



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Christine Perra Rapillo, Chief Public Defender Office of Chief Public Defender

Committee on Judiciary - Public Hearing March 9, 2020

Raised Bill 389

An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Sentence Review and Modification

The Office of Chief Public Defender strongly *supports Raised Bill 389, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Sentence Review and Modification*. The bill is the result of the collaboration of stakeholders including this office, the Division of Criminal Justice, the Connecticut Criminal Defense Lawyers and Judicial.

Section 1 narrows the eligibility for sentence review and removes those cases in which a right to argue for less has been recommended in a plea agreement.

Section 2 amends the sentence modification statutes. Although current law does not require the agreement of a state's attorney before a person can move for a sentence modification in cases where the entire sentence imposed is 3 years or less. However, a person with a *total effective sentence* of more than 3 years cannot apply for a sentence modification without the state's attorney's consent. The bill amends this so that this section is applicable to those cases where the incarcerated portion of the sentence is 3 years or less in order to be considered for eligibility. For example, a person sentence to 5 years, execution suspended after 1 year is currently not eligible under subsection (a) of C.G.S. §53a-39 because the total effective sentence is 5 years and greater than 3 years. Subsection (a) of Section 2 amends of the bill amends the statute to look at the incarceration period instead of the entire sentence. As a result, a person sentenced to 5 years, execution suspended after 1 year will now be eligible to

Page 2 of 2 Committee on Judiciary - Public Hearing March 9, 2020
R.B. 389 An Act Concerning the Recommendations of the Connecticut Sentencing
Commission Regarding Sentence Review and Modification
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move for a sentence modification without the agreement of the state's attorney because the incarcerated portion of the sentence is 3 years or less. By considering only the incarcerated portion of the sentence for eligibility, more persons will be able to seek a modification.

Subsection (b) of Section 2 amends that portion of the statute which requires the agreement of the state's attorney in certain instances prior to filing for a sentence modification. As drafted, the bill would require persons sentenced to an "executed period of incarceration" of more than 3 years to obtain the agreement of the state's attorney first before seeking review. For example a person sentenced to 5 years, execution suspended after 3 ½ years *would need* to have the agreement of the state's attorney prior to filing for such because the incarcerated portion of the sentence is greater than 3 years.

This office appreciates the discussion and collaboration of the agencies that worked on this proposal and respectfully requests that the Committee vote favorably on the bill.