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Raised Bill No. 6539
An Act Concerning Sentence Modification
Judiciary Committee Public Hearing – March 9, 2011

The Office of the Chief Public Defender supports passage of *Raised Bill No. 6539, An Act Concerning Sentence Modification*. This bill eliminates the requirement that a state's attorney must agree with a defendant's request for a hearing requesting that the sentencing court consider reduction or modification of a sentence greater than three years.

Current law, pursuant to Connecticut General Statute Sec. 53a-39, allows a defendant, at any time during the period of a definite sentence of **three years or less**, to request that the sentencing court, after a hearing, and for good cause shown, modify or reduce the sentence. The request or motion for such a hearing **requires no agreement** from the state's attorney. However, if a defendant is serving a sentence of greater than 3 years the agreement of a state's attorney is required before the court may even consider any motion for modification at a hearing.

It is the belief of the Office of the Chief Public Defender that maintaining the requirement that a state's attorney agree, to the modification hearing itself, in cases of sentences greater than 3 years denies courts the opportunity to exercise their discretion and decide modification questions on their merits. Elimination of this requirement will properly leave the decision on modification questions squarely within the discretion of the sentencing court. It is the view of this Office that the court's discretion can only be properly exercised after a full hearing where all parties are allowed, in open court, to present relevant information and evidence regarding any sentence modification request. For these reasons the Office of the Chief Public Defender supports this bill.

