the minimum sentence of the kidnapping statute and sexual assault in the fourth degree.

**V. OTHER BUSINESS**

The next meeting of the Legislative Subcommittee will be Thursday, August 11, 2011, 9:30 to 11:35 AM in the CT Appellate Court’s Attorney’s Lounge.

The subcommittee will invite Richard Taff and Chris Reinhart to this meeting.

**VI. MEETING ADJOURNED**

Meeting adjourned at approximately 11:35 AM.

DRAFT