STATE OF CONNECTICUT

Sentencing Commission

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INSTITUTE FOR MUNICIPAL AND
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Central Connecticut State University

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STATE OF CONNECTICUT
SUPERIOR COURT

Chambers of
Hon. Joseph M. Shortall
Judge Trial Referee

February 15, 2013

To: The Honorable Dannel P. Malloy, Governor
The Honorable Chase T. Rogers, Chief Justice
The Honorable Members of the Connecticut General Assembly

Public Act No. 10-129, which created the Connecticut Sentencing Commission, requires the Commission to report to you annually upon its work and any recommendations it may have concerning sentencing statutes, policies and practices. Accordingly, I submit the Commission's report for the year 2012.

This report describes the work of the Commission during the past year and includes nine proposals for consideration at the 2013 legislative session.

Since its establishment two years ago, the Commission has provided value to the state by creating a consensus driven platform for the deliberation of complex criminal justice policy among professionals in the field. Through this process, the Commission regularly addresses U.S. Supreme Court rulings, recommends best practices in recidivism reduction, and cleans up existing statues while engaging the public and appropriate stakeholders. Given this is being accomplished without ongoing dedicated funding; the work of the Commission would be strengthened and expanded through an annualized appropriation.

I would like to express the Commission's gratitude to the Institute for Municipal and Regional Policy at Central Connecticut State University, and in particular its director, Andrew J. Clark, for their invaluable assistance to the Commission since its inception in February 2011.

Respectfully,

Joseph M. Shortall
Chair, Connecticut Sentencing Commission

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The Institute for Municipal and Regional Policy (IMRP) is a non-partisan, University-based organization dedicated to enriching the quality of local, state and national public policy. The IMRP tackles critical and often under addressed urban issues with the intent of ensuring the most positive outcomes for affected individuals and entities. In doing so, the IMRP bridges the divide between academia, policymakers, practitioners and the community.

Working for fair, effective and just public policy through applied research and community engagement, the IMRP utilizes the resources of CCSU students, staff and faculty to develop, shape and improve public policy on issues of municipal and regional concern. The IMRP accomplishes this through a variety of targeted approaches such as: public education and dialogue; published reports, articles and policy papers; pilot program design, implementation and oversight; and the facilitation of collaborations between the University, government, private organizations and the general community.

The IMRP aspires to be a respected and visible presence throughout the State of Connecticut, known for its ability to promote, develop and implement just, effective public policy. The IMRP adheres to non-partisan, evidence-based practices and conducts and disseminates its scientific research in accordance with strict, ethical standards.

The IMRP is responsive to social and community concerns by initiating projects addressing specific needs and interests of the general public and policymakers, as well as sponsoring conferences, forums, and professional trainings. Access to state-of-the-art technology and multi-media enhances the IMRP's ability to advance best practices to improve the quality of public policy in the State of Connecticut and nationwide.

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PART I: INTRODUCTION

This report is organized into four sections. The remainder of this introduction addresses the Commission's creation, membership and legislative mandate. The second section examines the national landscape of Sentencing Commissions and their funding mechanisms. Section three highlights the work of the Commission and its five standing committees. Section four describes nine legislative proposals unanimously approved by the Commission for consideration by the General Assembly during the 2013 legislative session.

Commission Overview

The Connecticut Sentencing Commission was created by Public Act 10-129, which was effective February 1, 2011.[1] Its mission, as stated in the statute, is as follows:

> 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.[2]

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.[3]

Public Act 10-129 identifies 13 tasks for the Commission in carrying out its mission, including facilitation of the development of a state-wide sentencing database, evaluation of existing and proposed statutes and programs, identification of potential areas of sentencing disparity and providing training regarding sentencing and related issues.[4]

The statute provides no funding for staff or research assistance to support the Commission in the performance of its tasks. It does permit the commission to accept grants of federal or private funds made available for any purposes consistent with the statute. The Commission meets quarterly or as the chair deems necessary to review the work of its committees.

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[1] The provisions of the public act have been codified in General Statutes § 54-300.
[2] See Appendix A for the full text of P.A. 10-129.
[3] See Appendix B for a list of commission members as of January 1, 2013.
[4] See Appendix D for a complete list of the commission's statutory tasks.

PART II: NATIONAL OVERVIEW OF SENTENCING COMMISSIONS

Overview of Sentencing Commissions

There are 28 active state sentencing commissions (including the District of Columbia) in the United States. Sentencing commissions vary in terms of their structure, membership, duties and relationship with state government. For your reference, a catalog of sentencing commission structures and funding mechanisms can be found in Appendix E. In addition to variations in structure, the impetus for creating sentencing commissions has changed over time. Since sentencing commissions were first established three decades ago, three notable trends have emerged. First, the earliest sentencing commissions, established in the late 1970s, were charged primarily with promulgating sentencing guidelines.

Second, while commissions became more widespread in the late 1980s and 1990s, the impetus for their creation shifted. These shifts were mainly due to the enactment of the Federal Crime Bill of 1994, also known as the Violent Crime Control and Law Enforcement Act, and the allocation of federal VOI/TIS money (Violent Offender Incarceration and Truth-in-Sentencing). Moreover, states were moving from indeterminate to determinate sentencing in an effort to implement truth-in-sentencing policies. As a result, these commissions were dealing with prison overcrowding crises caused by "get tough" sentencing policies of previous years and the shift to truth-in-sentencing.

Most recently, states have been creating commissions to examine criminal sentencing policies in broader terms. These commissions are not specifically focused on developing sentencing guidelines, but rather on issues of prison overcrowding, community sentencing alternatives and reentry strategies. Of the four states that established currently active sentencing commissions in the past ten years excluding Connecticut—New Jersey, Colorado, New York, and Illinois—only New Jersey's was primarily charged with implementing sentencing guidelines.[5]

Colorado established its Commission to address mounting concerns about the rapidly increasing prison population, high recidivism rates and soaring prison expenditures. In 2007, the year the Commission was established; state correctional facilities housed 23,000 inmates and maintained supervision of over 10,000 parolees. One of every two released prisoners returned to prison within three years. The Colorado Department of Corrections' budget had increased from $57 million in 1985 to $702 million in 2007, and the state's prison population grew 400 percent—from 4,000 in 1985 to 20,000 in 2005. Official projections suggested that the prison population would increase by nearly 25 percent by 2013. The pressure to curtail prison spending and reduce the prison population spawned the passage of the Commission's enacting legislation.

The Commission in New York was established to evaluate the efficacy of the state's mandatory minimum laws for drug offenders. In Illinois, the Sentencing Commission was charged with ensuring that evidence-based practices are used in policy decisions and within the elements of the criminal justice system. To perform this function, the Commission is responsible for collecting and analyzing data, conducting correctional population projections based on simulation models, and producing fiscal impact statements for the legislature.

[5] The New York State Sentencing Commission on Reform was a temporary Commission which recommended in its final report on January 30, 2009 the creation of a permanent Sentencing Commission.

National Association of Sentencing Commissions (NASC)

The mission of the National Association of Sentencing Commissions is "to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies, sentencing guidelines, and sentencing commissions."[6] Pursuant to this mission, the 2012 NASC Annual Conference, "Assessing Policy and Change," was hosted in August in Chicago, IL. The chair of the Connecticut Sentencing Commission, the Hon. Joseph M. Shortall and Acting Executive Director, Andrew J. Clark, represented the Commission at the 2012 annual conference. Sessions included discussions on: justice reinvestment through policy analysis, mandatory probation treatment, cost-benefit analysis, evidence-based practices and mandatory minimum sentences.

[6] Additional information about the National Association of Sentencing Commissions (NASC) is available at: http://thenasc.org/aboutnasc.html.

PART III: WORK OF THE COMMISSION & ITS COMMITTEES

The principal work of the Commission is done through its five standing committees.[7]

Steering Committee

The Steering Committee is charged with establishing the formal policies and operating parameters of the Sentencing Commission, as well as developing a vision for the Commission.

Actions: Since its inception in February 2011, the Sentencing Commission has worked toward consensus in considering and adopting proposals for changes in sentencing policies and practices and other criminal justice matters within its statutory jurisdiction.

The major accomplishment of the Steering Committee in 2012 was to adopt a policy defining the consensus decision making process the Commission is to employ. That policy was approved by the full Commission at its meeting of June 28, 2012. A copy may be found in Appendix F.

Briefly stated, the Commission's decision making policy states its expectation that every member will engage fully in discussion of all Commission proposals, so that any objections the member has may be addressed in the decision making process.

The objective of this process is to generate proposals with which all members can agree or, if a member is not in agreement, which that member can live with. The Steering Committee and the Commission adopted this qualitative definition of a consensus proposal, rather than a mathematical definition (e.g., "a proposal endorsed by two-thirds of the members") that could be subject to manipulation.

A proposal which does not achieve consensus, as defined by the Commission policy, is subject to a vote. If the proposal is supported by a majority of Commission members, the chair and vice-chair of the Commission will decide whether the size of the majority is sufficient to justify designating the proposal as one endorsed by the Commission.

Individual members of the Commission are free to express their opposition to a proposal endorsed by the Commission. The Commission's policy, however, expresses its expectation that a member intending to express opposition to a Commission-endorsed proposal (e.g., by testifying or lobbying against a bill endorsed by the Commission) will inform the chair or vice-chair in sufficient time to allow an opportunity for them to discuss with the member the grounds for the member's opposition.

Thus far the Commission has been successful in generating consensus among its members on all of its proposals for changes in legislation affecting sentencing and other criminal justice matters within its jurisdiction.

[7] See Appendix C for standing committee and working group membership.

Committee on Sentencing Structure, Policy and Practices

The Sentencing Structure, Policy and Practices Committee is charged with evaluating the structure, policy, and practices of Connecticut's criminal justice system.

Actions: The Connecticut Sentencing Commission's committee on Sentencing Structure, Policy and Practices considered the following matters in 2012:

1. *Kidnapping*

The committee put forward a proposal to clarify Connecticut's kidnapping statutes which the full Commission has endorsed. The present statutory scheme contains inconsistencies which the Commission proposes to eliminate by legislative amendment.

2. *Classification of Felonies*

A working group headed by Attorney Robert Farr, a former legislator and former Chair of the Board of Pardons and Paroles, has endeavored to propose the classification of many felony offenses that are now unclassified. At present, Connecticut has class A, B, C and D felonies plus a welter of crimes that carry a penalty of more than one year but do not fit within the above classifications. The proposal calls for the creation of a new class E felony that will apply to many of the unclassified crimes.

The committee and the full Commission endorsed the results of the working group while acknowledging that more work can be done in this area.

3. *Miller v. Alabama*

In June 2012 the United States Supreme Court ruled that, as a matter of federal constitutional law, persons who are convicted of homicide committed while the person was under age eighteen may not be sentenced to a mandatory term of life imprisonment without the possibility of release. This decision impacted Connecticut's murder with special circumstances statute that mandates a sentence of life without possibility of release for all persons convicted of that offense – even those under eighteen. The committee crafted two proposals both of which would bring Connecticut's statute into compliance with the law. The full Commission has endorsed those proposals.

4. *Sexual Assault Offenses*

The committee will propose to the full Sentencing Commission in 2013 that Connecticut's statute on Sexual Assault in the First Degree be amended to permit the sentencing judge to impose a period of probation as an alternative to special parole. At present, sentencing judges are required to impose a sentence of incarceration and special parole that equals at least ten years. Recent studies have demonstrated the efficacy of long term probation supervision to reduce recidivism by these offenders. In Connecticut, probation for sex offenses can extend to up to thirty-five years. The present statutory scheme restricts the judges' sentencing options in these difficult cases.

The committee also recommends that Connecticut's Sexual Assault Fourth Degree statute be amended to correct an internal inconsistency in the language of one subsection. This would clarify the elements of the statute and make it easier to apply. The Commission has endorsed this proposal.

5. *End of Sentence: Best Practices*

The committee continues to work with Yale Law School's clinical program in their examination of best practices to facilitate the transition of offenders from prison to their communities. Several states have achieved re-offense levels less than those experienced in Connecticut. The project's aim is to identify the practices that set those states apart and examine the feasibility of incorporating them into the Connecticut sentencing scheme.

6. *Suggestions*

The committee has made known its willingness to receive and consider proposals to improve sentencing laws in Connecticut from all stakeholders in our criminal justice system. The committee has received several proposals that it is now studying. These include proposals to:

a) Revamp and simplify Connecticut's persistent offender statutes.

b) Permit judges, under special circumstances, to deviate from mandatory minimum sentences.

The committee continues to encourage submissions from prosecutors, defense counsel and others interested in improving our sentencing structure.

Committee on Research, Measurement and Evaluation

The charge of the Research, Measurement and Evaluation Committee is to solicit, coordinate, and present research proposals to the Commission.

Actions: On August 27, 2012, Thomas Ullmann and Susan Pease, commission members who chair this committee, requested a considerable amount of descriptive data from the Department of Correction related to the sentenced and pretrial prison population in Connecticut.[8] In response to this request, the committee received a large data set in November and is organizing the data to present to the Commission.

The committee developed a draft proposal for a process by which research topics and principal investigators/researchers could be selected by the Commission.[9]

A working group of the committee developed a research proposal designed to examine the possible role of risk assessment instruments on the practice of sentencing in Connecticut. The research proposal, "Evidence-Based Sentencing: Impact of Sentencing Practices in Connecticut," is available in Appendix I.

In 2013, the committee will begin the process of selecting an investigator interested in working on the proposed research project. A draft for a process by which prospective researchers are recruited and selected will be developed and a request for qualifications will be issued.

[8] See Appendix G for a copy of the data request addressed to the Department of Correction.
[9] The Research, Measurement and Evaluation Committee's "Guidelines for the Development of Research Areas and the Selection of Principal Investigators/Researchers," is available in Appendix H.

The Research, Measurement and Evaluation Committee intends to create a working group to look into possible research projects to address mandatory sentencing.

Committee on Recidivism Reduction

The work of the Recidivism Reduction Committee is divided into six categories: 1) greater use of alternative justice strategies; 2) creating an effective reentry system; 3) identifying and caring for mentally ill offenders and those at risk for offending; 4) identifying and implementing best practices in DOC; 5) encouraging and promoting interagency collaboration; 6) educating and listening to the public about the criminal justice system.

Actions: During the past year, the Recidivism Reduction Committee commissioned and focused its attention on a white paper entitled, "Evidence-based Reentry Initiatives Devoted to Strengthening Positive Social Relationships." This paper brought to the attention of the Sentencing Commission a unifying framework for the consideration of a group of diverse reentry initiatives. These initiatives are connected by virtue of their role in forming, strengthening, and supporting the positive social relationships that are one of the bedrocks for positive change. They carry well-demonstrated, evidence-based potential to have a significant positive impact on recidivism. The following is an executive summary of the white paper and a list of its principal recommendations.

Ninety-five percent of those incarcerated nationwide will return to their communities. Between 50-60 percent will commit additional crimes. Randomized studies have shown that punitive policies tend to be less effective overall than treatment-based policies in changing offender behavior, and prison may exacerbate criminal behavior by eroding the familial, educational, community and vocational support necessary for successful reentry and by creating trauma and loss that perpetuate crime from generation to generation. People rarely change by themselves. Rather, they tend to make positive changes because of positive close relationships. This white paper examines some of the existing empirical literature on evidence-based approaches for improving recidivism rates by attending more closely to approaches that strengthen familial and community networks. Connecticut is already using many of these techniques, but more can be done.

Report Recommendations:

A major section of the paper contained recommendations for changes that the Department of Correction could make in its policies and practices which could strengthen the positive social ties of incarcerated offenders, thereby, reducing recidivism.

A. Prison Based Programs and Policies:

- Expand Opportunities for Quality Visitation for Prisoners
- Promote Other Means for Prisoners to Connect with Family while in Prison
- Encourage and Support Positive Social Relationships for Prisoners through Drug and Mental Health Treatment, Education, Vocational Training and Religious Programs

Positive social relationships are crucial to the successful reintegration of individuals into the community. The following reforms would help maintain and strengthen these relationships post-release.

B. Post Release Reentry Programs and Policies

- Expand family mediation and transition services
- Re-evaluate options for child care, transportation etc.
- Review mandatory public housing restrictions
- Engage formerly incarcerated individuals in multi-dimensional therapy
- Enhance transitional housing and halfway house reentry programs
- Provide more opportunities for reentry networking among community service providers
- Coordinate reentry support for housing, employment, food, etc.
- Support in prison drug and mental health treatment with community aftercare
- Consider options for addressing accumulation of child support obligation during incarceration
- Re-evaluate driver's license suspension
- Re-evaluate by crime post incarceration employment and licensing
- Re-evaluate fees parolees may pay for electronic monitoring
- Record and track participants in existing programs for better future evaluation

Additional Recommendations on Prison Based Programs and Policies: Through a process of significant outreach and coordination to include meetings with the Department of Correction, Court Support Services Division, Support Enforcement, Quinnipiac University and other constituents, the committee developed the following draft proposals in response to the recommendations for Prison Based Programs and Policies. The Recidivism Reduction Committee respectfully submitted these ten recommendations to the Sentencing Commission for its review and possible adoption in 2013.

1. The Department of Correction should adopt an agency-wide policy statement recognizing that the positive social ties of offenders can help to reduce recidivism.

2. The Department of Correction should consider revisions to its administrative directives on visiting to make the directives more consistent with the positive impact of positive social relationships on offenders.

3. Within the limits of security and capacity constraints, the Department of Correction should seek to minimize obstacles to family visits. The Department should also implement some means of gathering data on family visits, perhaps using volunteers to gather and process data.

4. The Department of Correction should initiate - from within its own agency or through outside channels - an assessment of the transportation available to visitors to all of Connecticut's prison facilities. The assessment should include an appraisal of the degree of demand for transportation from each of the major cities.

5. The Department of Correction should assess the quality and prevalence of child-friendly features in visiting areas of its prison facilities, and should encourage efforts by staff and volunteers to expand these features.

6. The Department of Correction should develop criteria and standards for lengthened visits and communicate these to inmates, and through postings, to family members.

7. The Department of Correction should further develop programs that have an evidence-based capacity to strengthen the bonds between incarcerated parents and their children.

8. The Department of Correction review disciplinary restrictions on visiting and phone calls in light of their impact on positive social ties, and where feasible, minimize their impact on family visits.

9. The Department of Correction's programs for fathers should receive additional attention.

10. In the Department of Correction, increased case management should, where appropriate, strengthen connections of inmates to their families, and family ties to agency services for inmates.

Additional Recidivism Reduction Committee Activity:

The Recidivism Reduction Committee and the full Commission endorsed the following proposed legislation, and recommends it for consideration by the General Assembly during the 2013 legislative session.

"Be it enacted by the Senate and House of Representatives in General Assembly convened:
Section 1. (NEW) (Effective October 1, 2013)

An institution of higher education that enters into a contract with the Department of Correction for an employee of such institution to teach one or more for-credit courses to inmates of a correctional facility at no charge to said department shall not be considered a state contractor for purposes of chapters 58, 62 and 814c of the general statutes"

This draft bill was endorsed by the Recidivism Reduction Committee because substantial evidence indicates that university courses, offered to currently incarcerated felons, will increase their likelihood of making a successful re-entry when they emerge from prison. The bill will remove an obstacle to more college courses being offered to inmates with no additional cost to the State

The full Commission endorsed the above by consensus.

Work Plan for 2013:

1. The Recidivism Reduction Committee will continue to work on the recommendations from the white paper addressing Prison Based Programs & Policies and Post Release Reentry Programs & Polices.

2. The Committee will also continue to research, explore and act upon other significant evidenced based, best practice models for recidivism reduction.

Legislative Committee

The Legislative Committee is charged with developing proposals to submit to the Joint Judiciary Committee of the General Assembly for consideration during the legislative session.

Actions: The Committee developed five legislative proposals to submit to the General Assembly for consideration during its 2013 session. These include the following statutes: 1) Amend the Commission's authorizing legislation to add the chairs and ranking members of the Judiciary Committee as members of the Commission; 2) Decrease the "drug-free school zone distances from 1500 feet to 200 feet from the perimeter and codify State v. Lewis to require a specific intent to commit a drug violation within that zone; 3) Comply with Miller v. Alabama by eliminating mandatory sentence of life imprisonment without release for juveniles convicted of capital felony or murder with special circumstances; 4) Create a "certificate of rehabilitation" which would have the same purpose and legal effect as a provisional pardon, expedite the process for obtaining relief, provide employers liability protection and would provide greater guidance to licensing agencies and state employers; 5) Provide that juvenile offenders serving sentences imposed in the adult criminal court would be eligible for parole after serving one-half of a sentence of 60 years or less and after serving 30 years of a sentence exceeding 60 years. More information on these proposals is available in Section IV.

Questions for Further Research

In January of 2012 the committees on Sentencing Structure, Policy and Practices, and Recidivism Reduction identified questions deserving of research to assist the Commission in carrying out its mission. While the Sentencing Structure, Policy, and Practices Committee began a research project on end of sentence services and the Recidivism Reduction Committee completed a project on pro-social behavior, many of the research projects were not pursued due to limited resources. These questions will be reexamined if the Commission receives funding for permanent staff and additional research partnerships are established.

Sentencing Structure, Policy and Practices Committee

1. *Who is in jail in Connecticut?*
    a. What does our inmate population look like with respect to race, ethnicity, gender, age, zip code of residence and length of sentence?
    b. For each of the major crimes: how many persons are serving time for that charge and what is the average sentence?
    c. For each inmate: what is the charge of conviction and what was the original arrest charge?

2. *End of Sentence Services*
    a. Connecticut does not permit parole for murder and some other serious offenses which complicates the ability to provide end of sentence services to persons convicted of these offenses. How many other states forbid parole in this fashion?
    b. Do states that forbid parole have a mechanism to assist offenders in the transition from prison to the community?

3. *Penal Code*
    a. How has Connecticut's codified criminal law changed since the adoption of the Model Penal Code in the 1970s? What new and or different crimes has the legislature added?
    b. What has been the historical development of mandatory minimum sentences in Connecticut – particularly since the adoption of the MPC?

4. *Sex Offenders*
    a. What is the evidence (if any) that some percentage of sex offenders continue to engage in illegal sexual misconduct after being prosecuted and punished for a sex offense?
    b. Are the rates of recidivism (or rates of continuing misconduct) different depending on whether the initial conviction involved (1) pedophilia, (2) acquaintance sexual assault or (3) violent sexual assault?

Recidivism Reduction Committee

For each of the research endeavors listed below, a careful review of existing research will inform any decision about whether to gather data. For each item below, important or even sufficient information may already exist. The objective of the proposed research is to enrich existing knowledge concerning policies, practices and management of offenders, in order to maximize the likelihood that their encounters with the criminal justice system contribute to their transformations into law-abiding members of society.

The proposals below are listed in the order of the degree of support that they received within the committee. However, all of these proposals received broad support.

1. *We need a deeper, more longitudinal understanding of offenders -- going well beyond the demographic and criminal justice data that we currently gather. We need to understand the pathways of offenders' lives as they have passed through institutional settings including schools, juvenile services, courts, prison and community supervision. Their histories in health, mental health and substance abuse, employment, income, housing and neighborhoods should be tracked, as well as and their social and family support. Their participation in and response to programs and services in and after prison, including community supervision, should be examined, as well as their juvenile histories and their adult charges, convictions and sentences.*

This research should focus on offenders under age 30, because that is where recidivism is highest and interventions can have the most impact on outcomes. The analysis should include several groups of specific interest:

- A group of incarcerated first-time offenders.
- A similar group of first time offenders - who have not recidivated within three years post incarceration.
- A similar group of offenders who have re-offended more than once within three years.
- A group that that is similar to the incarcerated first-time offenders, but who were not sentenced to prison.
- A group of re-offenders who have served short sentences.

This analysis will seek to find factors, including specifically interactive factors, as well as important turning points, that associate with greater or lesser probability of recidivism as well as other indicators of degrees of harm and of success.

2. *Assess the adult correctional system's strengths, achievements, gaps, and areas of weak impact. Include DOC facilities, community corrections, and the nonprofit sector. Focus on outcomes, execution, cost, and evidence base.*

This would be a major undertaking with significant challenges – some stemming from the fact of crossing many organizational boundaries. This proposal's strong support within the committee derives from the fact that many clients and providers seem to believe that the "system" would be more effective if its coordination was improved, and the issue of coordination raises related issues of organizational effectiveness.

3. *Study the impact of supportive social ties - including family ties - on recidivism and other indicators of harm and success. Compare social-tie effects of incarcerated vs non-incarcerated offenders, and trace the granular effects of incarceration on families and other sources of social support. Examine current DOC practices that support or weaken social ties, with a view toward security considerations. Also review the data of the impact of conjugal and full family visits on incarcerated offenders.*

4. *Study the relationship of current offender assessments to factors of success and failure. Can assessments be made more accurate and useful for program and release planning?*

PART IV: 2013 LEGISLATIVE PROPOSALS[10]

During 2012 the Commission developed nine proposals to present to the General Assembly for consideration at its 2013 session. These include recommendations to:

1) Amend the Commission's authorizing legislation to add the chairs and ranking minority members of the Judiciary Committee as members of the Commission.
2) Provide that juvenile offenders serving sentences imposed in the adult criminal court would be eligible for parole after serving one-half of a sentence of 60 years or less and after serving 30 years of a sentence exceeding 60 years.
3) Eliminate mandatory sentences of life imprisonment without release for juveniles convicted of capital felony or murder with special circumstances.
4) Increase the effectiveness of the existing provisional pardon statute by authorizing parole release panels to issue "certificates of rehabilitation" and allow probation officers to issue "certificates of rehabilitation" to probationers whose employment prospects would be enhanced by such a certificate.
5) Codify over 200 presently unclassified felonies to conform to the offense categories of the Penal Code.
6) Decrease the "drug-free school zone distances from 1500 feet to 200 feet from the perimeter and codify State v. Lewis to require a specific intent to commit a drug violation within that zone.
7) Clarify the existing false statement in the first degree statute, General Statutes § 53a-157a, and amend the false statement in the second degree statute, General Statutes § 53a-157b, to create model statutory language clarifying the elements of the crime of making a false statement.
8) Correct an inconsistency in the sentencing provisions of the kidnapping statutes and clarify the intent requirement for sexual assault in the fourth degree.
9) Exempt from the state contracting process institutions of higher education that provide courses to inmates of a correctional facility at no charge to the Department of Correction or the inmates.

Public Hearing

The Commission, recognizing the importance of public input, held a public hearing on November 29, 2012 at which it heard testimony addressing juvenile sentence reconsideration, Miller v. Alabama, certificates of rehabilitation, and inmate visitation. Prior to the hearing, the Commission had received the cooperation of the Department of Correction, the Victim Services Division of the Judicial Branch and the Office of the Victim Advocate in its efforts to ensure that victims of crime and others interested in the work of the Commission received notice of the hearing. The Commission received testimony from over sixty people. Additional information concerning the Commission's public hearing and CTN coverage from the event is available at: http://www.ct.gov/opm/csc.

1) Adding the chairs & ranking members of the Judiciary Committee to the Sentencing Commission

The full Sentencing Commission unanimously approved a proposal to amend the Commission's authorizing legislation to add the chairs and ranking members of the Judiciary Committee as members of the Sentencing Commission in order for the Commission to have the benefit of their familiarity with the legislative process and their knowledge of the landscape of the criminal justice system.

[10] The Commission wishes to thank the Legal Clinic at the Quinnipiac University School of Law, and in particular Prof. Sarah Russell and Prof. Linda Meyer, for their invaluable assistance in considering and drafting its legislative proposals.

2) Reconsidering Sentences Imposed on Juveniles

Three times in the past seven years the United States Supreme Court has held that juvenile offenders cannot be sentenced as if they were adults.

In those decisions the Court held that, "because juveniles have lessened culpability, they are less deserving of the most severe punishments." See, e.g., *Graham* v. *Florida*, 560 U.S. __, No. 08-7412, pp. 16-17 (2010). The Court based this conclusion on the results of scientific and sociological studies and developments in psychology and brain science that show (1) a lack of maturity and an underdeveloped sense of responsibility in youth that often lead to impetuous and ill-considered actions and decisions, (2) a greater susceptibility to negative influences and outside pressures, including peer pressure, and (3) fundamental differences between juvenile and adult minds, particularly in the parts of the brain involved in behavior control.

Because the character of a juvenile is not as well formed as that of an adult and juveniles are more capable of change than adults, the Supreme Court found that even a juvenile's commission of a very serious crime cannot be considered evidence that he/she is of a permanent bad character and incapable of reform.

In the case of *Graham* v. *Florida* the Supreme Court held that the U.S. Constitution prohibits a sentence of life without parole for a child convicted of a non-homicide offense. The state must give the child a "meaningful opportunity" to obtain release before the maximum term of the sentence imposed, "based on demonstrated maturity and rehabilitation."

The *Graham* case applied only to non-homicide crimes, but in the case of *Miller* v. *Alabama*, decided just last year, the Court held, again based on the lessened culpability of children, that the Constitution forbids a mandatory sentence of life without parole even for children convicted of murder.

These decisions of the Supreme Court have prompted both courts and legislatures in several states to come up with differing responses. The Sentencing Commission has been of the opinion that in Connecticut a legislative response would be preferable to case-by-case decisions by different courts as to what these cases require.

Current law in Connecticut provides that individuals who are prosecuted as adults for crimes committed when they were under 18 are subject to the same parole rules as adults: they are ineligible for parole for certain crimes and eligible only after 85% of their sentences has been served for many other crimes. These decisions of the Supreme Court have made it necessary for the Commission to look into what changes are necessary in Connecticut's sentencing and parole laws to conform to the U.S. Constitution.

A working group of Commission members from diverse criminal justice backgrounds was charged with and succeeded at coming up with a proposal that it believed balanced the interests of prisoners who were convicted of serious crimes when they were under 18, the state of Connecticut and the victims of these juveniles' crimes. This proposal was adopted by consensus at the Commission's meeting on December 20, 2012. It would apply to juveniles who receive sentences exceeding ten years in the adult criminal court.

Its provisions are as follows:

- Juvenile offenders serving sentences of sixty years or less will be eligible for parole after serving one-half of their sentence or ten years, whichever is greater. Only juvenile offenders serving sentences of more than ten years based on crimes committed under the age of eighteen will be eligible.

- Juvenile offenders serving sentences of more than 60 years will be eligible for parole after serving 30 years (one-half of a life sentence).

- Eligibility for release applies only with respect to offenses committed by a person before reaching the age of eighteen and for which the person received a sentence of more than ten years. If an inmate is serving a sentence in part based on an offense or offenses committed at the age of eighteen or above, the sentence for such offense or offenses is not subject to the parole eligibility rules of this proposal. In such instances, the Board may apply the parole eligibility rules of this proposal only with respect to the sentence for the offense or offenses committed under the age of eighteen. Any offense or offenses committed at the age of eighteen or above shall be subject to the parole eligibility rules provided in subsections (a) through (f) of 54-125a of the General Statutes.

- Counsel will be appointed to assist juvenile offenders in preparing for parole release hearings. At least twelve months prior to the hearing, the Board of Pardons and Paroles shall notify the Office of the Chief Public Defender and the appropriate state's attorney. The Office of the Chief Public Defender shall assign counsel for the person pursuant to section 51-296 of the General Statutes if the person is indigent. At the hearing, the board shall permit counsel for such person to submit reports and other documents. The state's attorney shall have the same opportunity. The person whose suitability for parole is being considered shall have an opportunity to make a personal statement on his or her own behalf. The board may, in its discretion, request testimony from mental health professionals or other relevant witnesses. The victim shall be permitted to make a statement pursuant to section 54-126a of the general statutes.

- The Board of Pardons and Paroles may allow a person serving a sentence for a crime committed while he or she was under the age of eighteen who is eligible for parole to go at large on parole if the Board finds that such release would adhere to the purposes of sentencing set forth in General Statutes Sec. 54-300(c) and if it appears from all available information , including any reports from the Commissioner of Correction, counsel for the offender, the state's attorney, or that the Board may require, that (1) there is a reasonable probability that the offender, if released, will live and remain at liberty without violating the law; (2) the benefits to such offender and the public that would result from such release would substantially outweigh the benefits to the public that would result from the offender's continued incarceration; and (3) the offender has demonstrated substantial rehabilitation since the time of the offense, considering the offender's character, background and history, including but not limited to disciplinary record, the age at the time of the offense, whether the offender has demonstrated increased maturity since the time of the offense, remorse for the offense, contributions to the welfare of others through service, efforts to overcome substance abuse, addiction, trauma, lack of education or other obstacles that the offender may have faced as a youth in an adult prison environment, the opportunities for rehabilitation in an adult prison environment and the overall degree of rehabilitation in light of the nature of the offense.

- The Board shall use validated risk and needs assessments and its structured decision-making framework to assist in making its parole suitability decisions in such cases.

The following table illustrates the effect of these new parole eligibility provisions:

Age at the time of Offense:	Sentence (years):	Percent/ Years to Serve:	Eligible After Serving (years):	Age Eligible for Parole[11]:
14	25	50%	12.5	26.5
	40	50%	20	34
	50	50%	25	39
	61 +	30 years	30	44
15	25	50%	12.5	27.5
	40	50%	20	35
	50	50%	25	40
	61+	30 years	30	45
16	25	50%	12.5	28.5
	40	50%	20	36
	50	50%	25	41
	61+	30 years	30	46
17	25	50%	12.5	29.5
	40	50%	20	37
	50	50%	25	42
	61+	30 years	30	47

3) Complying with Miller v. Alabama

Overview

The Miller Working Group was charged developing a proposal to comply with the U.S. Supreme Court's decision in Miller v. Alabama which held that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders. The Court held that, in sentencing those under the age of eighteen to long, life-equivalent sentences, the unique qualities of youth must be taken into consideration.

Recommendations

The following recommendations were approved by the Commission at its meeting on December 20, 2012.

- The statutes establishing the penalties for capital felony, murder with special circumstances (P.A. 12-5), and arson murder should be amended to provide eligibility for parole for persons committing those crimes while under the age of eighteen.[12]
- Prospectively, "Miller factors"[13] must be considered at sentencing in all cases involving crimes committed by individuals under the age of eighteen who are sentenced in adult court.

[11] Please note this column does not take into account the time from arrest until sentencing.
[12] This amendment would apply retroactively.

- No presentence report can be waived in any class A or B felony case involving an individual who was under eighteen years of age at the time of the offense. The presentence report in all other felony cases involving an individual who was under eighteen years of age at the time of the offense may only be waived upon approval of the court.

- The Court Support Services Division shall create a set of materials relating to adolescent psychological and brain development that specifically addresses the "Miller factors" to assist courts in sentencing individuals under eighteen years of age.

4) Removing Barriers to Employment for Convicted Persons

Overview

In 2006, the Connecticut Legislature created the provisional pardon program, which provides a mechanism for removing barriers to employment and licensing that individuals face based on their prior criminal convictions. In 2012, the Connecticut Sentencing Commission, recognizing that the two most significant barriers to successful reentry are employment and housing, recommended legislation to amend the statutes governing provisional pardons. The legislation, "An Act Concerning Certificates of Relief from Barriers Resulting from Conviction of a Crime," received a favorable report from the Judiciary Committee, but was ultimately not enacted.

After consideration of the 2012 legislation, the testimony received at the Commission's November 29, 2012 public hearing, and follow-up with those who would be affected by the proposed changes, the full Commission recommends the General Assembly consider the following proposal. The proposal would create a "certificate of rehabilitation" which would have the same purpose and legal effect as a provisional pardon. The provisional pardon/certificate of rehabilitation would expedite the process for obtaining relief, provide employers liability protection and would provide greater guidance to licensing agencies and state employers. Its provisions are as follows:

- Retain the authority of the Board of Pardons to issue provisional pardons. Revise current law so parole release panels may issue "certificates of rehabilitation," which would have the same legal effect as provisional pardons.

- Revise current law to allow probation to issue "certificates of rehabilitation" during an offender's probation period. Certificates of rehabilitation would be issued pursuant to the same standards used for granting provisional pardons[14] and they would have the same legal effect as provisional pardons.

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[13] "Miller factors" include but are not limited to the following: (1) age and maturity at the time of the offense; (2) scientific and psychological evidence showing the differences between juvenile and adult minds; (3) ability to appreciate the risks and consequences of the conduct; (4) impetuosity; (5) intellectual capacity and education history; (6) family and community environment, including the child's ability to extricate him or herself from surroundings; (7) peer or familial influence or pressure; (8) history of trauma, abuse, or neglect; (9) history of mental health or substance abuse issues; (10) level of participation in the offense; (11) ability to navigate the criminal justice system and participate meaningfully in his or her defense; (12) capacity for rehabilitation.

[14] The standards for issuing a provisional pardon as outlined in CGS §54-130e(d) include: (1) The person to whom the provisional pardon is to be issued is an eligible offender; (2) The relief to be granted by the provisional pardon may promote the public policy of rehabilitation of ex-offenders through employment; and (3) The relief to be

- Ensure the safety of victims by providing that both provisional pardons and certificates of rehabilitation shall be granted only if consistent with the safety of any victim of the offense.

- Afford employers limited protection in negligent hiring suits. In an effort to provide an incentive for employers to hire individuals who have obtained certificates comparable to provisional pardons, at least three states—New York, Illinois, and Ohio—have enacted legislation that offers employers some form of legal protection in relation to these employees. Following New York's approach[15], Connecticut could create, in cases alleging that the employer has been negligent in hiring or retaining an employee with a prior conviction, a "rebuttable presumption" in favor of excluding from evidence the prior conviction if a provisional pardon/certificate of rehabilitation was issued to the employee and the employer knew about the provisional pardon/certificate at the time of the alleged negligence or other fault.

- The full Commission recommends that the Judiciary Committee consider whether legislation should be enacted preventing the denial of certain licenses based on prior felony convictions. Ohio recently enacted legislation that prevents the denial of applicants for hairdresser, cosmetician, and barber licenses based on prior criminal convictions.

5) Classifying Felonies

Overview

The Classification Working Group consists of Executive Assistant State's Attorney Brian Austin, Attorney Bob Farr, and Legal Counsel/Executive Assistant Public Defender Deborah Del Prete Sullivan. The group was assisted by Jason DePatie, policy specialist at the Institute for Municipal and Regional Policy; Louise Nadeau, legislative attorney from the Legislative Commissioners' Office; and Chris Reinhart, legislative attorney from the Office of Legislative Research.

The working group was charged with classifying 258 statutory felonies that are not currently classified under Connecticut's Penal Code. This work was a follow-up to the group's successful efforts to codify unclassified misdemeanors, which was enacted by the 2012 legislature as Public Act 12-80.

Recommendations

In order to classify as many of the unclassified felonies as possible, the working group made the following recommendations[16], which were approved by the Sentencing Structure Subcommittee on November 5, 2012 and the full Sentencing Commission on December 20, 2012.

- Create a new class E felony, punishable by up to three years in prison, a fine of up to $3,500, or both. Classify 13 unclassified felonies that currently have a maximum prison term of three years as class E felonies.

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granted by the provisional pardon is consistent with the public interest in public safety and the protection of property.

[15] N.Y. Executive Law § 296(15) (Consol. 2012).

[16] The working group identified 258 unclassified felonies using a Judicial Branch database that identifies all statutes with criminal penalties. Appendix J shows these unclassified felonies, their current penalties, and the working group's proposal.

- Change Connecticut law so that any unclassified felony with a maximum prison penalty that is more than one year but not more than three years is deemed to be a class E felony. Sixty-four unclassified felonies would be deemed to be class E felonies under this proposal. Some would retain their current fines.

- Change the penalty for a class D felony from one to five years in prison to up to five years in prison.

- Classify 132 unclassified felonies that currently have a maximum prison sentence of five years in prison as class D felonies. Some of these felonies would retain their current fines.

- Classify14 unclassified felonies currently punishable by up to 10 years in prison as class C felonies.

- Leave 35 felonies as unclassified.[17]

If the working group's proposals are adopted, the penalties for the different classifications of felonies would be as shown in table 1.

Table 1: Penalties For Classified Felonies

Felony	Prison Term	Fine
Class A felony (murder with special circumstances)	Life without the possibility of release	Up to $20,000
Class A felony (murder)	25 to 60 years	Up to $20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	Up to $20,000
Class A felony	10 to 25 years	Up to $20,000
Class B felony (1st degree manslaughter with a firearm)	5 to 40 years	Up to $15,000
Class B felony	1 to 20 years	Up to $15,000
Class C felony	1 to 10 years	Up to $10,000
Class D felony	Up to 5 years	Up to $5,000
Class E felony	Up to 3 years	Up to $3,500

6) Drug-Free School Zones

Overview

A working group of the Committee on Sentencing Structure, Policy and Practices was charged with evaluating the effectiveness of drug-free school zone statutes in response to a request from the co-chairs of the Judiciary Committee. In Connecticut there are three statutes which carry an enhanced penalty for the sale or possession of illegal drugs or drug paraphernalia within 1,500 feet of a (1) licensed child day care center, (2) public or private elementary or secondary school, or (3) public housing project.

[17] The working group did not address unclassified felonies related to drugs or firearms.

	Possession of drug paraphernalia 21a-267(c)	**Possession of illegal drugs 21a-279(d)**	**Manufacturing, distributing, selling, prescribing, dispensing, compounding, transporting with the intent to sell or dispense illegal drugs 21a-278a(b)**
Distance	1,500 feet	1,500 feet	1,500 feet
Enhanced penalty applies to zones within	• Public or private elementary or secondary schools (applies to those who are not enrolled as students in such school)	• Public or private elementary or secondary schools (applies to those who are not enrolled as students in such school) • Licensed child day care centers identified by a conspicuous sign	• Public or private elementary or secondary schools • Licensed child day care centers identified by a conspicuous sign • Public housing projects
Mandatory Minimum	One year	Two years	Three years

21a-283a allows the court, upon showing of a good cause by the defendant, to depart from the prescribed mandatory minimum sentence, provided that the defendant (1) did not use, attempt or threaten to use physical force; (2) was unarmed; (3) did not use, threaten to use, or suggest that he had a deadly weapon; and (4) did not benefit from this provision before.

Meetings

The working group consisted of Deputy Chief State's Attorney Len Boyle, Legal Counsel/Executive Assistant Public Defender Deborah Del Prete Sullivan, ABWF Policy Director LaResse Harvey, Dr. Robert Painter, M.D. and Legislative Aide/Judiciary Clerk Alex Tsarkov. The group was assisted by Andrew Clark, Sentencing Commission Acting Executive Director; Jason DePatie, Policy Specialist at the Institute for Municipal and Regional Policy (IMRP); Chris Reinhart from the Office of Legislative Research (OLR) and Louise Nadeau, Legislative Attorney from the Legislative Commissioners' Office.

Recommendations

The working group unanimously recommended the following changes to Connecticut's drug-free school zone statutes to clarify and strengthen the perceived purpose of the original law as creating drug-free sanctuaries for school children.

1. Drug-free school zone distances: The working group agreed that the current distance encompassing school zones is not appropriate. Having entire urban areas or compact rural areas almost totally designated as drug-free zones eliminates the distinction between areas around schools and other locations, a distinction which the law intended. The law is also not clear whether the 1500' distance should be measured from the center of the school property, the edge of the property, or the address of the property. The typical drug free zone extends 1,000 feet in every direction from the property line of the school or other covered location. But 300 feet has been chosen by Minnesota, North Carolina, and Rhode Island. Alaska and Wyoming chose 500 feet and Hawaii set the distance as 750 feet. Therefore the working group recommends:

a. ***That drug-free school zones be measured from the perimeter of the property.***
b. ***The drug-free school zone should extend 200' from the perimeter.***

2. Codifying State v. Lewis[18]: The working group reviewed pertinent case law and recommended: ***Amending 21a-267(c) and 21a-278a(b) with respect to school zone violations to require "intent to commit such violation" in a specific location, and to require proof that the specific location is in a school zone, in compliance with a decision of the Connecticut Supreme Court.***

The working group considered, but was unable to reach consensus on the following issues:

- Public Housing: Since areas around private housing are not treated as drug-free zones, and some public housing is strictly for the elderly and not children, there is debate as to whether this part of the law is discriminatory. Therefore the working group considered the following recommendation: ***Eliminating the language establishing drug-free zones around public housing.*** One concern was the legislative intent of this provision and the need to further research its origins and evaluate its effectiveness before making a recommendation.

- Types of Public Housing: The working group discussed the statutory definition of a public housing project, "dwelling accommodations operated as a state or federally subsidized multifamily housing project by a housing authority, nonprofit corporation or municipal developer, as defined in section 8-39, pursuant to chapter 128 or by the Connecticut Housing Authority pursuant to chapter 129," and the issue of Section 8 Housing Vouchers. Under this definition, the question was raised as **to whether private housing which is occupied by a tenant with a Section 8 Housing Voucher would establish a drug-free zone.** The working group would need to further research this issue before making a recommendation.

- Drug-free school bus stops: To follow the intent of 21a-267(c), 21a-279(d), and 21a-278a(b) in creating sanctuaries for school children free of drugs and drug paraphernalia, the following recommendation was considered: ***To establish the areas immediately adjacent to school bus stops as drug-free zones.*** In terms of practicality, the working group was concerned that due to the fluid nature of school bus routes and stops this recommendation may prove unworkable.

- Drug-free zone signs: The working group recognized the importance of conspicuous signs demarcating drug-free zones and the following recommendation was considered: ***Providing schools, day care centers and public housing projects discretion to determine how best to inform the public of drug-free zones.***

While each of these ideas may have merit, the working group would need to conduct further research before making additional recommendations. For this reason, the Sentencing Commission is available to further evaluate the effectiveness of drug-free zones and to report back to the Judiciary Committee with relevant recommendations.

7) Clarifying False Statements Statutes

Connecticut has a total of 293 "false statement" statutes which can be broken down as follows: 35 statutes cite false statements in the 1st degree and 2nd degree (Sec. 53a-157a, Sec. 153a-157b), 96 statutes utilize the term "under penalty of false statement," and 162 statutes contain different and conflicting elements.

[18] State v. Lewis, 303 Conn. 760, (2012)

To address these inconsistencies, the Classification Working Group and the Sentencing Commission recommends: **1) False Statement in the 1st Degree (Sec. 53a-157a) be renamed "False Statement on a Certified Payroll," 2) clarifying language be added to False Statement in the 1st Degree; and 3) False Statement in the 2nd Degree (Sec. 53a-157b) be replaced with model statutory language which clarifies the elements of false statements.** The Working Group's long term goal is for state agencies to align the elements in their existing statutes to the model statute.

8) Removing Selected Anomalies in the Penal Code

The Commission's initial examination of the Penal Code revealed two anomalies in the Code, each one of them susceptible to an easy "fix."

First, there is an internal redundancy, in the current version of General Statutes § 53a-73(a). The statute has eight subdivisions. Subdivision (1) provides that a person is guilty of the offense when he or she "*intentionally* subjects another person to sexual contact in various circumstances. (Emphasis added.) Subdivisions (2) through (8) each provides that a person is guilty of the offense if he or she "subjects another person to sexual contact" in different circumstances, without using the word "intentionally."

"Sexual contact" is defined by the Penal Code as "contact with the intimate parts of a person . . . for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person…" General Statutes § 53a-65 (3). Thus, the word "intentionally" in subdivision (1) is superfluous, because the notion of intentionality is inherent in the definition of "sexual contact." The proposed bill, therefore, simply eliminates the word "intentionally" in subdivision (1) to make it consistent with subdivisions (2) through (8). This will make the legal instructions to juries in such cases much easier to understand.

Second, there is an inconsistency, between the penalties for Kidnapping In The First Degree and Kidnapping In The First Degree With A Firearm. The former is a Class A felony, which carries a mandatory minimum penalty of ten years imprisonment pursuant to General Statutes § 53a-35a. The latter, however, which is a more serious crime than the former because it involves the aggravating factor of a firearm, under the current version of the statute carries a lower mandatory minimum sentence of three years imprisonment. The proposed bill eliminates this inconsistency by eliminating the specific three year mandatory minimum language from the statute, leaving it subject to the ten year mandatory minimum pursuant to § 53a-35a.

9) Exempting Institutions of Higher Education from State Contracting Requirements

The Recidivism Reduction Committee and the Connecticut Sentencing Commission endorsed the following bill for consideration by the General Assembly during the 2013 legislative session. This draft bill was endorsed by the full Sentencing Commission because substantial evidence indicates that university courses, offered to currently incarcerated felons, will increase their likelihood of making a successful re-entry when they emerge from prison. The bill will remove an obstacle to more college courses being offered to inmates with no additional cost to the State.

Section 1. (NEW) (Effective October 1, 2013) An institution of higher education that enters into a contract with the Department of Correction for an employee of such institution to teach one or more for-credit courses to inmates of a correctional facility at no charge to said department shall not be considered a state contractor for purposes of chapters 58, 62 and 814c of the general statutes.

CONCLUSION

During 2012 the Connecticut Sentencing Commission developed nine legislative proposals on a variety of subjects for consideration by the Judiciary Committee and the General Assembly in the 2013 Session. In addition, its committees initiated and pursued research into some important questions affecting sentencing policies and recidivism reduction.

This was achieved because of the hard work of Commission members, themselves, the outstanding support staff on loan to the Commission from Central Connecticut State University and volunteer assistance received from the law schools at Quinnipiac University and Yale University.

Since its establishment two years ago, the Commission has provided value to the state by creating a consensus driven platform for the deliberation of complex criminal justice policy among professionals in the field. Through this process, the Commission regularly addresses U.S. Supreme Court rulings, recommends best practices in recidivism reduction, and cleans up existing statues while engaging the public and appropriate stakeholders. Given this is being accomplished without ongoing dedicated funding; the work of the Commission would be strengthened and expanded through an annualized appropriation.

Respectfully submitted,

Joseph M. Shortall

Judge Trial Referee

Chair, Connecticut Sentencing Commission

APPENDIX A:

PUBLIC ACT NO. 10-129

Substitute House Bill No. 5248

Public Act No. 10-129

AN ACT ESTABLISHING A SENTENCING COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective February 1, 2011*) (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 Public Safety, 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 pre-trial, 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 nonconviction 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 of the general statutes.

(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 of the general statutes, to the Governor, the General Assembly and the Chief Justice of the Supreme Court.

APPENDIX B:

SENTENCING COMMISSION MEMBERSHIP

CONNECTICUT SENTENCING COMMISSION MEMBERS

Chair:
(Term: February 2015)
The Honorable Joseph M. Shortall
J.D. and G.A. 15 Courthouse
20 Franklin Square
New Britain, CT 06051
(O) 860-515-5246
joseph.shortall@jud.ct.gov
Appointed By: Chief Justice of the Supreme Court

(Term: February 2013)
The Honorable Patrick L. Carroll, III
Deputy Chief Court Administrator
231 Capitol Avenue
Hartford, CT 06010
(O) 860-757-2100
Appointed by: Chief Justice of the Supreme Court;
Qualification: Judge

(Term: February 2014)
The Honorable Robert J. Devlin, Jr.
Chief Administrative Judge for
Criminal Matters
Judicial District Courthouse
1061 Main St.
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(O) 203-579-7250
robert.devlin@jud.ct.gov
Appointed by: Chief Justice of the Supreme Court;
Qualification: Judge

(Term: February 2013)
William Carbone
Executive Director, Court Support
Services Division (CSSD)
936 Silas Deane Highway
Wethersfield, CT 06109
(O) 860-721-2100
william.carbone@jud.ct.gov
Appointed by: Chief Justice of the Supreme Court;
Qualification: Representative of Court Support Services Division

(Term: February 2015)
The Honorable Gary White
Assistant Administrative Judge
J.D. and GA. 1 Courthouse
123 Hoyt St.
Stamford, CT 06905
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Appointed By: Chief Justice of the Supreme Court

(Term: February 2015)
Tracey L. Meares
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Appointed by: The Governor

Vice Chair:
(Ex officio)
Mike Lawlor
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Ex officio: Undersecretary of Criminal Justice Policy and Planning Division

(Term: February 2015)
Vivien K. Blackford
Vivien Blackford & Associates
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vivblackford@gmail.com
Appointed by: President Pro Tempore of the Senate

(Term: February 2015)
Susan E. Pease
Dean of the School of Arts
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Appointed by: Majority Leader of the Senate

(Term: February 2015)
The Honorable David M. Borden
Appellate Court
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Appointed by: Speaker of the House of Representatives

(Term: February 2015)
Maureen Price-Boreland
Executive Director, Community
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Appointed by: Majority Leader of the House of Representatives

(Term: February 2015)
John Santa
Vice Chairman,
Santa Holding Company
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santaj@santaenergy.com
Appointed by: Minority Leader of the Senate

CONNECTICUT SENTENCING COMMISSION MEMBERS

(Term: February 2015) **Peter M. Gioia**
Vice President, Connecticut Business & Industry Association (CBIA)
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Appointed by: Minority Leader of the House of Representatives

(Ex officio) **Leo C. Arnone**
Commissioner of the Department of Corrections
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Ex officio: Commissioner of the Department of Corrections

(Ex officio) **Kevin Kane**
Chief State's Attorney
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Ex officio: Chief State's Attorney

(Ex officio) **Susan O. Storey**
Chief Public Defender
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Ex officio: Chief Public Defender

(Term: February 2014) **David Shepack**
State's Attorney
63 West Street
P.O. Box 325
Litchfield, CT 06759
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david.shepack@po.state.ct.us
Appointed by: Chief State's Attorney;
Qualification: State's Attorney

(Term: February 2014) **Thomas J. Ullmann**
Public Defender
Judicial District of New Haven
235 Church Street
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(O) 203-503-6818
thomas.ullman@jud.ct.gov
Appointed by: President of the Connecticut Criminal Defense Lawyers Association;
Qualification: Member of Criminal Defense Bar

(Ex officio) **Michelle Cruz**
State Victim Advocate
505 Hudson Street
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Ex officio: State Victim Advocate

(Ex officio) **Erika M. Tindill**
Chair of the Board of Pardons and Paroles
Rowland State Government Center
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Ex officio: Chairman of the Board of Pardons and Paroles

(Ex officio) **Reuben Bradford**
Commissioner of Emergency Services and Public Protection
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Ex officio: Commissioner of Emergency Services and Public Protection

(Term: February 2013) **Mark A. Palmer**
Chief of Police,
Coventry Police Department
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(F) 860-742-5770
mpalmer@coventry.ct.org
Appointed By: President of the CT Police Chiefs Association;
Qualification: Municipal Police Chief

(Ex officio) **Patricia Rehmer**
Commissioner of Mental Health and Addiction Services
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pat.rehmer@po.state.ct.us
Ex officio: Commissioner of Mental Health and Addiction Services

APPENDIX C:

STANDING COMMITTEES & WORKING GROUPS

STANDING COMMITTEES:

Steering
Chair: Mike Lawlor
Vivien Blackford
Justice Borden
Judge Carroll
Kevin Kane
Thomas Ullmann

Sentencing Structure, Policy and Practices
Chair: Judge Devlin
Reuben Bradford
Judge Carroll
Tracey Meares
Mark Palmer
David Shepack
Susan Storey
Judge White

Research, Measurement and Evaluation
Co-Chairs: Susan Pease,
Thomas Ullmann
William Carbone
Pete Gioia
Patricia Rehmer
John Santa
Erika Tindill

Recidivism Reduction
Co-Chairs: Vivien Blackford,
Maureen Price-Boreland
Leo Arnone
William Carbone
Pete Gioia
Patricia Rehmer
John Santa
Erika Tindill
Judge White

Legislative
Chair: Justice Borden
William Carbone
Michelle Cruz
Kevin Kane
Mike Lawlor
Mark Palmer
Susan Storey

WORKING GROUPS:

Classification Working
(Reports to Sentencing Committee)
Chair: Bob Farr
Brian Austin
Deborah Del Prete Sullivan
Staff:
Chris Reinhart
Louise Nadeau
Jason DePatie

Drug-Free School Zone
(Reports to Legislative Committee)
Len Boyle
Deborah Del Prete Sullivan
LaResse Harvey
Dr. Robert Painter
Alex Tsarkov
Staff:
Andrew Clark
Chris Reinhart
Louise Nadeau
Jason DePatie

Miller v. Alabama
(Reports to Legislative Committee)
Chair: Justice Borden
Kevin Kane
Judge White
Thomas Ullmann
Sarah Russell
Linda Meyer
Staff:
Jason DePatie

Ad Hoc Juvenile Sentence Reconsideration
(Reports to full Commission)
Erika Tindill
Michele Cruz
Kevin Kane
Bob Farr
Deborah Del Prete Sullivan
Thomas Ullmann
Staff:
John DeFeo
Richard Sparaco
Jason DePatie

Evidence-Based Sentencing
(Reports to Research Committee)
Linda Frisman
Dave Rentler
Bill Anselmo
Brian Coco

Certificates of Rehabilitation
(Reports to Legislative Committee)
Andrew Clark
Sarah Russell
Jason DePatie

APPENDIX D:

STATUTORY TASKS

COMMISSION TASKS, PER P.A. 10-129

1. Review & evaluate existing criminal sentencing structure, including existing statutes.
(sec. 1(b) & 1(f)(2))

2. Review & evaluate existing sentencing policies and practices.
(sec. 1(b) & 1(f)(2))

3. Review proposed changes to statutes, policies and practices.
(sec. 1(b))

4. Facilitate development and maintenance of statewide sentencing database.
(sec. 1(f)(1))

5. Analyze and study sentencing trends and prepare offender profiles.
(sec. 1(f)(3))

6. Provide training regarding sentencing and related issues.
(sec. 1(f)(4))

7. Be a sentencing policy resource for the state.
(sec. 1(f)(5))

8. Evaluate the impact of pre-trial programs.

9. Evaluate the impact of sentencing diversion programs.

10. Evaluate the impact of incarceration.

11. Evaluate the impact of post-release supervision programs.
(sec. 1(f)(7))

12. Perform fiscal impact analyses on proposed legislation.
(sec. 1(f)(8))

13. Identify potential areas of sentencing disparity
(sec. 1(f)(9))

APPENDIX E:

NATIONAL SENTENCING COMMISSIONS

NATIONAL SENTENCING COMMISSIONS

STATE	YR CREATED	AFFILIATION	MEMBERS	STAFF	BUDGET YR	BUDGET	FUNDING SOURCE
Alabama	2000	Judicial	21	4	2009	$184,000	Federal Byrne Memorial Grant, VERA Institute
Alaska	1959	Judicial	10	7	2011	$1,096,000	Legislature, Alaska Court System, D.O.C., Division of Juvenile Justice
Arkansas	*1993*	Independent	9	5	2011	$390,830	Miscellaneous Agencies Fund: General Revenues
Colorado	2007	Executive	27	11	2009	$92,657	JEHT Foundation
Delaware	1984	Executive	11				Active – information unavailable
D.C.	1988	Independent	22	6	2011	$768,000	General Funds
Illinois	2009		18		2010	$150,000 (seed)	ICJIA Grant, Justice Assistance Grant, D.O.C.
Iowa	1974	Human Rights Dep't	22	16	2009	$200,000	CJIS Project: Stimulus Funds
Kansas	1989	Executive	17	9	2012	$8,284,734	State General Fund
Louisiana	1987	Executive	21	8		N/A	No Funding or External Financial Support
Maryland	1996	Executive	19	4	2011-2012	$351,229	State General Fund
Massachusetts	1995	Judicial	15	4	2009	$232,000	Federal Byrne Memorial Grant, Justice Assistance Grant Program
Michigan	1994	Legislative	19	4	2000	$250,000	INACTIVE
Minnesota	1978	Executive	11	6	2009-2011 (Biennial)	$1,179,000	State General Fund
Missouri	1994	Independent	11	1	2009	$95,000	Federal Byrne Memoria Grant
Nevada	2007	Judicial	17		2009	$50,000	INACTIVE
New Jersey	2004	Executive	13	1	2009	$100,000	PEW Charitable Trusts
New Mexico	2001	Executive	20	2	2010	$754,800	IJIS Technical Assistance Grant, Local Funds
New York	2010	Executive	20	3			Department of Criminal Justice Services (DCJS), VERA Inst., State General Funds
North Carolina	1990	Judicial	28	9	2009	$900,000	
Ohio	1991	Judicial	27	1	2011	$200,000	

NATIONAL SENTENCING COMMISSIONS

STATE	YR CREATED	AFFILIATION	MEMBERS	STAFF	BUDGET YR	BUDGET	FUNDING SOURCE
Oklahoma	1997	Judicial	15		2000	$664,000	INACTIVE
Oregon	1995	Independent	9	6	2009-2011 (Biennial)	$2,389,346	Federal Byrne Memorial Justice Grant, Justice Assistance Grant Program
Pennsylvania	1978	Legislative	11	15	2011	$1,397,000	Grant Funding, Appropriation, State General Funded Operation Budget
South Carolina	2008	Legislative	10				
Utah	1993	Executive	25	1	2009	$185,000	
Virginia	1995	Judicial	17	7	2011	$1,039,254	State General Fund, Local Funding
Washington	1981	Legislative	12	9	2009-2011 (Biennial)	$1,900,000	
United States Sentencing Commission	1984	Independent agency in Judicial Branch	7	103.44 Work Years [19]	2011	16,803,326	Public Law 111-117 Federal Funding

[19] Approximately 100 employees divided into the offices of Staff Director, General Counsel, Education, Sentencing Practice, Research and Data, Legislative and Public Affairs, and Administration.

APPENDIX F:

POLICY ON CONSENSUS DECISION MAKING

Policy on Consensus Decision Making

1. All proposals for changes in sentencing and other criminal justice matters within the Commission's jurisdiction will be fully discussed among the members of the Commission, with all members having an opportunity to state their positions in favor of or in opposition to the proposal. Each member will be expected to engage fully in this discussion and raise for consideration by the Commission any objection(s) the member may have so that the objection(s) may be addressed in the decision-making process.

The objective of this process will be to generate proposals with which all members of the Commission agree or, if a member is not in agreement, which that member can "live with."

2. After discussion, the chair will inquire of the members whether each member is in agreement with the proposal or, if a member is not in agreement, whether the member can "live with" the proposal.
If all members are in agreement or those members not in agreement state that they can "live with" the proposal, the proposal will be considered a consensus proposal of the Commission.

3. If any member(s) of the Commission indicates that the member is not in agreement with a proposal and cannot "live with" the proposal, the chair will call for a vote on the proposal.

4. If the proposal receives the votes of a majority of the Commission members present at the meeting, the chair and vice-chair will decide whether the size of the majority vote is sufficient to justify designating the proposal as one which carries the endorsement of the Commission.
The chair and vice-chair or any other representative of the Commission, in communicating the Commission's endorsement of a proposal, shall state whether the proposal is a consensus proposal, as defined above, or the result of a vote of the Commission and the size of the majority vote in favor of the proposal.

5. Members of the Commission are free to express their opposition to a proposal endorsed by the Commission. It is the expectation of the Commission that a member intending to express opposition to a Commission proposal will inform the chair or vice-chair of the member's intention in sufficient time as to give the chair or vice-chair an opportunity to discuss with the member the grounds for the member's opposition.

APPENDIX G:

RESEARCH, MEASUREMENT AND EVALUATION COMMITTEE DATA REQUEST

Michelle Altomare
Associate Research Analyst
External Affairs/Best Practice
Conn. Department of Correction
24 Wolcott Hill Road
Wethersfield, CT 06109

Dear Ms. Altomare:

We are writing to you in our capacity as co-chairs of the research committee of the Connecticut Sentencing Commission and with the encouragement and support for this request from Commissioner Leo Arnone, also a Sentencing Commission member.

We are interested in receiving a "snapshot" of who is in prison on any given day. The following list encompasses the type of data we are interested in. If your data system is incapable of breaking it down in this fashion, please let us know and we will try to conform our request to fit your capabilities. We would also be glad to confer with you during the process if any additional issues or questions arise.

I. Sentenced v. Pretrial population

A. Sentenced population

1) length of sentence;
2) crime(s) by name and statute;
3) number of prisoners in each category of crime;
4) number of prisoners eligible for parole;
5) overview of parole eligibility dates over the next I0 years
6) number of prisoners ineligible for parole;
7) number of sentences including a mandatory minimum;
8) number of prisoners currently serving a mandatory minimum sentence;
9) breakdown of eligibility release dates;
10) number of prisoners serving violation of probation sentences and their underlying crimes;
11) number of prisoners serving parole violation sentences;
12) breakdown of Judicial District and Geographical area courts where prisoners were sentenced;
13) whether sentence is a split sentence with probationary term following the prison sentence.

B. Pretrial Population

1) most serious alleged crime for detainee;
2) amount of bond detainees are being held on;
3) court jurisdiction where detainees cases are pending;
4) length of pretrial detention.

II. In regard to both sentenced and pretrial populations viewed both separately and jointly:

a) gender;
b) race;

c) ethnicity;
d) age;
e) previous DOC history;
f) education level
g) mental health history
h) substance abuse history

While this may be an ambitious wish list, please feel free to tell us we have exceeded your ability and capacity to provide this data without interfering with your day to day responsibilities.

Michelle Altomare
Associate Research Analyst
August 27, 2012

We appreciate your cooperation in this very important endeavor.

Sincerely yours,

Thomas Ullmann, Co-chair
Research Committee of Sentencing
Commission

Susan E. Peace, Co-chair
Research Committee of Sentencing
Commission

cc: Leo Anwne, Commissioner of Department of Correction
Joseph Shortall, Chairperson of Sentencing Commission
Michael Lawlor, Vice Chairperson of Sentencing Commission

APPENDIX H:

RESEARCH, MEASUREMENT AND EVALUATION COMMITTEE SELECTION OF PRINCIPAL INVESTIGATORS/ RESEARCHERS

(Draft Proposal)

Connecticut Sentencing Commission

Research: Measurement and Evaluation Committee

Committee Guidelines for the Development of Research Areas and the Selection of Research Principal Investigators/Researchers

Updated September 19, 2012

The Committee considers areas of research based on suggestions and recommendations from Commissioners, agency personnel, interested university faculty, and/or the public. Topics are examined, organized, and prioritized. Some areas of research might be organized chronologically, i. e., one study might have to be completed before another can begin. The Committee may find it necessary to invite outside experts to serve on a working group in order to develop the research question and determine if the required data sets currently exist or new data need to be created. Research topics are then recommended to the Commission.

After the Commission approves a research topic, a principal investigator/researcher may be identified through one or more of the following:

- Agency heads recommend existing staff who manage data sets
- Faculty/graduate students who are interested in undertaking research projects make themselves known to the Commission
- The Committee makes contact with scientists known to publish in the areas of the Commission's interest
- Notices are sent to universities and academic/professional organizations such as the American Bar Association, the Academy of Criminal Justice Sciences, the American Society of Criminology, American Sociological Association, American Academy of Psychiatry and the Law (Division of the American Psychiatric Association) and the American Psychological

Association describing the research priorities of the Sentencing Commission

Interested researchers will be asked to submit a three to four page concept paper/research proposal with resume for initial screening by the Committee. The concept paper will consist of:

- a statement of the problem
- research question
- proposed methodology and analysis
- budget
- timeline,
- intended product

Due to the diversity and complexity of some topics, the Committee may select 2 or 3 qualified experts to serve as scientific reviewers and advise the Committee as it assesses the scientific merit and feasibility of the concept papers. The criteria for assessment of the research proposal are:

- Extent to which the proposal addresses a question or issue identified by the full Commission as a priority area for research
- Scientific merit of the proposed research; appropriateness of research methodology and proposed analysis
- The adequate protection of human subjects, where appropriate, may include, but is not necessarily limited to, procedures to ensure informed consent, confidentiality, and privacy. The researcher's college or university or agency's Institutional Review Board (IRB) will approve any research involving human subjects. Some agencies, who are funding the research or where the research will take place, will require their own IRB approval in addition
- Evidence of appropriate protection of sensitive research data. A researcher who requests access to data set(s) that might reveal the identity of individuals will certify in writing that the data will be used for research or statistical purposes only, and that the confidentiality of respondents or subjects will be protected. Following policies established by the National Archive of Criminal Justice Data (NACJD), researchers will describe why they need these data and how they plan to protect the data from physical and virtual theft.

- Time-line – The time needed to complete the project is reasonable.
- The extent of the burden on the affected agency(ies).
- Budget- The budget is reasonable if the project is funded by the Sentencing Commission or a member agency of the Sentencing Commission.
- RFP - the appropriateness of a Request for a Proposal if the researcher is requesting funding in response to an RFP disseminated by a federal agency or private foundation.
- Product – The appropriateness of the product (e.g., Research Bulletin, academic journal article, etc.)

Depending on the topic and complexity of the research, some selected researchers may be asked to submit a more substantial and detailed research proposal addressing one or more of the criteria above in more detail.

There are a variety of venues for dissemination of the research. Several suggestions appear below:

- Some research may be prepared for internal use only and will not be disseminated.
- Research Bulletins – 3 or 4 page summaries of the research distributed by the Sentencing Commission.
- Technical Reports – a more substantial publication describing the research and the outcome
- Publications in professional periodicals
- Publications in academic journals. These publications would then be summarized into a three page summary article for the general audience.
- Presentation of papers at academic conferences
- Presentations made at professional conferences
- Seminars and workshops sponsored by the Sentencing Commission

APPENDIX I:

Evidence-Based Sentencing Research Proposal: Impact of Sentencing Practices in CT

Evidence-Based Sentencing Research Proposal:

Impact of Sentencing Practices in Connecticut

Evidence-based sentencing incorporates the results of validated risk and needs assessment measures, in addition to the severity of the instant offense, to determine the likelihood of re-offending and the need for longer sentences and/or specialized services. We seek to determine whether sentencing practices in Connecticut, which are most frequently determined through plea agreement, have generally resulted in sentences that are consistent with the findings of risk and needs assessment. If not, we would also investigate what types of offenders are typically sentenced for longer or shorter periods than the assessments would suggest. Also, we would examine the recidivism patterns for offenders whose sentences are congruent with risk and needs assessment, versus those whose sentences deviate from risk and needs assessments. This study represents a first step toward understanding the impact of current sentencing practices. In order to compare past sentences with recidivism risk/need scores, we propose to conduct a two-part analysis using administrative data.

Analysis One: Inmate Data. First, we would examine the records of inmates released from prison or jail sentences in the state during the 5-year period 2005 – 2009, including only those for whom risk and needs assessment scores are available, and were derived at about the time of sentencing. (Note that risk and needs assessment has not been routinely applied prior to sentencing.) We select these individuals in order to allow for a 3-year post-release follow-up period in which to examine recidivism. This analysis will allow us to estimate the impact of current sentencing practices, compared to sentencing based on risk and needs assessment, in addition to considering actual sentence lengths with the risk /need levels suggested by risk and needs assessment, controlling for severity of offense.

Analysis Two: Probation Data. Second, we will employ data for persons whose probation ended during the 5-year period 2005 – 2009. We will investigate the extent to which recidivism risk/need scores are consistent with an original sentence of a suspended sentence with a period of probation (versus incarceration) and whether individuals whose assessment revealed higher risk and needs were more likely to violate probation. This analysis will also reveal whether there are specific risk and need factors which differentiate successful and non-successful performance on probation (i.e., violation of probation via a technical or new offense/arrest or conviction) within three years following commencement of probation. Exploration of factors which differentiate between successful and unsuccessful probationers will offer insight into potential refinements to current assessments (i.e., identify the best predictors of VOP) and also inform potential guidelines and criteria for courts to use to determine which offenders are the best risk for a suspended sentence with probation.

DATA REQUIREMENTS:

Data maintained by the Department of Correction:

a. Dates of discharge to halfway houses, parole, or release without supervision
b. Dates of admission to jail or prison
c. Scores from DOC risk and need assessments
d. Dates of return to incarceration for parole violations

Data maintained by the Judicial Branch:

a. LSI-R scores (including subscale scores for risk and need factors and/or each item in addition to total scores)
b. DVSI-R scores (each item if available in addition to total score)
c. STATIC 99 Scores (each item if available)
d. Original offense charges for instant offense/s
e. Actual offense conviction/s for instant offense
f. Date of sentencing
g. Date of commencement on probation
h. Age
i. Sex
j. VOP Warrant date
k. VOP charge/s
l. VOP actual conviction
m. VOP disposition (prison, continued probation)

Statistical Analyses:

To consider the differences between actual sentencing and sentencing based on risk/need assessments, we will create groups for High-Medium-Low offense severity, based on maximum jail/prison sentence for each charge. Within each stratum, we will use the distribution of the actual sentences to create tertiles. We will also create tertiles from the risk/need assessment scores. We will examine the percentage of cases that are out-of-tertile range with respect to sentencing, compared to the risk/need assessments within that offense severity grouping. If this analysis reveals that a significant proportion of cases falls outside the expected range, we will examine the characteristics of the cases that are outliers.

Survival analyses (Cox regression) will be conducted to determine the time from release from incarceration (for prisoners) or from placement on probation (for probationers) to re-arrest, or revocation of probation for a technical violation, controlling for offense severity.

Non-parametric test of goodness of fit (Chi-square tests) will be conducted to compare the rates of technical and new offense VOP's by risk/need scores to determine if there

are statistically significant differences in rates and nature (violent versus non-violent) of violation based upon risk/need scores.

Classification & regression tree analysis will be conducted to identify specific risk factors that effectively differentiate between those who do and do not violate probation with a technical or new (violent versus non-violent) offense.

APPENDIX J:

TABLE OF UNCLASSIFIED FELONIES

TABLE OF UNCLASSIFIED FELONIES

The working group identified 258 unclassified felonies using a Judicial Branch database that identifies all statutes with criminal penalties. Table 2 shows these unclassified felonies, their current penalties, and the working group's proposal. It is organized based on the felonies' current maximum prison penalties, from lowest to highest. A crime shaded in grey in the table indicates that there were no initial charges for this crime from FY 02 to FY 11, according to the Office of Fiscal Analysis' database of Judicial Branch initial charging information.

In some instances, a crime has different penalties based on prior convictions for the offense. We indicate whether a penalty is for a 1st offense, 2nd offense, or subsequent offense (SBS). Please note that minimum sentences indicated in the table are not mandatory minimum sentences unless marked with the letter "m." Those marked "m1" or "m2" can be suspended under certain circumstances (see the footnotes).

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
	Maximum Penalty of Under Five Years								
1	30-86 (b)(2)	Delivering liquor to a minor	0	M	18	M	$ -	$1,500	Deem E felony, no change in prison penalty but increase fine to $3,500
2	10-51	Fraudulent voting-school budget	1	Y	2	Y	$300	$500	Deem E felony, eliminate one year minimum (not currently a mandatory mininimum) but keep maximum prison term, increase fine to $3,500

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
3	14-196(b)	Willfully misusing a motor vehicle title certificate	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
n/a	14-215(c)(2)	Operating a motor vehicle under suspension for a 2nd alcohol-related offense (fines doubled in C/U zone)	120 (m1)	D	2	Y	$500	$1,000	Deem E felony, no change in prison penalty or fines
n/a	14-227a	Driving under the influence (2nd)(fines doubled in C/U zone)	120 (m)	D	2	Y	$1,000	$4,000	Deem E felony, no change in prison penalty or fines
n/a	14-227g	Driving under the influence-.02 BAC for person under age 21 (2nd)	120 (m)	D	2	Y	$1,000	$4,000	Deem E felony, no change in prison penalty or fines
n/a	15-133*	Operating a vessel under the influence (2nd)	120 (m)	D	2	Y	$1,000	$4,000	Deem E felony, no change in prison penalty or fines
n/a	15-140l	Reckless boating under the influence	0	Y	2	Y	$2,500	$5,000	Deem E felony, no change in prison penalty or fines
n/a	15-173(c)	Illegally discharging sewage (2nd/SBS)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
n/a	16-50ii (PA 11-101(1))**	Violating electric generating facility requirements	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
4	21a-165	Selling defective oil	0	Y	2	Y	$ -	$300	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-245	Violating restricted substances requirements (1st) **(penalty in 21a-255)**	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-246	Making controlled substances without a license (1st)(penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
5	21a-251	Illegally dispensing controlled substances-hospital (1st)(penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-252	Illegally prescribing or dispensing controlled substances (1st)(penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-255(b)***	Failing to keep drug records with intent to violate the drug laws (1st)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-256	Violating the controlled substance labeling requirements (1st) (penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-257	Failing to keep narcotics in containers (1st) (penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-266	Committing certain controlled substance violations (1st) (penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
5	21a-277(c)	Operating a drug factory (1st) (penalty in 21a-255)	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
n/a	22a-131a(a)	Violating hazardous waste record requirements (1st)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-131a(c)	Violating used oil requirements (1st)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-175(a)	Violating air pollution requirements (2nd/SBS)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-208a	Violating solid waste facility requirements (1st)(penalty in 22a-226a) See Sec. 81 re class D felony	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
n/a	22a-208a	Violating waste facility requirements-imminent danger (1st) (penalty in 22a-226b) See Sec. 81 re Class D felony	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-208c	Handling solid waste without a permit (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-208c	Handling solid waste without permit-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-209	Violating solid waste management regulations (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-209	Violating solid waste management regulations-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-225	Violating a solid waste abatement order (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-225	Violating a solid waste abatement order-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-231	Violating resources recovery regulations (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	n/a 22a-231	Violating resources recovery regulations-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-250(c)	Illegal dumping (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-250(c)	Illegal dumping-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
n/a	22a-250(d)	Illegal dumping-bulky or hazardous waste (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-250(d)	Illegal dumping-bulky or hazardous waste-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-252	Illegally disposing of asbestos (1st)(penalty in 22a-226a)	0	Y	2	Y	$ -	$25,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-252	Illegally disposing of asbestos-imminent danger (1st)(penalty in 22a-226b)	0	Y	2	Y	$ -	$100,000	Deem E felony, no change in prison penalty or fines
n/a	22a-438(b)	Violating water pollution control laws (2nd/SBS)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-438(d)	False statement-water pollution control	0	Y	2	Y	$ -	$25,000	Deem E felony, no change in prison penalty or fines
n/a	22a-469	Violating PCB sale requirements (2nd/SBS)(penalty in 22-438)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
n/a	22a-628(a)	Violating mercury restrictions with criminal negligence (2nd/SBS) (See Sec. 115 re: Class C felony)	0	Y	2	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
6	29-152	Violating professional bondsmen requirements	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
7	30-99	Selling adulterated liquor	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
See Sec. 8	36b-6	Violating uniform security act requirements	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500

Table 2 (continued)

LCO 799 Sec. #	Statute	Description	Prison Term Min.		Prison Term Max.		Fine Min.	Fine Max.	Working Group Proposals
		Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)							
8	36b-16	Offering or selling unregistered securities	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500
8	36b-23	False or misleading statement violating the uniform securities act	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500
8	36b-28(b)	Violating the uniform securities act	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500
n/a	36b-62	Violating the business opportunity investment act (See Sec. 9)	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500
n/a	36b-63	Violating disclosure requirements of the business opportunity investment act (See Sec. 9)	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500
9	36b-73(b)	Violating the business opportunity investment act	0	Y	2	Y	$ -	$2,000	Deem E felony, no change in prison penalty but increase fine to $3,500
n/a	38a-140(c)(1)	Illegally acquiring a controlling interest in a domestic insurance company	0	Y	2	Y	$ -	$15,000 AND $50,000	Deem E felony, no change in prison penalty or fines
10	38a-658	Violating credit life, accident, or health insurance requirements	0	Y	2	Y	$ -	$1,500	Deem E felony, no change in prison penalty but increase fine to $3,500
11	53-201	Illegally aiding a prize fight	0	Y	2	Y	$ -	$500	Deem E felony, no change in prison penalty but increase fine to $3,500
12	53a-209	Violating an injunction-obscene matters	0	Y	2	Y	$ -	$1,000	Deem E felony, no change in prison penalty but increase fine to $3,500
13	9-355	Willful neglect of election duty or fraud	0	Y	3	Y	$ -	$2,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
14	14-149(f)	Altering a motor vehicle identification number or possessing a vehicle with an altered number (1st)	0	Y	3	Y	$ -	$2,500	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
n/a	14-215(c)(3)	Operating a motor vehicle under suspension for third or subsequent alcohol-related offense (fines double in C/U zone)	1 (m1)	Y	3	Y	$500	$1,000	Deem E felony, no change in prison penalty or fines
n/a	14-227a	Driving under the influence (3rd/SBS)(fines doubled in C/U zone)	1 (m)	Y	3	Y	$2,000	$8,000	Deem E felony, no change in prison penalty or fines
n/a	14-227g	Driving under the influence-.02 BAC for someone under age 21 (3rd/SBS)	1 (m)	Y	3	Y	$2,000	$8,000	Deem E felony, no change in prison penalty or fines
n/a	15-133*	Operating a vessel under the influence (3rd/SBS)	1 (m)	Y	3	Y	$2,000	$8,000	Deem E felony, no change in prison penalty or fines
15	22-126	Illegally entering a horse in a race	0	Y	3	Y	$ -	$1,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
16	22-351	Stealing, killing, or injuring a companion animal (SBS or multiple animals)	1	Y	3	Y	$ -	$2,000	Amend the statute to call this crime a class E felony, thus keeping the three year prison penalty, eliminating the one year minimum (not currently a mandatory minimum), and increasing the fine to up to $3,500
n/a	22a-438(c)	Knowingly violating water pollution control requirements	0	Y	3	Y	$ -	$50,000	Deem E felony, no change in prison penalty or fines
n/a	22a-438(e)	Illegally discharging gasoline	0	Y	3	Y	$ -	$50,000	Deem E felony, no change in prison penalty or fines

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
n/a	22a-628(b)	Knowingly violating mercury requirements (1st)	0	Y	3	Y	$ -	$50,000 per day	Deem E felony, no change in prison penalty or fines
17	29-28	Violating pistol permit requirements (penalty in 29-37) (also changed re Class D felony)	0	Y	3	Y	$ -	$500	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
17	29-31	Failing to display gun sales permit (penalty in 29-37) (also changed re class D felony)	0	Y	3	Y	$ -	$500	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
18	31-48a **(a)**	Hiring professional strikebreakers	0	Y	3	Y	$100	$1,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
n/a	36a-229 (c)	Failing to deliver records to bank receiver	0	Y	3	Y	$ -	$10,000	Deem E felony, no change in prison penalty or fines
19	51-87(a)	Illegally soliciting cases for attorney	0	Y	3	Y	$ -	$1,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
19	51-87(b)	Illegally receiving payment for an attorney referral	0	Y	3	Y	$ -	$1,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
20	51-87b	Illegal referral to real estate broker (penalty in 51-87) (rewrote for accuracy)	0	Y	3	Y	$ -	$1,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
21	53-202f **(a)**	Illegally transporting an assault weapon	0	Y	3	Y	$ -	$500	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
22	53-206 (a)	Carrying a dangerous weapon	0	Y	3	Y	$ -	$500	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
23	53-368	False certification re oath	0	Y	3	Y	$ -	$1,000	Amend the statute to call this crime a class E felony, thus keeping the prison penalty but increasing the fine to up to $3,500
	Maximum Penalty of Five Years								
24	1-103	Hindering legislation by threat	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
25	4d-39(d)	Violate nondisclosure requirements-Department of Information Technology contract	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum), keeping the maximum prison penalty, and keeping the fine of up to $5,000
26	7-64	Violating requirements for disposal of a dead body	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
27	7-66 (d)	Violating a sexton's burial duties	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
28	9-264	Illegally assisting a disabled voter	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
29	9-352	Tampering by an election official	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
30	9-353	False return by an election officer	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
31	9-354	Improperly printing a ballot label	0	Y	5	Y	$100	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but elminating the minimum fine and increasing the maximum fine to $5,000
32	9-623	Violating campaign financing requirements (Amended (a), but Subsec. (e) has fines).	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
33	10-390	Illegal acts at archeological or sacred sites	0	Y	5	Y	$ -	$5,000 or twice value to restore site	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
34	12-206(e)	Insurance, hospital, or medical corporation tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
35	12-231(b)	Corporation business tax	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
36	12-268e(b)	Public service company tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
37	12-304(b)	Avoiding tax on 20,000 or more cigarettes	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
38	12-306b(b)	Cigarette tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
n/a	12-321	Cigarette use/storage tax fraud (refers to 12-304 for penalty)	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
39	12-330f(c)	Willfully avoiding tobacco taxes	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
40	12-330j(b)	Tobacco products tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
41	12-405d(g)	Estate income tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
42	12-428(2)	Sales/use tax return fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
43	12-452(b)	Alcoholic beverage tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
44	12-464(b)	Motor vehicle fuels tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
45	12-482(b)	Motor carrier road tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
46	12-519(b)	Dividend, interest, and capital gains tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
47	12-551(b)	Admission or cabaret tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
48	12-591(b)	Petroleum products tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
49	12-638g(b)	Controlling interest transfer tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
50	12-737(b)	State income tax fraud	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
14	14-149(f)	Altering a motor vehicle identification number or possessing a vehicle with an altered number (2nd/SBS)(also amended re Class E felony)	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
51	14-149a (b)	Operating a chop shop	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
51	14-149a (b)	Operating a chop shop (SBS)	0	Y	5	Y	$ -	$10,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
3	14-196(a)	Motor vehicle title certificate fraud (Subsec. (b) amended re class E felony fine)	1	Y	5	Y	$500	$1,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum), keeping the maximum prison penalty, eliminating and the minimum fine, and increasing the maximum fine to $5,000
52	14-299a(f)	Traffic signal preemption device violations causing an accident (Subsec. (e) has $5,000 fine and 90 day imprisonment)	0	Y	5	Y	$ -	$15,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
53	15-69 (a)	Tampering with an airport or equipment (Subsec. (b) stays as $1,000 fine and max 1 year imprisonment)	0	Y	5	Y	$200	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but elminating the minimum fine and increasing the maximum fine to $5,000
54	16-33	False statement-report to public utility regulators	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
55	16a-18 (b)	Creating a fuel shortage	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
56	17a-83	False statement-commit child to hospital	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
57	17a-274 (m)	False statement-involuntary commitment	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
58	17a-504	False statement-mentally ill commitment	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
59	17b-30 (d)	Illegally releasing biometric identification	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
60	19a-32d(c)	Violating embryo/egg/sperm disposal requirements (Subsec. (b) remains unchanged - See class C felonies)	0	Y	5	Y	$ -	$50,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
60	19a-32d(f)	Violating embryo/egg/sperm disposal requirements	0	Y	5	Y	$ -	$50,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
61	19a-324	False statement-cremation	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
61	19a-324	Illegally removing a body for cremation	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
61	19a-324	Violating cremation requirements	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
62 to 71	20-9 (penalty in 20-14), 20-33, 20-42, 20-65, 20-73(c), 20-74f(b), 20-102, 20-126, 20-126t, 20-138a(b)	Practicing the following without a license: medicine, chiropractic, natureopathy, podiatry, physical therapy, occupational therapy, nursing, dentistry, dental hygiene, or optometry (rewrote Sec. 68 for consistency - to make "for remuneration" apply to advanced practice registered nurses - same as other types of nurses)	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
72	20-161	Violating optician requirements	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
73	20-185i (b) (PA 11-228)**	Misrepresenting self as board certified behavior analyst	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
74	20-193	Practicing psychology without a license	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
75	20-206p	Illegally using dietitian or nutritionist title	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
76	20-329x	Prohibited acts-real estate	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
77	20-395h	Violating audiologist requirements	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
78	20-417	Violating speech pathology or audiology requirements	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
79	20-581	Violating the Pharmacy Practice Act	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
	20-605	Practicing pharmacy without a license (penalty in 20-581)	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
80	21a-279(b)	Possessing hallucinogens or more than 4 oz marijuana (1st)****	0	Y	5	Y	$ -	$2,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
80	21a-279(c)	Possessing controlled substances or between .5 and 4 oz. marijuana (2nd/SBS)****	0	Y	5	Y	$ -	$3,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
81	22a-131a(a)*	Violating the hazardous waste records requirements (2nd/SBS)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
81	22a-131a(b)	Violating hazardous waste permit or order requirements (1st)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
81	22a-131a(c)	Violating used oil requirements (2nd/SBS)	0	Y	5	Y	$ -	$100,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-208a	Violating waste facility requirements (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
83	22a-208a	Violating waste facility requirements-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-208c	Handling waste without a permit (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
83	22a-208c	Handling waste without permit-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-209	Violating solid waste management regulations 2nd/(SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
83	22a-209	Violating solid waste management regulations -imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-225	Violating a waste abatement order (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
83	22a-225	Violating a waste abatement order-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-231	Violating resources recovery regulations (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
83	22a-231	Violating resources recovery regulations-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
83	22a-250(c)	Illegal dumping-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-250(c)	Illegal dumping (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
83	22a-250(d)	Illegal dumping bulky or hazardous waste-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-250(d)	Illegal dumping bulky of hazardous waste (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
82	22a-252	Illegally disposing of asbestos (2nd/SBS) (penalty in 22a-226a)	0	Y	5	Y	$ -	$50,000 per day	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
83	22a-252	Illegally disposing of asbestos-imminent danger (2nd/SBS) (penalty in 22a-226b)	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
84 for t/c	22a-376(c)	Perjury-water diversion hearing (Violation can already be a class D felony or Class A misdemeanor - but refers to Secs. 53a-155 to 53a-157; tech change made to correct reference to false statement - 53a-157b)	0	Y	5	Y	$ -	$15,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
84	22a-376(c)	Tampering with or falsifying water diversion evidence	0	Y	5	Y	$ -	$15,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
85	28-22	Damaging civil preparedness equipment	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
17	29-35(a)	Carrying a pistol without a permit (penalty in 29-37(b)) (also a class E felony)	1 (m1)	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, retaining the one-year mandatory minimum sentence and increasing the fine to up to $5,000
86	29-36	Illegally altering firearm identification	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
87 **	29-37j(a)	Purchasing a firearm for an illegal transfer (D felony if committed after prior felony conviction in past five years) ** Compare change in Subsec. (a) to Subsec. (c) which has enhanced penalty (Class D felony) if already a felon; Change in Subsec. (a) would make lesser penalty the same as the enhanced penalty.	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
88	29-38 (a)	Illegally possessing a weapon in a motor vehicle (Compare to Sec. 53-206 which remains unchanged)	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
89	29-353	Illegally possessing unlabelled explosives	0	Y	5	Y	$ -	$10,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
90	31-12	Illegal hours of labor-manufacturing or mechanical work (penalty in 31-15 and 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-13	Illegal hours of labor-mercantile work (penalty in 31-15 and 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-14	Illegally employing a minor at night (penalty in 31-15 and 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
90	31-15	Parent permitting illegal employment of minor (penalty in 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-18	Illegal hours of labor-other establishments (penalty in 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-18(b)	Certain employers-failing to post hours of employment of minors, elderly, and people with handicaps (penalty in 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-23	Illegally employing a minor in certain work (penalty in 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-24	Illegally employing a minor in hazardous work (penalty in 31-15a)	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
90	31-15a	This is the actual penalty section for prior sections listed as Section 90							Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
91	31-69(b)	Minimum wage violation-unpaid wages under $2,000	0	Y	5	Y	$4,000	$10,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
92	31-71g	Violating wage payment requirements over $2,000	0	Y	5	Y	$2,000	$5,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the existing minimum and maximum fine
93	36b-51 (a)	Violating the Tender Offer Act	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
94	38a-140(c)(2)	False statement-holding company officer (Other provision of section deemed class E felony above)	0	Y	5	Y	$ -	$50,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
95	40-51	Illegally issuing a warehouse receipt	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
96	40-53	Illegally duplicating a warehouse receipt	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
97	41-47	Fraudulently issuing a bill of lading	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
98	41-49	Illegally issuing a duplicate bill of lading	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
99	41-51	Illegally transferring a bill of lading	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
100	41-52	Soliciting an illegal bill of lading	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
101	41-53	Issuing improper nonnegotiable bill of lading	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
102	42-232 (d)	Violating a supply emergency order	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
102	42-232 (d)	Repeatedly violating a supply emergency order	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
103	45a-729	Illegally placing a child for adoption	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
104	49-8a(h)	Recording a false affidavit on land records	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
105	53-20(a)(1)	Intentional cruelty to persons	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
105	53-20(b)(1)	Intentional cruelty to child under age 19	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
106	53-23	Abandoning a child	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
107	53-200	Illegal prize fighting	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
108	53-247(a), amended by PA 12-86**	Animal cruelty (2nd and SBS)	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
108	53-247(b)	Maliciously wounding or killing an animal	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
108	53-247(c)	Using an animal for fighting	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
108	53-247(d)	Injuring a peace officer animal (Subsec. (e) unchanged $10k; 10 Years)	0	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus keeping the same prison penalty and fine
109	53-320	Distributing noxious seed or poisons	0	Y	5	Y	$ -	$1,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
110	53-334	Unlawful disinterment	0	Y	5	Y	$ -	$2,000	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
111	53-341	Illegally using the title of physician, surgeon, doctor, or osteopath	0	Y	5	Y	$ -	$500	Amend the statute to call this crime a class D felony, thus keeping the prison penalty but increasing the fine to up to $5,000
112	53-347a(a)	Forging a stamp or label	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
112	53-347a(b)	Affixing a fraudulent marking	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
112	53-347a(c)	Using a counterfeit marking	0	Y	5	Y	$ -	$250,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
113	54-142c (b)	False statement-obtaining criminal history	1	Y	5	Y	$ -	$5,000	Amend the statute to call this crime a class D felony, thus eliminating the one year minimum prison term (not currently a mandatory minimum) and keeping the fine of up to $5,000
113	[PA 12-135**] 12-428a(b)	Sale or possession of zappers or phantom-ware (which falsify cash register receipts)	1	Y	5	Y	$ -	$100,000	Amend the statute to call this crime a class D felony (which has the same prison penalty) but keep the higher fine
	Maximum Penalty of Over Five Years								
n/a	12-652	Possessing an unstamped drug (penalty in 12-660)	0	Y	6	Y	$ -	$10,000	No action recommended at this time.
n/a	12-660	Failing to pay marijuana or drug tax	0	Y	6	Y	$ -	$10,000	No action recommended at this time.
n/a	21a-277(b)	Selling controlled substances (1st)****	0	Y	7	Y	$ -	$25,000	No action recommended at this time.
n/a	21a-279(a)	Possessing narcotics (1st)****	0	Y	7	Y	$ -	$50,000	No action recommended at this time.
n/a	12-308	Fraudulent cigarette tax stamps	1	Y	10	Y	$ -	$5,000	No action recommended at this time.
n/a	14-224(a) and (f)	Evading responsibility-death/serious injury (fine doubled in C/U zone)	1	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	19a-32d(b)	Cloning/using human embryo	0	Y	10	Y	$ -	$100,000	No action recommended at this time.
5	21a-245	Violating restricted substances requirements (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
5	21a-246	Making controlled substances without a license (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
5	21a-251	Illegally dispensing controlled substances-hospital (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
5	21a-252	Illegally prescribing or dispensing controlled substances (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
5	21a-255(b)***	Intentionally failing to keep drug records (2nd/SBS)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
5	21a-256	Violating controlled substance label requirements (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
5	21a-257	Failing to keep narcotics in containers (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
5	21a-266	Controlled substance-certain prohibited acts (2nd/SBS)(penalty in 21a-255)	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
5	21a-277(c)	Operating a drug factory (2nd/SBS) (penalty in 21a-255(b))	0	Y	10	Y	$ -	$10,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and fine but adding a minimum one year prison term (which the court can suspend)
80	21a-279(b)	Possessing a hallucinogen or more than 4 oz. marijuana (2nd/SBS)****	0	Y	10	Y	$ -	$5,000	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term, adding a minimum one year prison term (which the court can suspend), and increasing the fine to $10,000
81	22a-131a(b)	Violating hazardous waste permit/regulations (2nd/SBS)	0	Y	10	Y	$ -	$100,000 per day	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and adding a minimum one year prison term (which the court can suspend), but retain the higher fine

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
114	22a-438(c)*	Knowingly violating water pollution control requirements (2nd/SBS)	0	Y	10	Y	$ -	$100,000 per day	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and adding a minimum one year prison term (which the court can suspend), but retain the higher fine
114	22a-438(e)	Illegally discharging gasoline (2nd/SBS)	0	Y	10	Y	$ -	$100,000 per day	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and adding a minimum one year prison term (which the court can suspend), but retain the higher fine
115	22a-628(b)	Violating mercury requirements (2nd/SBS)	0	Y	10	Y	$ -	$50,000 per day	Amend the statute to call this crime a class C felony, thus keeping the maximum prison term and adding a minimum one year prison term (which the court can suspend), but retain the higher fine
n/a	29-324	Violating flammable liquid regulations-causing death/injury	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	29-348	Illegal possession of explosives	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	29-349(b)	Using explosives without a permit	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	29-349(c)	Storing explosives without a permit	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	29-349(d)	Illegally procuring or transporting explosives	0	Y	10	Y	$ -	$10,000	No action recommended at this time.

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
n/a	33-1333(b)(1)	Certifying a false financial statement	0	Y	10	Y	$ -	$1,000,000	No action recommended at this time.
n/a	36b-4	Fraudulently selling securities (penalty in 36b-28)	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	36b-5	Illegal acts by investment advisers (penalty in 36b-28)	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	36b-28(a)	Violating the Uniform Securities Act	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	36b-67(6)	Business opportunity investment fraud (penalty in 36b-73(a))	0	Y	10	Y	$ -	$25,000	No action recommended at this time.
n/a	53-202(c)(1)	Using a machine gun for an aggressive purpose	5	Y	10	Y	$ -	$1,000	No action recommended at this time.
n/a	53-202(c)(2)	Transferring, selling, or giving a machine gun to someone under age 16	5	Y	10	Y	$ -	$1,000	No action recommended at this time.
n/a	53-247(e)	Killing a peace officer animal	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	53-388a(b)	Illegally using a scanning device	1	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	53-388a(c)	Illegally using a reencoder	1	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	54-33d	Interfering with a search-deadly weapon	0	Y	10	Y	$ -	$10,000	No action recommended at this time.
n/a	21a-277(a)	Selling hallucinogens or narcotics (1st)****	0	Y	15	Y	$ -	$50,000	No action recommended at this time.
n/a	21a-277(b)	Selling controlled substances (2nd/SBS)****	0	Y	15	Y	$ -	$100,000	No action recommended at this time.
n/a	21a-279(a)	Possessing narcotics (2nd)****	0	Y	15	Y	$ -	$100,000	No action recommended at this time.
n/a	22a-131a(d)	Certain hazardous waste violations-imminent danger (See Sec. 81 re class C and D felony)	0	Y	15	Y	$ -	$250,000	No action recommended at this time.
n/a	21a-278(b)	Selling narcotics or certain other drugs—nondependent person (1st)	5 (m2)	Y	20	Y	$ -	$ -	No action recommended at this time.

Table 2 (continued)

	Table 2: Unclassified Felonies and Working Group Proposals (Shading=no initial charges in the Judicial Branch Database, FY 02-FY 11)								
LCO 799 Sec. #	Statute	Description	Prison Term				Fine		Working Group Proposals
			Min.		Max.		Min.	Max.	
n/a	33-1333(b)(2)	Willfully certifying a false financial statement	0	Y	20	Y	$ -	$5,000,000	No action recommended at this time.
n/a	53-202(b)	Possessing or using machine gun in a violent crime	10	Y	20	Y	$ -	$ -	No action recommended at this time.
n/a	53-395	Violating the corrupt organizations & racketeering act (penalty in 53-397)	1	Y	20	Y	$ -	$25,000	No action recommended at this time.
n/a	21a-278(b)	Selling narcotics or certain other drugs—nondependent person (2nd/SBS)****	10 (m2)	Y	25	Y	$ -	$ -	No action recommended at this time.
n/a	21a-279(a)	Possessing narcotics (3rd/SBS)****	0	Y	25	Y	$ -	$250,000	No action recommended at this time.
n/a	21a-277(a)	Selling hallucinogens or narcotics (2nd)****	0	Y	30	Y	$ -	$100,000	No action recommended at this time.
n/a	21a-277(a)	Selling hallucinogens or narcotics (3rd/SBS)****	0	Y	30	Y	$ -	$250,000	No action recommended at this time.

SBS=subsequent offense
C/U=The law doubles the fine for this crime if committed in a construction or utility zone.
* Based on a search of the database, it is unclear whether there are any charges for this offense.
** This offense was created too recently to appear in the charging database.
*** There are charges under (b) for this offense but the database does not distinguish between the two entries for (b).
**** The law authorizes an alternative, indeterminate sentence for this offense.
m=mandatory minimum sentence
m1=This mandatory minimum sentence applies absent mitigating circumstances.
m2=The court may suspend this mandatory minimum sentence under certain circumstances (see CGS §§ 21a-278(b) and -283a).