



STATE OF CONNECTICUT
SENTENCING COMMISSION

Testimony of Leland J. Moore Before the Judiciary Committee on HB 5631, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Victim Notification.

Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. For the record, my name is Leland Moore and I am an attorney with the Connecticut Sentencing Commission. I would like to thank the committee for raising HB 5631, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION.

Last session, you charged us—through Public Act 15-84—with developing a proposal to address the needs of crime victims at sentencing. In response, the Commission convened a working group that included the State Victim Advocate, the Judicial Branch, a State’s attorney, a Public Defender and the Department of Correction.

The working group’s recommendation was reviewed and unanimously endorsed by the Sentencing Commission at our December meeting. This is significant in that the commission consists of 23 members, including judges, prosecutors, criminal defense counsel, the commissioners of the Departments of Correction, Public Safety and Mental Health and Addiction Services, 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 and members of the public appointed by the Governor and the leaders of the General Assembly. Thus, the Sentencing Commission represents all aspects of Connecticut’s criminal justice system.

Although existing notification systems provide a wealth of useful post-conviction and presentence information, crime victims would further benefit by having an understanding of a defendant's term of imprisonment and potential release date at the time of sentencing. Periods of incarceration and community supervision can be impacted by changes in the law or release mechanisms. However, advance information allows crime victims to plan for their physical, mental health, and safety concerns. This bill ensures that crime victims have increased access to information regarding a defendant's term of imprisonment and release date.

The Commission respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report to strengthen this legislation and to provide relevant information to a wider group of crime victims. Both, Section 1 that addresses the court providing certain information at sentencing, and Section 3 that addresses the Department of Correction providing certain information to members of the public, apply to sentences of "more than a two-year term of imprisonment or a total effective sentence of more than a two year term of imprisonment." However, under the bill before you, Section 2, which deals with state's attorneys providing information to victims at the time of a proposed plea, only applies to "a term of imprisonment which is more than two years."

Unlike Section 1 and Section 3, Section 2 is limited to a term of imprisonment which is more than two years. For example, if a defendant was sentenced to "3 years execution suspended after 18 months and 2 years of probation," that sentence may not, necessarily, be covered by Subsection 2 even though the "total effective sentence" exceeds two years. The Commission's intent was for Section 2 to apply to proposed plea agreements that provide for a total effective sentence of more than two years. Thus, the Commission respectfully asks that the Committee includes "a total effective sentence of more than two years" in Section 2 consistent with Sections 1 and 3.

We thank the Committee for raising this important legislation and for your continued efforts to respond to the needs of crime victims. We urge the Committee's JOINT FAVORABLE SUBSTITUTE Report.