



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director
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Office of Chief Public Defender**

JUDICIARY COMMITTEE - MARCH 17, 2025

Raised Bill No. 1327

AN ACT CONCERNING THE REDUCTION OF A SENTENCE BY THE SENTENCING COURT OR A JUDGE

The Office of Chief Public Defender (OCPD) supports *Raised H.B. 1327 - An Act Concerning the Reduction of a Sentence by the Sentencing Court or a Judge*. This would amend the existing sentence modification statute, *C.G.S. 53a-39, Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim*. The changes as proposed will permit all incarcerated persons to be *eligible* to apply and not be applicable to only certain incarcerated persons. This office respectfully requests that the Committee also include a provision to ensure that this bill applies *retroactively*, so that all those incarcerated are treated similarly in fairness.

As drafted, the bill would permit the filing of an application for a sentence modification at any time while a person is incarcerated. Currently, only certain sentences are eligible for sentence modification consideration. And, certain sentences require the agreement of the state's attorney before the sentence is even eligible for filing such an application. As a result, many incarcerated persons are ineligible to file an application for a modification which on its face is simply fundamentally unfair. This office suggests that this may be managed by Judicial and would not provide a rush to the courthouse door from DOC as the following stats suggest¹:

¹ 2024 Sentence Modification Stats provided to our office by The Connecticut "Second Look" Sentencing Project which were requested from Judicial.

Deborah Del Prete Sullivan, Legal Counsel, Director

John R. Delbarba, Assistant Legal Counsel

March 17, 2025

Judiciary Committee

Raised S.B 1327 **An Act Concerning the Reduction of a Sentence by the Sentencing Court or a Judge**

Calendar Year 2024 - Sentence Modification Dispositions

Outcome	Sentence Modifications
Denied	387
Granted	171
Prosecutor Rejected	103
Dismissed	84
Withdrawn	42
Marked Off	16
Other (ND)	7
Total Disposed Sentence Mods.	810

A single case may have more than one sentence mod filed in the identified time frame

An independent “second look” process can identify cases where bias and mitigating circumstances may justify early release. Science at a minimum suggests that people tend to age out of crime and therefore recidivism drops as they grow older.² This proposal eliminates the state as the “gatekeeper” for eligibility to just file an application for sentence modification. It does not eliminate the state’s continued ability to be heard at this hearing as to its position. It also streamlines the process by setting time limits for the scheduling of hearings and the decision of the court. The bill reduces the time periods for which a person can apply for a sentence modification from 5 to 2 years after a denial of a previous application and from 3 to 2 years after a previous application has been granted in part. Lastly, the proposal grants discretion to the court to review and modify a mandatory minimum sentence.

In conclusion, this office requests that the Committee *vote favorably* on this bill as it will make this process accessible to all persons who are incarceration regardless of whether the conviction was the result of a plea or trial or the sentence imposed and that it applies retroactively. Thank you.

² See e.g., Too Old to Commit Crime? Why people age out of crime, and what it could mean for how long we put them away. <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime#:~:text=Criminal%20careers%20are%20short%20for,more%20likely%20to%20commit%20crimes>.