

CONNECTICUT SENTENCING COMMISSION

Full Commission Meeting

Thursday, December 20, 2012

2:00 p.m.

Legislative Office Building, Room 1A

Hartford, CT

Members Present: *Hon. Joseph Shortall (Chair), Mike Lawlor (Vice Chair), Hon. Patrick Carroll, Hon. Robert Devlin, William Carbone, Hon. Gary White, Vivien Blackford, Linda Myer (Rep. Susan Pease), Hon. David Borden, Maureen Price-Boreland, John Santa, Leo Arnone, Kevin Kane, Susan Storey, David Shepack, Thomas Ullman, Michelle Cruz, Erika Tindill, Reuben Bradford, Mark Palmer*

Members Absent: *Tracy Meares, Patricia Rehmer, Pete Gioia*

Also Participating: *Andrew Clark (Acting Executive Director), Jason DePatie (IMRP), Sarah White (IMRP), Bob Farr, Dr. Robert Painter*

MINUTES

I. MEETING CONVENED

Judge Shortall called the meeting to order at approximately 2:08 p.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF SEPTEMBER 20, 2012

Deborah Del-Prete Sullivan's name was moved from "also participating" to the "members present" section and it was noted that she represented Susan Storey. Upon a duly made and seconded motion, the amended minutes were **approved by a unanimous voice vote.**

III. REPORT OF THE CHAIR (Judge Shortall)

There was a great turn-out for the public hearing. It was a positive demonstration of the commission members giving thoughtful consideration to these issues. The commission heard the views of ex-inmates, prisoners, victims, inmates' families, and victims' families. Notification of the hearing was sent out to the populations potentially affected by this legislation (inmates, ex-offenders, victims).

The annual report will be compiled soon. Each committee must report the work it has done this year. The bulk of the report will address legislative proposals the commission is making for the 2013 session. Upon a duly made and seconded motion, the commission members authorized circulating the report to the steering committee for review before being filed by a **unanimous voice vote.**

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The bill amending the statutory language for the sexual assault in the fourth degree and kidnapping with a fire-arm was discussed. A previous issue was the LCO write-up, which will be fixed for this year. The committee reached **consensus** on supporting this bill for the 2013 session.

IV. VOTE: 2013 LEGISLATIVE PROPOSALS

a. Felony Classification

Bob Farr provided a summary of this proposal. Details of this bill can be found on the Commission's website. The Commission reached **consensus** to support this bill concept for the 2013 session.

It was agreed that when full bills are drafted, Mike Lawlor, Hon. Joseph Shortall and Hon. David Borden shall review the bills before moving forward with them. The drafts must confirm to the Commission's agreed upon standards. Upon a duly made and seconded motion, this review process was approved by a **unanimous voice vote**.

b. False Statement Statutes

Bob Farr reported on the false statement statute proposal. Details of the bill can be found on the Commission's website. There was concern regarding the requirement of "authorized by law". It was clarified that the agency is authorized by law to notify people that false statements on their forms are punishable by law. The way it was drafted implied that the form had to be authorized by law. This issue will be addressed during drafting.

The Commission reached **consensus** to support this bill concept for the 2013 session.

c. Juvenile Sentence Reconsideration

The working group's proposal for Juvenile Sentence Reconsideration was discussed. The details of this bill can be found on the Commission's website. The working group worked hard all throughout the year to work out this legislative proposal. Michelle Cruz explained that the issue of victim voices and the views of the victim's advocate's office conflict with her support of this bill. She has abstained from the vote.

The Commission reached **consensus** to support this bill concept for the 2013 session.

Michelle Cruz recommended two separate rooms for the different sides for public hearings. Judge Shortall agreed to bring it up to judiciary committee.

d. Miller v. Alabama

The proposal of the Miller working group was discussed. Details of this proposal can be found on the Commission's website.

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The change established by this proposal applies to both the original capital felony murder law and the new murder with special circumstances law. Kevin Kane noted that some people could be convicted under the original capital felony law *after* it became “murder with special circumstances”, so both laws must be amended to comply with this proposal. Concern was raised over the requirement that the presentence report may not be waived. There may be cases where parties recommend suspended sentences or “time served”, so perhaps there can be a clause for this to be re-thought.

The Commission reached **consensus** to support this bill for the 2013 session.

e. Drug free school zones

The working group provided a report on its recommendations regarding drug-free school zone laws. The details of this proposal can be found on the Commission’s website. Some recommendations were unanimously considered, while others require further consideration. Some issues were discussed which were not included in the report, such as the inclusion of private residences in these drug-free zones and whether enhanced penalties should apply when school is not in session. It was suggested that the Commission be authorized to evaluate the effectiveness of drug-free school zones.

The Commission agreed to table the recommendation to eliminate mandatory minimums for 1st time offenders. This concept requires further discussion and may return in the future. The Commission agreed that the two recommendations regarding the measurement of these zones, and the recommendation requiring “intent” by offenders to sell in that area would remain.

The Commission reached **consensus** to support the agreed upon recommendations for the 2013 session.

f. Certificates of rehabilitation.

The “Certificates of Rehabilitation” proposal was discussed. Details of this proposal may be found on the Commission’s website. Some issues raised were raised regarding the criteria of the chief court administrator in issuing these certificates, and whether these certificates would be effective and helpful for offenders. The Commission agreed that there needs to be education and outreach to employers and licensing boards. It would also be helpful to study and report if similar instruments work elsewhere.

The Commission reached **consensus** to support the concept of this bill for the 2013 session.

g. Exempting Institutions of Higher Education That Offer Free Courses to Inmates From State Contracting Requirements

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The details of this proposal can be found on the Commission's website. This proposal was briefly discussed. The Commission reached **consensus** to support this bill for the 2013 session.

V. REPORT OF THE ACTING EXECUTIVE DIRECTOR – Andrew Clark

Andrew Clark began by acknowledging and thanking the staff members and individuals who put in effort and time helping the Commission and its committees. He reported that next year's schedule has not been determined. Meetings will be quarterly and on the 3rd Thursday of said month. The first meeting will be scheduled for some time in March.

It was acknowledged that the official voting procedure of the commission is through the consensus process. Andrew also noted that a mechanism is being developed for informing Commission members of individual information sent to the Commission and sharing correspondence.

VI. Legislative procedures

Andrew Clark was the legislative liaison for the previous session, and he was able to go to Judge Shortall when issues arose. Judge Shortall would like to formalize this process and officially authorize Andrew as the Commission's legislative liaison. Judge Shortall, Mike Lawlor, and Justice Borden would be authorized to answer questions and address issues beyond Andrew's ability. Upon a duly made and seconded motion, Andrew Clark was approved as the Commission's legislative liaison by a **unanimous voice vote**.

VII. Committee reports

Committee reports were not provided at this time.

VIII. Other business

No other business was addressed.

IX. Meeting Adjourned.

The meeting adjourned at 4:32 p.m.