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## 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><b>Existing Law's Sentence</b></i>	<i><b>The Bill's Maximum Reduced Sentence</b></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)