



Senate

General Assembly

File No. 742

January Session, 2025

Substitute Senate Bill No. 1502

Senate, April 23, 2025

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SENTENCE REDUCTION OR RELIEF FOR SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING OR HUMAN TRAFFICKING.

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

1 Section 1. Section 53a-35a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2026*):

3 [For] (a) Except as provided in subsection (b) of this section, for any
4 felony committed on or after July 1, 1981, the sentence of imprisonment
5 shall be a definite sentence and, unless the section of the general statutes
6 that defines or provides the penalty for the crime specifically provides
7 otherwise, the term shall be fixed by the court as follows:

8 (1) (A) For a capital felony committed prior to April 25, 2012, under
9 the provisions of section 53a-54b in effect prior to April 25, 2012, a term
10 of life imprisonment without the possibility of release unless a sentence
11 of death is imposed in accordance with section 53a-46a, or (B) for the
12 class A felony of murder with special circumstances committed on or

13 after April 25, 2012, under the provisions of section 53a-54b in effect on
14 or after April 25, 2012, a term of life imprisonment without the
15 possibility of release;

16 (2) For the class A felony of murder, a term not less than twenty-five
17 years nor more than life;

18 (3) For the class A felony of aggravated sexual assault of a minor
19 under section 53a-70c, a term not less than twenty-five years or more
20 than fifty years;

21 (4) For a class A felony other than an offense specified in subdivision
22 (2) or (3) of this section, a term not less than ten years nor more than
23 twenty-five years;

24 (5) For the class B felony of manslaughter in the first degree with a
25 firearm under section 53a-55a, a term not less than five years nor more
26 than forty years;

27 (6) For a class B felony other than manslaughter in the first degree
28 with a firearm under section 53a-55a, a term not less than one year nor
29 more than twenty years;

30 (7) For a class C felony, a term not less than one year nor more than
31 ten years;

32 (8) For a class D felony, a term not more than five years;

33 (9) For a class E felony, a term not more than three years; and

34 (10) For an unclassified felony, a term in accordance with the sentence
35 specified in the section of the general statutes that defines or provides
36 the penalty for the crime.

37 (b) (1) Prior to a court imposing a sentence of imprisonment for a
38 felony offense, a defendant may move for application of this subsection
39 to such defendant's sentence. Upon such motion and a determination by
40 the court that (A) the defendant is a survivor of domestic violence,
41 sexual assault, stalking or trafficking in persons, and (B) domestic

42 violence, sexual assault, stalking or trafficking in persons was a
43 contributing factor in the commission of the offense, the court shall
44 impose a sentence in accordance with this subsection.

45 (2) For purposes of this subsection, (A) "domestic violence" has the
46 same meaning as provided in subsection (b) of section 46b-1; (B) "sexual
47 assault" means any act that constitutes a violation of section 53a-70b of
48 the general statutes, revision of 1958, revised to January 1, 2019, or
49 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; (C)
50 "stalking" means any act that constitutes a violation of section 53a-181c,
51 53a-181d, 53a-181e or 53a-181f; (D) "trafficking in persons" means
52 trafficking in persons under section 53a-192a or a criminal violation of
53 18 USC Chapter 77, as amended from time to time; and (E) "contributing
54 factor" means a factor that influences an offense but is not necessarily
55 the sole, primary, substantial or major factor leading to the offense.

56 (3) Such defendant shall provide the court at least two pieces of
57 documented proof corroborating that the defendant is a survivor of
58 domestic violence, sexual assault, stalking or trafficking in persons that
59 may include, but need not be limited to, a signed affidavit attesting to
60 subparagraphs (A) and (B) of subdivision (1) of this subsection; a court
61 record; presentence report; social services record; hospital record; law
62 enforcement record; restraining order or protective order pursuant to
63 section 46b-15, 46b-16a or 46b-38c, subsection (f) of section 53a-28 or
64 section 53a-40e or 54-1k, or a foreign order of protection, as defined in
65 section 46b-15a; sworn statement from a person with direct or indirect
66 knowledge of the domestic violence, sexual assault, stalking or
67 trafficking in persons; documentation prepared at or near the time of the
68 commission or prosecution of the present offense tending to support the
69 claims of the defendant; records provided by a licensed medical care
70 provider or mental health care provider; or sworn statements from a
71 member of the clergy, an attorney or a social worker, or a domestic
72 violence counselor or sexual assault counselor, each as defined in
73 section 52-146k, or other advocate acting on behalf of a survivor of
74 domestic violence, sexual assault, stalking or trafficking in persons.

75 (4) At any time prior to sentencing, the court shall consider testimony
76 from witnesses offered by the prosecution or defense, consider oral and
77 written arguments and consider any other evidence relevant to the
78 court's determination of whether domestic violence, sexual assault,
79 stalking or trafficking in persons was a contributing factor in the
80 commission of the defendant's offense. Reliable hearsay evidence shall
81 be admissible at the hearing for purposes of this subsection.

82 (5) Notwithstanding any provision of the general statutes providing
83 a term of imprisonment for a felony offense, including a mandatory
84 minimum sentence, if the court finds by clear and convincing evidence
85 that domestic violence, sexual assault, stalking or trafficking in persons
86 was a contributing factor in the commission of the offense, the court
87 shall depart from the applicable sentence under subsection (a) of this
88 section or the sentence provided under the section of the general statutes
89 for the applicable offense, to the ranges provided as follows: (A) A term
90 of life imprisonment without the possibility of release shall be reduced
91 to a term of thirty years imprisonment or less; (B) a term of fifty years of
92 imprisonment or more, but not life imprisonment without the
93 possibility of release, shall be reduced to a term of twenty-five years
94 imprisonment or less; (C) a term of forty years of imprisonment or more,
95 up to, but not including, fifty years imprisonment, shall be reduced to a
96 term of twenty years imprisonment or less; (D) a term of thirty years of
97 imprisonment or more, up to, but not including, a term of forty years
98 imprisonment, shall be reduced to a term of fifteen years imprisonment
99 or less; (E) a term of twenty-five years of imprisonment or more, up to,
100 but not including, a term of thirty years imprisonment, shall be reduced
101 to a term of twelve and one-half years imprisonment or less; (F) a term
102 of twenty years of imprisonment or more, up to, but not including, a
103 term of twenty-five years imprisonment, shall be reduced to a term of
104 ten years imprisonment or less; (G) a term of ten years of imprisonment
105 or more, up to, but not including, a term of twenty years imprisonment,
106 shall be reduced to a term of five years imprisonment or less; (H) a term
107 of five years of imprisonment or more, up to, but not including, a term
108 of ten years imprisonment, shall be reduced to a term of five years
109 imprisonment or less; and (I) a term of three years of imprisonment or

110 more, up to, but not including, a term of five years imprisonment, shall
111 be reduced to a term of eighteen months imprisonment or less. The court
112 shall state on the record that sentencing was determined in accordance
113 with this subsection.

114 (6) If the court finds that such defendant has not met the requirements
115 to apply for relief as provided for in subdivision (1) of this subsection,
116 the court shall deny such defendant's motion without prejudice.

117 (7) Nothing in this subsection shall preclude a defendant from
118 seeking or obtaining relief under section 51-195, 51-196, 53a-39, as
119 amended by this act, 54-95c, 54-125a, as amended by this act, or 54-130a,
120 as amended by this act, or any other statute pertaining to sentence
121 reduction relief.

122 Sec. 2. Section 53a-39 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective January 1, 2026*):

124 (a) Except as provided in subsection (b) of this section, at any time
125 during an executed period of incarceration, the sentencing court or
126 judge may, after hearing and for good cause shown, reduce the sentence,
127 order the defendant discharged, or order the defendant discharged on
128 probation or conditional discharge for a period not to exceed that to
129 which the defendant could have been originally sentenced.

130 (b) [On] Except as provided in subsection (g) of this section, on and
131 after October 1, 2021, at any time during the period of a sentence in
132 which a defendant has been sentenced prior to, on or after October 1,
133 2021, to an executed period of incarceration of more than seven years as
134 a result of a plea agreement, including an agreement in which there is
135 an agreed upon range of sentence, upon agreement of the defendant and
136 the state's attorney to seek review of the sentence, the sentencing court
137 or judge may, after hearing and for good cause shown, reduce the
138 sentence, order the defendant discharged, or order the defendant
139 discharged on probation or conditional discharge for a period not to
140 exceed that to which the defendant could have been originally
141 sentenced.

142 (c) If, after a hearing pursuant to this section, the sentencing court or
143 judge denies or grants in full a motion to reduce a defendant's sentence
144 or discharge the defendant, the defendant may not file a subsequent
145 motion for relief under this section until five years have elapsed from
146 the date of the most recent decision denying such defendant relief
147 pursuant to this section. If, after a hearing pursuant to this section, the
148 sentencing court or judge grants in part a motion to reduce a defendant's
149 sentence, the defendant may not file a subsequent motion for relief
150 under this section until three years from the date of the most recent
151 decision granting such defendant relief pursuant to this section.

152 (d) [The] Except as provided in subsection (g) of this section, the
153 provisions of this section shall not apply to any portion of a sentence
154 imposed that is a mandatory minimum sentence for an offense which
155 may not be suspended or reduced by the court.

156 (e) At the time the defendant files a motion with the court, the
157 defendant shall provide the state with a copy of the motion and any
158 materials and documentation filed with the court in support of such
159 motion.

160 (f) At a hearing held by the sentencing court or judge under this
161 section, such court or judge shall permit any victim of the crime to
162 appear before the court or judge for the purpose of making a statement
163 for the record concerning whether or not the sentence of the defendant
164 should be reduced, the defendant should be discharged or the
165 defendant should be discharged on probation or conditional discharge
166 pursuant to subsection (a) or (b) of this section. In lieu of such
167 appearance, the victim may submit a written statement to the court or
168 judge and the court or judge shall make such statement a part of the
169 record at the hearing. For the purposes of this subsection, "victim"
170 means the victim, the legal representative of the victim or a member of
171 the deceased victim's immediate family.

172 (g) (1) Any defendant filing a motion for sentence modification
173 pursuant to subsections (a) and (b) of this subsection shall have the
174 opportunity to present evidence demonstrating that (A) the defendant

175 is a survivor of domestic violence, sexual assault, stalking or trafficking
176 in persons, and (B) domestic violence, sexual assault, stalking or
177 trafficking in persons was a contributing factor in the commission of the
178 offense.

179 (2) When possible, any motion for sentence modification under this
180 subsection shall be heard by the original sentencing judge. A defendant
181 is not eligible to make a motion under this subsection if such defendant
182 was sentenced in accordance with subsection (b) of section 53a-35a, as
183 amended by this act.

184 (3) For purposes of this subsection "domestic violence", "sexual
185 assault", "stalking", "trafficking in persons" and "contributing factor"
186 have the same meaning as provided in subsection (b) of section 53a-35a,
187 as amended by this act.

188 (4) Any defendant seeking consideration pursuant to this subsection
189 shall provide the court at least two pieces of documented proof
190 corroborating that the defendant is a survivor of domestic violence,
191 sexual assault, stalking or trafficking in persons that may include, but
192 need not be limited to, a signed affidavit attesting to subparagraphs (A)
193 and (B) of subdivision (1) of this subsection; a court record; presentence
194 report; social services record; hospital record; law enforcement record;
195 restraining order or protective order pursuant to section 46b-15, 46b-16a
196 or 46b-38c, subsection (f) of section 53a-28 or section 53a-40e or 54-1k, or
197 a foreign order of protection, as defined in section 46b-15a; sworn
198 statement from a person with direct or indirect knowledge of the
199 domestic violence, sexual assault, stalking or trafficking in persons;
200 documentation prepared at or near the time of the commission or
201 prosecution of the offense tending to support the claims of the
202 defendant; records provided by a licensed medical care provider or
203 mental health care provider; or sworn statements from a member of the
204 clergy, an attorney or a social worker, or a domestic violence counselor
205 or sexual assault counselor, each as defined in section 52-146k, or other
206 advocate acting on behalf of a survivor of domestic violence, sexual
207 assault, stalking or trafficking in persons. Any defendant who complies

208 with this subdivision shall be granted a hearing pursuant to this section.

209 (5) At a hearing held under this section, the court shall take testimony
210 from witnesses offered by the state or defense, consider oral and written
211 arguments and consider any other evidence relevant to the court's
212 determination of whether domestic violence, sexual assault, stalking or
213 trafficking in persons was a contributing factor in the commission of the
214 defendant's offense. Reliable hearsay shall be admissible for purposes of
215 this subsection. The court may determine that violence or abuse the
216 defendant suffered due to being subjected to domestic violence, sexual
217 assault, stalking or trafficking in persons was related to and was a
218 contributing factor to the offense regardless of whether the defendant
219 had previously raised evidence of domestic violence, sexual assault,
220 stalking or trafficking in persons during the defendant's trial, plea
221 negotiations or sentencing hearing.

222 (6) Regardless of whether the defendant is subject to a mandatory
223 minimum sentence, if the court finds by clear and convincing evidence
224 that (A) the defendant is a survivor of domestic violence, sexual assault,
225 stalking or trafficking in persons, and (B) domestic violence, sexual
226 assault, stalking or trafficking in persons was a contributing factor in the
227 commission of the offense, the court shall reduce the sentence in
228 accordance with subdivision (5) of subsection (b) of section 53a-35a, as
229 amended by this act.

230 (7) The court may waive the timeline under subsection (c) of this
231 section if the defendant presents new evidence or shows good cause for
232 delay in presenting evidence.

233 (8) If the court finds that such defendant has not met the requirements
234 to apply for relief as provided for in subdivision (1) of this subsection,
235 the court shall notify the defendant and deny such defendant's request
236 without prejudice.

237 (9) Nothing in this subsection shall preclude a defendant from
238 seeking or obtaining relief under section 51-195, 51-196, 53a-39, as
239 amended by this act, 54-95c, 54-125a, as amended by this act, or 54-130a,

240 as amended by this act, or any other statute pertaining to sentence
241 reduction relief.

242 Sec. 3. Section 54-125a of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective January 1, 2026*):

244 (a) A person convicted of one or more crimes who is incarcerated on
245 or after October 1, 1990, who received a definite sentence or total
246 effective sentence of more than two years, and who has been confined
247 under such sentence or sentences for not less than one-half of the total
248 effective sentence less any risk reduction credit earned under the
249 provisions of section 18-98e or one-half of the most recent sentence
250 imposed by the court less any risk reduction credit earned under the
251 provisions of section 18-98e, whichever is greater, may be allowed to go
252 at large on parole (1) in accordance with the provisions of section 54-
253 125i, or (2) in the discretion of a panel of the Board of Pardons and
254 Paroles, if (A) it appears from all available information, including any
255 reports from the Commissioner of Correction that the panel may
256 require, that there is a reasonable probability that such inmate will live
257 and remain at liberty without violating the law, and (B) such release is
258 not incompatible with the welfare of society. At the discretion of the
259 panel, and under the terms and conditions as may be prescribed by the
260 panel including requiring the parolee to submit personal reports, the
261 parolee shall be allowed to return to the parolee's home or to reside in a
262 residential community center, or to go elsewhere. The parolee shall,
263 while on parole, remain under the jurisdiction of the board until the
264 expiration of the maximum term or terms for which the parolee was
265 sentenced less any risk reduction credit earned under the provisions of
266 section 18-98e. Any parolee released on the condition that the parolee
267 reside in a residential community center may be required to contribute
268 to the cost incidental to such residence. Each order of parole shall fix the
269 limits of the parolee's residence, which may be changed in the discretion
270 of the board and the Commissioner of Correction. Within three weeks
271 after the commitment of each person sentenced to more than two years,
272 the state's attorney for the judicial district shall send to the Board of
273 Pardons and Paroles the record, if any, of such person.

274 (b) (1) No person convicted of any of the following offenses, which
275 was committed on or after July 1, 1981, shall be eligible for parole under
276 subsection (a) of this section: (A) Capital felony, as provided under the
277 provisions of section 53a-54b in effect prior to April 25, 2012, (B) murder
278 with special circumstances, as provided under the provisions of section
279 53a-54b in effect on or after April 25, 2012, (C) felony murder, as
280 provided in section 53a-54c, (D) arson murder, as provided in section
281 53a-54d, (E) murder, as provided in section 53a-54a, or (F) aggravated
282 sexual assault in the first degree, as provided in section 53a-70a. (2) A
283 person convicted of (A) a violation of section 53a-100aa or 53a-102, or
284 (B) an offense, other than an offense specified in subdivision (1) of this
285 subsection, where the underlying facts and circumstances of the offense
286 involve the use, attempted use or threatened use of physical force
287 against another person shall be ineligible for parole under subsection (a)
288 of this section until such person has served not less than eighty-five per
289 cent of the definite sentence imposed.

290 (c) The Board of Pardons and Paroles shall, not later than July 1, 1996,
291 adopt regulations in accordance with chapter 54 to ensure that a person
292 convicted of an offense described in subdivision (2) of subsection (b) of
293 this section is not released on parole until such person has served eighty-
294 five per cent of the definite sentence imposed by the court. Such
295 regulations shall include guidelines and procedures for classifying a
296 person as a violent offender that are not limited to a consideration of the
297 elements of the offense or offenses for which such person was convicted.

298 (d) The Board of Pardons and Paroles may hold a hearing to
299 determine the suitability for parole release of any person whose
300 eligibility for parole release is not subject to the provisions of subsection
301 (b) of this section upon completion by such person of seventy-five per
302 cent of such person's definite or total effective sentence less any risk
303 reduction credit earned under the provisions of section 18-98e. An
304 employee of the board or, if deemed necessary by the chairperson, a
305 panel of the board shall assess the suitability for parole release of such
306 person based on the following standards: (1) Whether there is
307 reasonable probability that such person will live and remain at liberty

308 without violating the law, and (2) whether the benefits to such person
309 and society that would result from such person's release to community
310 supervision substantially outweigh the benefits to such person and
311 society that would result from such person's continued incarceration. If
312 a hearing is held, and if the board determines that continued
313 confinement is necessary, the board shall articulate for the record the
314 specific reasons why such person and the public would not benefit from
315 such person serving a period of parole supervision while transitioning
316 from incarceration to the community. If a hearing is not held, the board
317 shall document the specific reasons for not holding a hearing and
318 provide such reasons to such person. No person shall be released on
319 parole without receiving a hearing. The decision of the board under this
320 subsection shall not be subject to appeal.

321 (e) The Board of Pardons and Paroles may hold a hearing to
322 determine the suitability for parole release of any person whose
323 eligibility for parole release is subject to the provisions of subdivision
324 (2) of subsection (b) of this section upon completion by such person of
325 eighty-five per cent of such person's definite or total effective sentence.
326 An employee of the board or, if deemed necessary by the chairperson, a
327 panel of the board shall assess the suitability for parole release of such
328 person based on the following standards: (1) Whether there is a
329 reasonable probability that such person will live and remain at liberty
330 without violating the law, and (2) whether the benefits to such person
331 and society that would result from such person's release to community
332 supervision substantially outweigh the benefits to such person and
333 society that would result from such person's continued incarceration. If
334 a hearing is held, and if the board determines that continued
335 confinement is necessary, the board shall articulate for the record the
336 specific reasons why such person and the public would not benefit from
337 such person serving a period of parole supervision while transitioning
338 from incarceration to the community. No hearing pursuant to the
339 provisions of this subsection may proceed unless the parole release
340 panel is in possession of the complete file for such applicant, including
341 any documentation from the Department of Correction, the trial
342 transcript, the sentencing record and any file of any previous parole

343 hearing. Each member of the panel shall certify that all such
344 documentation has been reviewed in preparation for such hearing. If a
345 hearing is not held, the board shall document the specific reasons for not
346 holding a hearing and provide such reasons to such person. No person
347 shall be released on parole without receiving a hearing. The decision of
348 the board under this subsection shall not be subject to appeal.

349 (f) (1) Notwithstanding the provisions of subsections (a) to (e),
350 inclusive, of this section, a person convicted of one or more crimes
351 committed while such person was under eighteen years of age, who is
352 incarcerated on or after October 1, 2015, and who received a definite
353 sentence or total effective sentence of more than ten years for such crime
354 or crimes prior to, on or after October 1, 2015, may be allowed to go at
355 large on parole in the discretion of the panel of the Board of Pardons
356 and Paroles for the institution in which such person is confined,
357 provided (A) if such person is serving a sentence of fifty years or less,
358 such person shall be eligible for parole after serving sixty per cent of the
359 sentence or twelve years, whichever is greater, or (B) if such person is
360 serving a sentence of more than fifty years, such person shall be eligible
361 for parole after serving thirty years. Nothing in this subsection shall
362 limit a person's eligibility for parole release under the provisions of
363 subsections (a) to (e), inclusive, of this section if such person would be
364 eligible for parole release at an earlier date under any of such provisions.

365 (2) The board shall apply the parole eligibility rules of this subsection
366 only with respect to the sentence for a crime or crimes committed while
367 a person was under eighteen years of age. Any portion of a sentence that
368 is based on a crime or crimes committed while a person was eighteen
369 years of age or older shall be subject to the applicable parole eligibility,
370 suitability and release rules set forth in subsections (a) to (e), inclusive,
371 of this section.

372 (3) Whenever a person becomes eligible for parole release pursuant
373 to this subsection, the board shall hold a hearing to determine such
374 person's suitability for parole release. At least twelve months prior to
375 such hearing, the board shall notify the office of Chief Public Defender,

376 the appropriate state's attorney, the Victim Services Unit within the
377 Department of Correction, the Office of the Victim Advocate and the
378 Office of Victim Services within the Judicial Department of such
379 person's eligibility for parole release pursuant to this subsection. The
380 office of Chief Public Defender shall assign counsel for such person
381 pursuant to section 51-296 if such person is indigent. At any hearing to
382 determine such person's suitability for parole release pursuant to this
383 subsection, the board shall permit (A) such person to make a statement
384 on such person's behalf, (B) counsel for such person and the state's
385 attorney to submit reports and other documents, and (C) any victim of
386 the crime or crimes to make a statement pursuant to section 54-126a. The
387 board may request testimony from mental health professionals or other
388 relevant witnesses, and reports from the Commissioner of Correction or
389 other persons, as the board may require. The board shall use validated
390 risk assessment and needs assessment tools and its risk-based
391 structured decision making and release criteria established pursuant to
392 subsection (d) of section 54-124a in making a determination pursuant to
393 this subsection.

394 (4) After such hearing, the board may allow such person to go at large
395 on parole with respect to any portion of a sentence that was based on a
396 crime or crimes committed while such person was under eighteen years
397 of age if the board finds that such parole release would be consistent
398 with the factors set forth in subdivisions (1) to (4), inclusive, of
399 subsection (c) of section 54-300 and if it appears, from all available
400 information, including, but not limited to, any reports from the
401 Commissioner of Correction, that (A) there is a reasonable probability
402 that such person will live and remain at liberty without violating the
403 law, (B) the benefits to such person and society that would result from
404 such person's release to community supervision substantially outweigh
405 the benefits to such person and society that would result from such
406 person's continued incarceration, and (C) such person has demonstrated
407 substantial rehabilitation since the date such crime or crimes were
408 committed considering such person's character, background and
409 history, as demonstrated by factors, including, but not limited to, such
410 person's correctional record, the age and circumstances of such person

411 as of the date of the commission of the crime or crimes, whether such
412 person has demonstrated remorse and increased maturity since the date
413 of the commission of the crime or crimes, such person's contributions to
414 the welfare of other persons through service, such person's efforts to
415 overcome substance abuse, addiction, trauma, lack of education or
416 obstacles that such person may have faced as a child or youth in the
417 adult correctional system, the opportunities for rehabilitation in the
418 adult correctional system, whether the person has also applied for or
419 received a sentence modification and the overall degree of such person's
420 rehabilitation considering the nature and circumstances of the crime or
421 crimes.

422 (5) After such hearing, the board shall articulate for the record its
423 decision and the reasons for its decision. If the board determines that
424 continued confinement is necessary, the board may reassess such
425 person's suitability for a new parole hearing at a later date to be
426 determined at the discretion of the board, but not earlier than two years
427 after the date of its decision.

428 (6) The decision of the board under this subsection shall not be subject
429 to appeal.

430 (g) (1) Notwithstanding the provisions of subsections (a) to (f),
431 inclusive, of this section, a person convicted of one or more crimes
432 committed while such person was under twenty-one years of age, who
433 was sentenced on or before October 1, 2005, and who received a definite
434 sentence or total effective sentence of more than ten years' incarceration
435 for such crime or crimes committed on or before October 1, 2005, may
436 be allowed to go at large on parole in the discretion of the panel of the
437 Board of Pardons and Paroles for the institution in which such person is
438 confined, provided (A) if such person is serving a sentence of fifty years
439 or less, such person shall be eligible for parole after serving sixty per
440 cent of the sentence or twelve years, whichever is greater, or (B) if such
441 person is serving a sentence of more than fifty years, such person shall
442 be eligible for parole after serving thirty years. Nothing in this
443 subsection shall limit a person's eligibility for parole release under the

444 provisions of subsections (a) to (f), inclusive, of this section if such
445 person would be eligible for parole release at an earlier date under any
446 of such provisions.

447 (2) The board shall apply the parole eligibility rules of this subsection
448 only with respect to the sentence for a crime or crimes committed while
449 a person was under twenty-one years of age. Any portion of a sentence
450 that is based on a crime or crimes committed while a person was twenty-
451 one years of age or older shall be subject to the applicable parole
452 eligibility, suitability and release rules set forth in subsections (a) to (e),
453 inclusive, of this section.

454 (3) Whenever a person becomes eligible for parole release pursuant
455 to this subsection, the board shall hold a hearing to determine such
456 person's suitability for parole release. At least twelve months prior to
457 such hearing, the board shall notify the office of Chief Public Defender,
458 the appropriate state's attorney, the Victim Services Unit within the
459 Department of Correction, the Office of the Victim Advocate and the
460 Office of Victim Services within the Judicial Department of such
461 person's eligibility for parole release pursuant to this subsection. The
462 office of Chief Public Defender shall assign counsel for such person
463 pursuant to section 51-296 if such person is indigent. At any hearing to
464 determine such person's suitability for parole release pursuant to this
465 subsection, the board shall permit (A) such person to make a statement
466 on such person's behalf, (B) counsel for such person and the state's
467 attorney to submit reports and other documents, and (C) any victim of
468 the crime or crimes to make a statement pursuant to section 54-126a. The
469 board may request testimony from mental health professionals or other
470 relevant witnesses, and reports from the Commissioner of Correction or
471 other persons, as the board may require. The board shall use validated
472 risk assessment and needs assessment tools and its risk-based
473 structured decision making and release criteria established pursuant to
474 subsection (d) of section 54-124a in making a determination pursuant to
475 this subsection.

476 (4) After such hearing, the board may allow such person to go at large

477 on parole with respect to any portion of a sentence that was based on a
478 crime or crimes committed while such person was under twenty-one
479 years of age, if the board finds that such parole release would be
480 consistent with the factors set forth in subdivisions (1) to (4), inclusive,
481 of subsection (c) of section 54-300 and if it appears, from all available
482 information, including, but not limited to, any reports from the
483 Commissioner of Correction, that (A) there is a reasonable probability
484 that such person will live and remain at liberty without violating the
485 law, (B) the benefits to such person and society that would result from
486 such person's release to community supervision substantially outweigh
487 the benefits to such person and society that would result from such
488 person's continued incarceration, and (C) such person has demonstrated
489 substantial rehabilitation since the date such crime or crimes were
490 committed considering such person's character, background and
491 history, as demonstrated by factors, including, but not limited to, such
492 person's correctional record, the age and circumstances of such person
493 as of the date of the commission of the crime or crimes, whether such
494 person has demonstrated remorse and increased maturity since the date
495 of the commission of the crime or crimes, such person's contributions to
496 the welfare of other persons through service, such person's efforts to
497 overcome substance abuse, addiction, trauma, lack of education or
498 obstacles that such person may have faced as a person who was under
499 twenty-one years of age in the adult correctional system, the
500 opportunities for rehabilitation in the adult correctional system,
501 whether the person has also applied for or received a sentence
502 modification and the overall degree of such person's rehabilitation
503 considering the nature and circumstances of the crime or crimes.

504 (5) After such hearing, the board shall articulate for the record its
505 decision and the reasons for its decision. If the board determines that
506 continued confinement is necessary, the board may reassess such
507 person's suitability for a new parole hearing at a later date to be
508 determined at the discretion of the board, but not earlier than two years
509 after the date of its decision.

510 (6) The decision of the board under this subsection shall not be subject

511 to appeal.

512 (h) (1) For purposes of this subsection, "domestic violence", "sexual
513 assault", "stalking", "trafficking in persons" and "contributing factor"
514 have the same meaning as provided in subsection (b) of section 53a-35a,
515 as amended by this act.

516 (2) Notwithstanding the provisions of subsections (a) to (g), inclusive,
517 of this section, any person who is a survivor of domestic violence, sexual
518 assault, stalking or trafficking in persons and for whom domestic
519 violence, sexual assault, stalking or trafficking in persons was a
520 contributing factor in the commission of such person's offense or
521 conviction, and who received a definite sentence or total effective
522 sentence of more than ten years, may submit an application for a parole
523 suitability hearing before a panel of the Board of Pardons and Paroles
524 for the institution in which such person is confined, provided (A) if such
525 person is serving a sentence of fifty years or less, such person shall be
526 eligible for parole after serving sixty per cent of the sentence or twelve
527 years, whichever is greater, or (B) if such person is serving a sentence of
528 more than fifty years, such person shall be eligible for parole after
529 serving thirty years. A person shall have the opportunity to apply for
530 parole under this subsection regardless of whether or not evidence
531 regarding such person's survival of domestic violence, sexual assault,
532 stalking or trafficking in persons had been presented or disclosed at
533 such person's trial, sentencing hearing or any previous application for
534 parole. Nothing in this subsection shall limit a person's eligibility for
535 parole release under the provisions of subsections (a) to (e), inclusive, of
536 this section if such person would be eligible for parole release at an
537 earlier date under any such provision.

538 (3) At the time of application for a parole suitability hearing under
539 this subsection, the person shall submit at least two pieces of
540 documented proof, which may include, but not be limited to,
541 documentation described in subdivision (3) of subsection (b) of section
542 53a-35a, as amended by this act, corroborating the person's claim that
543 such person is a survivor of domestic violence, sexual assault, stalking

544 or trafficking in persons.

545 (4) If the board finds that the person's documented proof complies
546 with the requirements of subdivision (3) of this subsection, the board
547 shall grant the person a parole suitability hearing not later than one
548 hundred twenty days after such finding to aid the board in determining
549 whether the person should be released on parole.

550 (5) At the parole suitability hearing, the board shall allow the person
551 to present additional evidence to demonstrate that such person is a
552 survivor of domestic violence, sexual assault, stalking or trafficking in
553 persons and that domestic violence, sexual assault, stalking or
554 trafficking in persons was a contributing factor in the commission of
555 such person's offense. The board may request testimony from mental
556 health professionals or other relevant witnesses as the board sees fit.

557 (6) At such hearing, the board shall give substantial weight to any
558 evidence that (A) the person is a survivor of domestic violence, sexual
559 assault, stalking or trafficking in persons, and (B) domestic violence,
560 sexual assault, stalking or trafficking in persons was a contributing
561 factor in the commission of the offense, in determining parole suitability
562 as it may pertain to (i) whether there is a reasonable probability that
563 such person will live and remain at liberty without violating the law,
564 and (ii) whether the benefits to such person and society that would
565 result from such person's release to community supervision
566 substantially outweigh the benefits to such person and society that
567 would result from such person's continued incarceration.

568 (7) After such hearing, the board shall articulate for the record its
569 decision and the reasons for its decision. If the board determines that the
570 person is suitable for parole under this subsection, the board may allow
571 such person to go at large on parole with respect to any portion of a
572 sentence that was based on an offense or offenses committed for which
573 domestic violence, sexual assault, stalking or trafficking in persons was
574 a contributing factor. If the board determines that continued
575 confinement is necessary, the board may reassess such person's
576 suitability for a new parole hearing at a later date not earlier than two

577 years after the date of the board's decision.

578 [(h)] (i) Any person released on parole under this section shall remain
579 in the custody of the Commissioner of Correction and be subject to
580 supervision by personnel of the Department of Correction during such
581 person's period of parole.

582 (j) Nothing in subsection (h) of this section shall preclude a defendant
583 from seeking relief under section 51-195, 51-196, 53a-39, as amended by
584 this act, 54-95c, 54-125a, as amended by this act, or 54-130a, as amended
585 by this act, or any other statute pertaining to sentence reduction or relief.

586 (k) Not later than January 15, 2027, and annually thereafter, the Board
587 of Pardons and Paroles shall report on its Internet web site information
588 from the previous calendar year relevant to the use of subsection (h) of
589 this section, as a basis for parole relief, including, but not limited to: (1)
590 The number of applications submitted pursuant to subsection (h) of this
591 section, and (2) the number of applications that were granted parole
592 pursuant to subsection (h) of this section.

593 Sec. 4. Section 54-130a of the general statutes is repealed and the
594 following is substituted in lieu thereof (*Effective January 1, 2026*):

595 (a) Jurisdiction over the granting of, and the authority to grant,
596 commutations of punishment or releases, conditioned or absolute, in the
597 case of any person convicted of any offense against the state and
598 commutations from the penalty of death shall be vested in the Board of
599 Pardons and Paroles.

600 (b) The board shall have authority to grant pardons, conditioned,
601 provisional or absolute, or certificates of rehabilitation for any offense
602 against the state at any time after the imposition and before or after the
603 service of any sentence.

604 (c) The board may accept an application for a pardon three years after
605 an applicant's conviction of a misdemeanor or violation and five years
606 after an applicant's conviction of a felony, except that the board, upon a
607 finding of extraordinary circumstances, may accept an application for a

608 pardon prior to such dates.

609 (d) Prior to holding a session to consider whether to grant any
610 commutation of punishment, release or pardon in the case of any person
611 convicted of any offense against the state, the board shall, upon written
612 request, provide the state's attorney for the jurisdictional district in
613 which any conviction for such offense was obtained with a copy of the
614 convicted person's application, any materials and documentation filed
615 in support thereof, except for any information contained in the
616 application, materials and documentation that are confidential,
617 privileged and nondisclosable pursuant to state or federal law, any
618 information obtained by the board about the convicted person pursuant
619 to section 54-130c, and shall permit such state's attorney, or such state's
620 attorney's designee, to appear at such session for the purpose of making
621 a statement for the record concerning whether the convicted person
622 should be granted any such commutation of punishment, release or
623 pardon.

624 (e) Whenever the board grants an absolute pardon to any person, the
625 board shall cause notification of such pardon to be made in writing to
626 the clerk of the court in which such person was convicted, or the Office
627 of the Chief Court Administrator if such person was convicted in the
628 Court of Common Pleas, the Circuit Court, a municipal court, or a trial
629 justice court.

630 (f) Whenever the board grants a provisional pardon or a certificate of
631 rehabilitation to any person, the board shall cause notification of such
632 provisional pardon or certificate of rehabilitation to be made in writing
633 to the clerk of the court in which such person was convicted. The
634 granting of a provisional pardon or a certificate of rehabilitation does
635 not entitle such person to erasure of the record of the conviction of the
636 offense or relieve such person from disclosing the existence of such
637 conviction as may be required.

638 (g) In the case of any person convicted of a violation for which a
639 sentence to a term of imprisonment may be imposed, the board shall
640 have authority to grant a pardon, conditioned, provisional or absolute,

641 or a certificate of rehabilitation in the same manner as in the case of any
642 person convicted of an offense against the state.

643 (h) (1) For purposes of this subsection, "domestic violence", "sexual
644 assault", "stalking", "trafficking in persons" and "contributing factor"
645 have the same meaning as provided in subsection (b) of section 53a-35a,
646 as amended by this act.

647 (2) Notwithstanding the provisions of subsections (a) to (f), inclusive,
648 of this section, the board shall accept applications for commutations of
649 sentences from any person who has a total effective sentence of an
650 aggregate term or terms of imprisonment of ten years or more and who
651 has served at least ten years of such term, including any person who is
652 not otherwise eligible for sentence commutation, (A) if such person is a
653 survivor of domestic violence, sexual assault, stalking or trafficking in
654 persons, and (B) for whom domestic violence, sexual assault, stalking or
655 trafficking in persons was a contributing factor in the commission of
656 such person's offense. An applicant shall have the opportunity to apply
657 for commutation under this subsection regardless of whether or not
658 evidence regarding such person's survival of domestic violence, sexual
659 assault, stalking or trafficking in persons had been presented or
660 disclosed at such person's trial, sentencing hearing or any application
661 for parole. If any person applied for and was denied commutation
662 before January 1, 2026, such person may apply for sentence
663 commutation under this subsection if such denial was for an application
664 filed on or after January 1, 2021, and prior to January 1, 2026.

665 (3) At the time of application for sentence commutation under this
666 subsection, the applicant shall submit at least two pieces of documented
667 proof, which may include, but need not be limited to, documentation
668 described in subdivision (3) of subsection (b) of section 53a-35a, as
669 amended by this act, corroborating the applicant's claim that such
670 person is a survivor of domestic violence, sexual assault, stalking or
671 trafficking in persons.

672 (4) The board shall review any such application and the board shall
673 give substantial weight to any evidence that (A) the applicant is a

674 survivor of domestic violence, sexual assault, stalking or trafficking in
675 persons, and (B) domestic violence, sexual assault, stalking or trafficking
676 in persons was a contributing factor in the commission of the offense for
677 which the applicant is seeking sentence commutation.

678 (5) The board may hold a hearing to aid the board in determining
679 whether the applicant's survival of domestic violence, sexual assault,
680 stalking or trafficking in persons was a contributing factor in the
681 commission of the applicant's offense. At such hearing, the board shall
682 allow the applicant to present relevant additional evidence. The board
683 may request testimony from mental health professionals or other
684 relevant witnesses, as the board sees fit.

685 (i) Nothing in subsection (h) of this section shall preclude a defendant
686 from seeking relief under section 51-195, 51-196, 53a-39, as amended by
687 this act, 54-95c, 54-125a, as amended by this act, or 54-130a, as amended
688 by this act, or any other statute pertaining to sentence reduction or relief.

689 [(h)] (j) The board shall not deny any application for a pardon, unless
690 the board provides a statement in writing to the applicant of the factors
691 considered when determining whether the applicant qualified for the
692 pardon and an explanation as to which factors were not satisfied. For
693 any application submitted pursuant to subsection (h) of this section, the
694 board shall articulate for the record the board's decision and the reasons
695 for the decision to grant or deny commutation of sentence.

696 (k) Not later than January 15, 2027, and annually thereafter, the Board
697 of Pardons and Paroles shall report on its Internet web site information
698 from the previous calendar year relevant to the use of subsection (h) of
699 this section as a basis for commutation of a sentence, including, but not
700 limited to: (1) The number of applications submitted pursuant to
701 subsection (h) of this section, and (2) the number of applications that
702 were granted commutation pursuant to subsection (h) of this section.

703 Sec. 5. (NEW) (Effective January 1, 2026) Not later than January 15,
704 2027, and annually thereafter, the Judicial Branch shall report on its
705 Internet web site information from the previous calendar year relevant

706 to sentencing relief provided on the basis that domestic violence,
707 stalking or trafficking in persons was found to be a contributing factor
708 to the commission of a defendant's offense, including, but not limited
709 to, (1) the number of defendants in each judicial district who were
710 granted a lesser sentence pursuant to subsection (b) of section 53a-35a
711 of the general statutes, as amended by this act, (2) the number of
712 defendants in each judicial district who applied for sentencing
713 modification pursuant to subsection (g) of section 53a-39 of the general
714 statutes, as amended by this act, and (3) the number of defendants
715 granted sentencing modification pursuant to subsection (g) of section
716 53a-39 of the general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2026</i>	53a-35a
Sec. 2	<i>January 1, 2026</i>	53a-39
Sec. 3	<i>January 1, 2026</i>	54-125a
Sec. 4	<i>January 1, 2026</i>	54-130a
Sec. 5	<i>January 1, 2026</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Department of Correction (Board of Pardons and Parole)	GF - Cost	283,127 - 512,137	566,253 - 1,024,273
State Comptroller - Fringe Benefits ¹	GF - Cost	132,815 - 239,646	265,630 - 479,292
Correction, Dept.	GF - Potential Savings	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which allows certain survivors of domestic violence, sexual assault, stalking, or human trafficking to be eligible for sentence reduction or modification and expands such survivors' parole and commutation eligibility, results in (1) a cost of \$283,127 to \$512,137 in FY 26 and \$566,253 to \$1,024,273 in FY 27 to the Board of Pardons and Paroles, (2) a cost of \$132,815 to \$239,646 in FY 26 and \$265,630 to \$479,292 in FY 27 to the State Comptroller – Fringe Benefits, and (3) a potential savings to the Department of Correction (DOC) for incarceration beginning in FY 26. On average, the marginal savings to the state for incarcerating an offender for the year is \$3,300.² The extent

¹ The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.71% of payroll in FY 26. The estimated active hazardous duty employee fringe benefit cost is 49.15% of payroll in FY 26.

² Inmate marginal savings is based on decreased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or other utility expenses because these would only be realized if a unit or facility closed.

to which current law already allows such survivors to obtain sentencing relief may mitigate the impact to DOC. All FY 26 costs reflect the bill's partial year implementation.

The cost to the Board of Pardons and Paroles is dependent on how many additional hearings are required to accommodate the increase in parole applications resulting from this bill. There are estimated to be at least 2,000 inmates who would be eligible to apply for parole under this bill. If these inmates submit applications that meet the bill's evidentiary requirements, the board is required to hold a parole hearing within 120 days. To accommodate these additional hearings, the board may be required to hire 5 to 10 additional parole officers,³ one Parole and Community Services Supervisor,⁴ and one to two office assistants.⁵ Additionally, it may not be feasible to meet the bill's hearing deadlines without an increase to the statutory number of board members; although, all five part-time member positions are currently vacant. Equipment expenses for these positions are estimated to be between \$17,500 and \$32,500 annually.

The bill also establishes various reporting requirements for the Board of Pardons and Paroles and the Judicial Department which are not expected to result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to number of survivors granted relief under this bill. The number of inmates eligible for parole hearings under

³ These officers are generally assigned to correctional facilities and will interview applicants, conduct risk assessments, and complete comprehensive summaries that provide board members with information regarding an applicant's criminal, social, and correctional history, as well as details of their current offense(s). The annual salary for a parole officer is \$78,931.

⁴ The Parole Supervisor is responsible for re-calculating eligibility, certifying case files, assigning cases to institutional parole officers, reviewing interview information, and scheduling hearings. The annual salary for this position is \$105,733.

⁵ The office assistants process and gather necessary documents prior to the hearings, send out notifications of the hearings, and producing minutes after the hearings. The annual salary for an office assistant is \$48,365.

this bill is expected to decrease after the first year but will remain higher than the current level.

OLR Bill Analysis**sSB 1502*****AN ACT CONCERNING SENTENCE REDUCTION OR RELIEF FOR SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING OR HUMAN TRAFFICKING.*****SUMMARY**

This bill establishes a process by which a defendant found guilty of a felony offense may obtain a reduced sentence due to being a domestic violence, sexual assault, stalking, or human trafficking survivor if the experience was a contributing factor in committing the offense (see BACKGROUND). Under the bill, a contributing factor is something that influences, but is not necessarily the only, main, substantial, or major factor that led up to an offense.

The bill requires the defendant to give the court documented proof to corroborate their survivor status. The court must make its determination for a reduced sentence on these grounds by clear and convincing evidence. The bill specifies the reduced sentences that apply, even if existing law prescribes a mandatory minimum sentence for an offense. It requires the court to deny a defendant's motion without prejudice if it does not meet the requirements for applying for the sentence reduction.

The bill correspondingly establishes processes by which a person may request a sentence modification, parole, or commutation based on the same rationale and submitting similar evidence. It specifies that its provisions do not prevent a defendant from seeking relief under other specified laws related to sentence reduction or relief.

Lastly, the bill requires the judicial branch and the Board of Pardons and Paroles (BOPP), beginning by January 15, 2027, to annually report on sentencing or parole relief, and commutations provided under the

bill's provisions. The judicial branch's report must include how many defendants in each judicial district (1) were granted a lesser sentence, (2) applied for a sentencing modification, and (3) were granted a modification. BOPP must report on parole relief and commutations provided for the same reason. It must similarly report how many applications it received and how many of those were granted. These reports must be for the prior calendar year and posted on branch's or BOPP's website, as applicable.

EFFECTIVE DATE: January 1, 2026

SENTENCE REDUCTION

Under the bill, if a court receives a motion before sentencing occurs for a reduced sentence and finds by clear and convincing evidence that domestic violence, sexual assault, stalking, or human trafficking was a contributing factor to the commission of the offense, it must impose a reduced sentence, as specified in the below table. The bill requires the court to state on the record that sentencing was determined on this basis.

Table: Existing Law's Sentencing and the Bill's Reduced Sentencing

<i>Existing Law's Sentence</i>	<i>The Bill's Maximum Reduced Sentence</i>
Life imprisonment without possibility of release	30 years' imprisonment
At least 50 years' imprisonment, but not life imprisonment without possibility of release	25 years' imprisonment
At least 40, but less than 50, years' imprisonment	20 years' imprisonment
At least 30, but less than 40, years' imprisonment	15 years' imprisonment
At least 25, but less than 30, years' imprisonment	12.5 years' imprisonment
At least 20, but less than 25, years' imprisonment	10 years' imprisonment
At least 10, but less than 20, years' imprisonment	Five year's imprisonment
At least 5, but less than 10, years' imprisonment	
At least three, but less than five, years' imprisonment	18 months imprisonment

The bill requires a defendant applying for this relief to give the court at least two pieces of documented proof that corroborate the defendant's status as a survivor as described under the bill. This proof may include things like the following:

1. a signed affidavit attesting to the defendant's survivor status and that the defendant's experience was a contributing factor in committing the offense involved;
2. a sworn statement from someone with direct or indirect knowledge of the defendant's experience with violence, assault, stalking, or trafficking;
3. a court, social services, hospital, or law enforcement record or a presentence report;
4. a restraining or protective order or a foreign order of protection;
5. documentation prepared at or close to when the offense was committed or prosecuted that tends to support the defendant's claims;
6. records from a licensed medical or mental health care provider;
or
7. sworn statements from a clergy member, attorney, social worker, domestic violence or sexual assault counselor, or other advocate on the defendant's behalf.

The bill also requires the court to consider (1) testimony from prosecution or defense witnesses; (2) oral and written arguments; and (3) any other evidence that is relevant to determining if the violence, assault, stalking, or trafficking was a contributing factor to the defendant's committing the offense. It makes reliable hearsay evidence admissible for this purpose.

SENTENCE MODIFICATION

Existing law allows a sentencing court or judge to reduce a sentence,

order the defendant discharged, or order the defendant discharged on probation or conditional discharge, for good cause.

The bill generally allows defendants to file a motion for a sentence modification based on being a domestic violence, sexual assault, stalking, or human trafficking survivor and the associated experience being a contributing factor to committing the offense for which they are incarcerated. Defendants may do this even if they did not raise evidence of the violence, assault, stalking, or trafficking at trial, in plea negotiations, or at sentencing. The modification request, however, is unavailable to defendants who were originally sentenced under the bill's reduced sentencing on the same grounds.

Under the bill, a defendant must have an opportunity to present evidence that shows these facts, and if possible, this must happen before the original sentencing judge.

The bill requires the defendant to give the court at least two of the same types of documented proof that the bill requires for a sentence reduction (see above, e.g., a court, hospital, or law enforcement record, or certain sworn statements). It also similarly requires the court at the modification hearing to take testimony from the state's or defense's witnesses, consider oral and written arguments and any other relevant evidence, including reliable hearsay.

As with a sentence reduction, the bill requires the court to make its finding for a sentence modification by clear and convincing evidence. It also aligns the modification with the bill's reduced sentencing lengths (see above table) and requires the court to notify the defendant and deny the motion without prejudice if it does not meet the requirements for the modification.

Under the bill, a court may waive existing law's time restriction on filing a subsequent modification motion if the defendant presents new evidence or shows good cause for a delay in presenting evidence.

PAROLE

The bill establishes a process for certain domestic violence, sexual assault, stalking, or human trafficking survivors with associated experience that was a contributing factor in committing the offense for which they are incarcerated, to apply for parole generally earlier than current law allows.

It applies to individuals with a definite or total effective sentence of more than 10 years, even if they would not be otherwise eligible for commutation or evidence about the violence, assault, stalking, or trafficking was not presented or disclosed at trial, sentencing, or in a parole application.

Under the bill, if the person's sentence is for 50 or less years, the person is eligible for parole after serving the greater of 60% of the sentence or 12 years. If the person's sentence is for more than 50 years, the person is eligible after serving 30 years. Under current parole eligibility requirements, (1) a person must generally have served at least 85% of their sentence and (2) young offenders may be paroled after serving 60% of their sentence.

The bill specifies that its new eligibility thresholds do not limit a person's ability to be paroled at an earlier date if applying the current eligibility thresholds.

When applying for parole, the applicant must submit to BOPP at least two pieces of documented proof to corroborate their survivor status, which may include the same types of documented proof that the bill requires for a sentence reduction (see above, e.g., a court, hospital, or law enforcement record, or certain sworn statements). If BOPP finds that the submitted evidence complies, it must hold a hearing within the next 120 days to help it determine if parole should be granted.

Under the bill, at the hearing BOPP must allow the person to present additional evidence to show their survivor status and that their associated experience was a contributing factor. It may ask for testimony from mental health professionals or other relevant witnesses. The bill requires BOPP to give substantial weight to the person's evidence about

their survivor status and the committed offense's contributing factor. It must do this to determine parole suitability as to if (1) there is a reasonable probability that the person will not further break the law and (2) the benefits to the person and society from releasing the person to community supervision outweigh those from keeping them incarcerated.

The bill requires BOPP, after the hearing, to state for the record its decision and the reasons for it. If it determines that the person is suitable for parole, it may allow the person to be paroled for any part of the sentence that was based on an offense committed with the contributing factor. But if it determines that confinement is still needed, it may reassess the suitability for a new parole hearing at a date that is at least two years after this decision.

COMMUTATION

The bill requires BOPP to accept applications for sentence commutations from certain domestic violence, sexual assault, stalking or human trafficking survivors with associated experience that was a contributing factor in committing the offense.

This applies to individuals with a total effective sentence term or imprisonment term of at least 10 years and who have served at least 10 years, even if they would not be otherwise eligible for commutation or evidence about the violence, assault, stalking, or trafficking was not presented or disclosed at trial or sentencing, or in a parole application. The bill specifies that someone who applied for and was denied commutation between January 1, 2021, and January 1, 2026 (the bill's effective date), may apply under this process.

Under the bill, BOPP must review the application and give substantial weight to any evidence that the applicant is a survivor and that the experience was a contributing factor in committing the offense. With the application, the applicant must submit at least two pieces of documented proof to corroborate their survivor status, which may include the same types of documented proof that the bill requires for a

sentence reduction (see above, e.g., a court, hospital, or law enforcement record, or certain sworn statements).

The bill also allows BOPP to hold a hearing to help it determine if the applicant's experience with domestic violence, sexual assault, stalking, or human trafficking was a contributing factor in committing the offense. If it holds one, BOPP (1) must allow the applicant to present relevant additional evidence at the hearing and (2) may ask for testimony from mental health professionals or other relevant witnesses.

The bill requires BOPP to state for the record its decision to grant or deny a sentence commutation request based on these factors and the reasons for it.

BACKGROUND

Definitions

By law and for the bill's purposes, "domestic violence" generally includes with respect to a family or household member (1) a continuous threat of present physical pain or injury; (2) stalking; (3) a pattern of threatening; or (4) coercive control, which is a behavior pattern that unreasonably interferes with free will and personal liberty (CGS § 46b-1).

The sexual assault crimes applicable to the bill generally involve (1) compelling another person to engage in sexual intercourse or contact by force, fear, or without consent or (2) subjecting another person to sexual contact and the parties are minors of certain ages or have some professional relationship (e.g., therapist/patient, school employee/student). There are more severe associated criminal classes and penalties based on things such as the age of the victim, death of the victim, use of weapons, committing other crimes to commit the offense, or help by additional individuals (CGS § 54-240).

"Stalking" generally involves engaging in a course of conduct towards or about a specific person that would cause a reasonable person to fear for physical safety, have emotional distress, or fear injury or death of their animal. It also includes engaging in a course of conduct,

with intent to harass or scare a specific person and for no legitimate purpose, that (1) would cause a reasonable person to fear the loss of their job, business, or career or (2) electronically discloses personally identifiable information without consent that would cause a reasonable person to fear for physical safety or have emotional distress. There are separate criminal classes and penalties, based on things like the intentionality, previous convictions of the same crime type, and the ages of the parties involved. Electronic stalking is a specific form of stalking (CGS §§ 53a-181c to -181f).

“Trafficking in persons” (human trafficking) generally occurs when someone knowingly uses fraud, coercion, or force (including a threat of force) to compel or induce another person to (1) engage in sexual contact with others or (2) provide labor or services that the person has a right to not do. It also includes (1) compelling or inducing a minor to engage in sexual conduct with another person for which that other person could be charged with a crime; (2) otherwise committing a sex trafficking act; or (3) a criminal violation of federal law against involuntary servitude, slavery, and human trafficking (CGS § 53a-192a, 18 U.S.C. § 1581 et seq.).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 12 (04/07/2025)