



House of Representatives

General Assembly

File No. 598

February Session, 2026

Substitute House Bill No. 5306

House of Representatives, April 13, 2026

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, 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 Section 53a-35a of the general statutes is repealed and the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, 2027*):

3 [For] (a) Except as provided in subsection (b) of this section, 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 finding by the
40 court that (A) the defendant is a survivor of domestic violence, sexual
41 assault, stalking or trafficking in persons, and (B) domestic violence,

42 sexual assault, stalking or trafficking in persons was a significant
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) "survivor" means an adult or
46 child who has experienced domestic violence, sexual assault, stalking,
47 or trafficking in persons; (B) "domestic violence" has the same meaning
48 as provided in subsection (b) of section 46b-1; (C) "sexual assault" means
49 any act that constitutes a violation of section 53a-70b of the general
50 statutes, revision of 1958, revised to January 1, 2019, or section 53a-70,
51 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; (D) "stalking" means any
52 act that constitutes a violation of section 53a-181c, 53a-181d, 53a-181e or
53 53a-181f; (E) "trafficking in persons" means trafficking in persons under
54 section 53a-192a or a criminal violation of 18 USC Chapter 77, as
55 amended from time to time; and (F) "significant contributing factor"
56 means that there is a substantial likelihood that the abuse suffered by
57 the survivor influenced the survivor's commission of the crime without
58 necessarily being the exclusive or overriding factor for the criminal
59 conduct. In determining whether the abuse suffered by the survivor was
60 a significant contributing factor, the court may consider the cumulative
61 impact of the abuse suffered by the survivor together with the events
62 immediately surrounding the crime.

63 (3) Such defendant shall provide the court at least two pieces of
64 documented proof corroborating that the defendant is a survivor of
65 domestic violence, sexual assault, stalking or trafficking in persons that
66 may include, but need not be limited to, a signed affidavit attesting to
67 subparagraphs (A) and (B) of subdivision (1) of this subsection; a court
68 record; social services record; hospital record; law enforcement record;
69 restraining order or protective order pursuant to section 46b-15, 46b-16a
70 or 46b-38c, subsection (f) of section 53a-28 or section 53a-40e or 54-1k, or
71 a foreign order of protection, as defined in section 46b-15a; sworn
72 statement from a person with direct knowledge or other reliable
73 evidence of the domestic violence, sexual assault, stalking or trafficking
74 in persons; documentation including written documents, photographs,
75 text messages, electronic mail, videos and audio recordings submitted

76 pursuant to the rules of the court and tending to support the claims of
77 the defendant; records provided by a licensed medical care provider or
78 mental health care provider; or sworn statements from a member of the
79 clergy, an attorney or a social worker, a teacher or other school
80 professional, or a domestic violence counselor or sexual assault
81 counselor, each as defined in section 52-146k, or other advocate acting
82 on behalf of a survivor of domestic violence, sexual assault, stalking or
83 trafficking in persons.

84 (4) At any time prior to sentencing, the court may consider testimony
85 from witnesses offered by the prosecution or defense, consider oral and
86 written arguments and consider any other evidence relevant to the
87 court's determination of whether domestic violence, sexual assault,
88 stalking or trafficking in persons was a significant contributing factor in
89 the commission of the defendant's offense. Reliable hearsay evidence
90 shall be admissible at the hearing for purposes of this subsection.

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

110 to a term of twelve and one-half years imprisonment or less; (F) a term
111 of twenty years of imprisonment or more, up to, but not including, a
112 term of twenty-five years imprisonment, shall be reduced to a term of
113 ten years imprisonment or less; (G) a term of ten years of imprisonment
114 or more, up to, but not including, a term of twenty years imprisonment,
115 shall be reduced to a term of five years imprisonment or less; (H) a term
116 of five years of imprisonment or more, up to, but not including, a term
117 of ten years imprisonment, shall be reduced to a term of five years
118 imprisonment or less; and (I) a term of three years of imprisonment or
119 more, up to, but not including, a term of five years imprisonment, shall
120 be reduced to a term of eighteen months imprisonment or less. The court
121 shall state on the record that sentencing was determined in accordance
122 with this subsection.

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

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

131 Sec. 2. Section 53a-39 of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective January 1, 2027*):

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

139 (b) [On] Except as provided in subsection (g) of this section, on and
140 after October 1, 2021, at any time during the period of a sentence in
141 which a defendant has been sentenced prior to, on or after October 1,

142 2021, to an executed period of incarceration of more than seven years as
143 a result of a plea agreement, including an agreement in which there is
144 an agreed upon range of sentence, upon agreement of the defendant and
145 the state's attorney to seek review of the sentence, the sentencing court
146 or judge may, after hearing and for good cause shown, reduce the
147 sentence, order the defendant discharged, or order the defendant
148 discharged on probation or conditional discharge for a period not to
149 exceed that to which the defendant could have been originally
150 sentenced.

151 (c) If, after a hearing pursuant to this section, the sentencing court or
152 judge denies or grants in full a motion to reduce a defendant's sentence
153 or discharge the defendant, the defendant may not file a subsequent
154 motion for relief under this section until five years have elapsed from
155 the date of the most recent decision denying such defendant relief
156 pursuant to this section. If, after a hearing pursuant to this section, the
157 sentencing court or judge grants in part a motion to reduce a defendant's
158 sentence, the defendant may not file a subsequent motion for relief
159 under this section until three years from the date of the most recent
160 decision granting such defendant relief pursuant to this section.

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

165 (e) At the time the defendant files a motion with the court, the
166 defendant shall provide the state with a copy of the motion and any
167 materials and documentation filed with the court in support of such
168 motion.

169 (f) At a hearing held by the sentencing court or judge under this
170 section, such court or judge shall permit any victim of the crime to
171 appear before the court or judge for the purpose of making a statement
172 for the record concerning whether or not the sentence of the defendant
173 should be reduced, the defendant should be discharged or the
174 defendant should be discharged on probation or conditional discharge

175 pursuant to subsection (a) or (b) of this section. In lieu of such
176 appearance, the victim may submit a written statement to the court or
177 judge and the court or judge shall make such statement a part of the
178 record at the hearing. For the purposes of this subsection, "victim"
179 means the victim, the legal representative of the victim or a member of
180 the deceased victim's immediate family.

181 (g) (1) Any defendant filing a motion for sentence modification
182 pursuant to subsections (a) and (b) of this section shall have the
183 opportunity to present evidence demonstrating that (A) the defendant
184 is a survivor of domestic violence, sexual assault, stalking or trafficking
185 in persons, and (B) domestic violence, sexual assault, stalking or
186 trafficking in persons was a significant contributing factor in the
187 commission of the offense.

188 (2) When possible, any motion for sentence modification under this
189 subsection shall be heard by the original sentencing judge. If the original
190 sentencing judge no longer serves within the judicial district in which
191 the original sentence was imposed, the motion shall be randomly
192 assigned to another judge in the judicial district in which the original
193 sentence was imposed. A defendant is not eligible to make a motion
194 under this subsection if such defendant was sentenced in accordance
195 with subsection (b) of section 53a-35a, as amended by this act.

196 (3) For purposes of this subsection "survivor", "domestic violence",
197 "sexual assault", "stalking", "trafficking in persons" and "significant
198 contributing factor" have the same meaning as provided in subsection
199 (b) of section 53a-35a, as amended by this act.

200 (4) Any defendant seeking consideration pursuant to this subsection
201 shall provide the court at least two pieces of documented proof
202 corroborating that the defendant is a survivor of domestic violence,
203 sexual assault, stalking or trafficking in persons that may include, but
204 need not be limited to, a signed affidavit attesting to subparagraphs (A)
205 and (B) of subdivision (1) of this subsection; a court record; social
206 services record; hospital record; law enforcement record; restraining
207 order or protective order pursuant to section 46b-15, 46b-16a or 46b-38c,

208 subsection (f) of section 53a-28 or section 53a-40e or 54-1k, or a foreign
209 order of protection, as defined in section 46b-15a; sworn statement from
210 a person with direct knowledge or other credible evidence of the
211 domestic violence, sexual assault, stalking or trafficking in persons;
212 documentation including written documents, photographs, text
213 messages, electronic mail, videos, and audio recordings submitted
214 pursuant to the rules of the court and tending to support the claims of
215 the defendant; records provided by a licensed medical care provider or
216 mental health care provider; or sworn statements from a member of the
217 clergy, an attorney or a social worker, a teacher or other school
218 professional, or a domestic violence counselor or sexual assault
219 counselor, each as defined in section 52-146k, or other advocate acting
220 on behalf of a survivor of domestic violence, sexual assault, stalking or
221 trafficking in persons. Any defendant who complies with this
222 subdivision shall be granted a hearing pursuant to this section.

223 (5) At a hearing held under this section, the court may take testimony
224 from witnesses offered by the state or defense, consider oral and written
225 arguments and consider any other evidence relevant to the court's
226 finding of whether domestic violence, sexual assault, stalking or
227 trafficking in persons was a significant contributing factor in the
228 commission of the defendant's offense. Reliable hearsay shall be
229 admissible for purposes of this subsection. The court may determine
230 that violence or abuse the defendant suffered due to being subjected to
231 domestic violence, sexual assault, stalking or trafficking in persons was
232 a significant contributing factor to the offense regardless of whether the
233 defendant had previously raised evidence of domestic violence, sexual
234 assault, stalking or trafficking in persons during the defendant's trial,
235 plea negotiations or sentencing hearing.

236 (6) Regardless of whether the defendant is subject to a mandatory
237 minimum sentence, if the court finds by clear and convincing evidence
238 that (A) the defendant is a survivor of domestic violence, sexual assault,
239 stalking or trafficking in persons, and (B) domestic violence, sexual
240 assault, stalking or trafficking in persons was a significant contributing
241 factor in the commission of the offense, the court may reduce the

242 sentence in accordance with subdivision (5) of subsection (b) of section
243 53a-35a, as amended by this act.

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

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

251 (9) Nothing in this subsection shall preclude a defendant from
252 seeking or obtaining relief under section 51-195, 51-196, 54-95c, 54-125a,
253 as amended by this act, or 54-130a, as amended by this act, or any other
254 statute pertaining to sentence reduction relief.

255 Sec. 3. Section 54-125a of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective January 1, 2027*):

257 (a) A person convicted of one or more crimes who is incarcerated on
258 or after October 1, 1990, who received a definite sentence or total
259 effective sentence of more than two years, and who has been confined
260 under such sentence or sentences for not less than one-half of the total
261 effective sentence less any risk reduction credit earned under the
262 provisions of section 18-98e or one-half of the most recent sentence
263 imposed by the court less any risk reduction credit earned under the
264 provisions of section 18-98e, whichever is greater, may be allowed to go
265 at large on parole (1) in accordance with the provisions of section 54-
266 125i, or (2) in the discretion of a panel of the Board of Pardons and
267 Paroles, if (A) it appears from all available information, including any
268 reports from the Commissioner of Correction that the panel may
269 require, that there is a reasonable probability that such inmate will live
270 and remain at liberty without violating the law, and (B) such release is
271 not incompatible with the welfare of society. At the discretion of the
272 panel, and under the terms and conditions as may be prescribed by the
273 panel including requiring the parolee to submit personal reports, the

274 parolee shall be allowed to return to the parolee's home or to reside in a
275 residential community center, or to go elsewhere. The parolee shall,
276 while on parole, remain under the jurisdiction of the board until the
277 expiration of the maximum term or terms for which the parolee was
278 sentenced less any risk reduction credit earned under the provisions of
279 section 18-98e. Any parolee released on the condition that the parolee
280 reside in a residential community center may be required to contribute
281 to the cost incidental to such residence. Each order of parole shall fix the
282 limits of the parolee's residence, which may be changed in the discretion
283 of the board and the Commissioner of Correction. Within three weeks
284 after the commitment of each person sentenced to more than two years,
285 the state's attorney for the judicial district shall send to the Board of
286 Pardons and Paroles the record, if any, of such person.

287 (b) (1) No person convicted of any of the following offenses, which
288 was committed on or after July 1, 1981, shall be eligible for parole under
289 subsection (a) of this section: (A) Capital felony, as provided under the
290 provisions of section 53a-54b in effect prior to April 25, 2012, (B) murder
291 with special circumstances, as provided under the provisions of section
292 53a-54b in effect on or after April 25, 2012, (C) felony murder, as
293 provided in section 53a-54c, (D) arson murder, as provided in section
294 53a-54d, (E) murder, as provided in section 53a-54a, or (F) aggravated
295 sexual assault in the first degree, as provided in section 53a-70a. (2) A
296 person convicted of (A) a violation of section 53a-100aa or 53a-102, or
297 (B) an offense, other than an offense specified in subdivision (1) of this
298 subsection, where the underlying facts and circumstances of the offense
299 involve the use, attempted use or threatened use of physical force
300 against another person shall be ineligible for parole under subsection (a)
301 of this section until such person has served not less than eighty-five per
302 cent of the definite sentence imposed.

303 (c) The Board of Pardons and Paroles shall, not later than July 1, 1996,
304 adopt regulations in accordance with chapter 54 to ensure that a person
305 convicted of an offense described in subdivision (2) of subsection (b) of
306 this section is not released on parole until such person has served eighty-
307 five per cent of the definite sentence imposed by the court. Such

308 regulations shall include guidelines and procedures for classifying a
309 person as a violent offender that are not limited to a consideration of the
310 elements of the offense or offenses for which such person was convicted.

311 (d) The Board of Pardons and Paroles may hold a hearing to
312 determine the suitability for parole release of any person whose
313 eligibility for parole release is not subject to the provisions of subsection
314 (b) of this section upon completion by such person of seventy-five per
315 cent of such person's definite or total effective sentence less any risk
316 reduction credit earned under the provisions of section 18-98e. An
317 employee of the board or, if deemed necessary by the chairperson, a
318 panel of the board shall assess the suitability for parole release of such
319 person based on the following standards: (1) Whether there is
320 reasonable probability that such person will live and remain at liberty
321 without violating the law, and (2) whether the benefits to such person
322 and society that would result from such person's release to community
323 supervision substantially outweigh the benefits to such person and
324 society that would result from such person's continued incarceration.
325 The board shall give substantial weight to any evidence that (A) such
326 person is a survivor of domestic violence, sexual assault, stalking or
327 trafficking in persons, as defined in subsection (b) of section 53a-35a, as
328 amended by this act, and (B) their experiences of domestic violence,
329 sexual assault, stalking or trafficking in persons were a significant
330 contributing factor to the commission of the offense. If a hearing is held,
331 and if the board determines that continued confinement is necessary,
332 the board shall articulate for the record the specific reasons why such
333 person and the public would not benefit from such person serving a
334 period of parole supervision while transitioning from incarceration to
335 the community. If a hearing is not held, the board shall document the
336 specific reasons for not holding a hearing and provide such reasons to
337 such person. No person shall be released on parole without receiving a
338 hearing. The decision of the board under this subsection shall not be
339 subject to appeal.

340 (e) The Board of Pardons and Paroles may hold a hearing to
341 determine the suitability for parole release of any person whose

342 eligibility for parole release is subject to the provisions of subdivision
343 (2) of subsection (b) of this section upon completion by such person of
344 eighty-five per cent of such person's definite or total effective sentence.
345 An employee of the board or, if deemed necessary by the chairperson, a
346 panel of the board shall assess the suitability for parole release of such
347 person based on the following standards: (1) Whether there is a
348 reasonable probability that such person will live and remain at liberty
349 without violating the law, and (2) whether the benefits to such person
350 and society that would result from such person's release to community
351 supervision substantially outweigh the benefits to such person and
352 society that would result from such person's continued incarceration.
353 The board shall give substantial weight to any evidence that (A) such
354 person is a survivor of domestic violence, sexual assault, stalking or
355 trafficking in persons, as defined in subsection (b) of section 53a-35a, as
356 amended by this act, and (B) their experiences of domestic violence,
357 sexual assault, stalking or trafficking in persons were a significant
358 contributing factor to the commission of the offense. If a hearing is held,
359 and if the board determines that continued confinement is necessary,
360 the board shall articulate for the record the specific reasons why such
361 person and the public would not benefit from such person serving a
362 period of parole supervision while transitioning from incarceration to
363 the community. No hearing pursuant to the provisions of this
364 subsection may proceed unless the parole release panel is in possession
365 of the complete file for such applicant, including any documentation
366 from the Department of Correction, the trial transcript, the sentencing
367 record and any file of any previous parole hearing. Each member of the
368 panel shall certify that all such documentation has been reviewed in
369 preparation for such hearing. If a hearing is not held, the board shall
370 document the specific reasons for not holding a hearing and provide
371 such reasons to such person. No person shall be released on parole
372 without receiving a hearing. The decision of the board under this
373 subsection shall not be subject to appeal.

374 (f) (1) Notwithstanding the provisions of subsections (a) to (e),
375 inclusive, of this section, a person convicted of one or more crimes
376 committed while such person was under eighteen years of age, who is

377 incarcerated on or after October 1, 2015, and who received a definite
378 sentence or total effective sentence of more than ten years for such crime
379 or crimes prior to, on or after October 1, 2015, may be allowed to go at
380 large on parole in the discretion of the panel of the Board of Pardons
381 and Paroles for the institution in which such person is confined,
382 provided (A) if such person is serving a sentence of fifty years or less,
383 such person shall be eligible for parole after serving sixty per cent of the
384 sentence or twelve years, whichever is greater, or (B) if such person is
385 serving a sentence of more than fifty years, such person shall be eligible
386 for parole after serving thirty years. Nothing in this subsection shall
387 limit a person's eligibility for parole release under the provisions of
388 subsections (a) to (e), inclusive, of this section if such person would be
389 eligible for parole release at an earlier date under any of such provisions.

390 (2) The board shall apply the parole eligibility rules of this subsection
391 only with respect to the sentence for a crime or crimes committed while
392 a person was under eighteen years of age. Any portion of a sentence that
393 is based on a crime or crimes committed while a person was eighteen
394 years of age or older shall be subject to the applicable parole eligibility,
395 suitability and release rules set forth in subsections (a) to (e), inclusive,
396 of this section.

397 (3) Whenever a person becomes eligible for parole release pursuant
398 to this subsection, the board shall hold a hearing to determine such
399 person's suitability for parole release. At least twelve months prior to
400 such hearing, the board shall notify the office of Chief Public Defender,
401 the appropriate state's attorney, the Victim Services Unit within the
402 Department of Correction, the Office of the Victim Advocate and the
403 Office of Victim Services within the Judicial Department of such
404 person's eligibility for parole release pursuant to this subsection. The
405 office of Chief Public Defender shall assign counsel for such person
406 pursuant to section 51-296 if such person is indigent. At any hearing to
407 determine such person's suitability for parole release pursuant to this
408 subsection, the board shall permit (A) such person to make a statement
409 on such person's behalf, (B) counsel for such person and the state's
410 attorney to submit reports and other documents, and (C) any victim of

411 the crime or crimes to make a statement pursuant to section 54-126a. The
412 board may request testimony from mental health professionals or other
413 relevant witnesses, and reports from the Commissioner of Correction or
414 other persons, as the board may require. The board shall use validated
415 risk assessment and needs assessment tools and its risk-based
416 structured decision making and release criteria established pursuant to
417 subsection (d) of section 54-124a in making a determination pursuant to
418 this subsection.

419 (4) After such hearing, the board may allow such person to go at large
420 on parole with respect to any portion of a sentence that was based on a
421 crime or crimes committed while such person was under eighteen years
422 of age if the board finds that such parole release would be consistent
423 with the factors set forth in subdivisions (1) to (4), inclusive, of
424 subsection (c) of section 54-300 and if it appears, from all available
425 information, including, but not limited to, any reports from the
426 Commissioner of Correction, that (A) there is a reasonable probability
427 that such person will live and remain at liberty without violating the
428 law, (B) the benefits to such person and society that would result from
429 such person's release to community supervision substantially outweigh
430 the benefits to such person and society that would result from such
431 person's continued incarceration, and (C) such person has demonstrated
432 substantial rehabilitation since the date such crime or crimes were
433 committed considering such person's character, background and
434 history, as demonstrated by factors, including, but not limited to, such
435 person's correctional record, the age and circumstances of such person
436 as of the date of the commission of the crime or crimes, whether (i) such
437 person is a survivor of domestic violence, sexual assault, stalking or
438 trafficking in persons, as defined in subsection (b) of section 53a-35a, as
439 amended by this act, and (ii) their experiences of domestic violence,
440 sexual assault, stalking or trafficking in persons were a significant
441 contributing factor to the commission of the offense, whether such
442 person has demonstrated remorse and increased maturity since the date
443 of the commission of the crime or crimes, such person's contributions to
444 the welfare of other persons through service, such person's efforts to
445 overcome substance abuse, addiction, trauma, lack of education or

446 obstacles that such person may have faced as a child or youth in the
447 adult correctional system, the opportunities for rehabilitation in the
448 adult correctional system, whether the person has also applied for or
449 received a sentence modification and the overall degree of such person's
450 rehabilitation considering the nature and circumstances of the crime or
451 crimes.

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

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

460 (g) (1) Notwithstanding the provisions of subsections (a) to (f),
461 inclusive, of this section, a person convicted of one or more crimes
462 committed while such person was under twenty-one years of age, who
463 was sentenced on or before October 1, 2005, and who received a definite
464 sentence or total effective sentence of more than ten years' incarceration
465 for such crime or crimes committed on or before October 1, 2005, may
466 be allowed to go at large on parole in the discretion of the panel of the
467 Board of Pardons and Paroles for the institution in which such person is
468 confined, provided (A) if such person is serving a sentence of fifty years
469 or less, such person shall be eligible for parole after serving sixty per
470 cent of the sentence or twelve years, whichever is greater, or (B) if such
471 person is serving a sentence of more than fifty years, such person shall
472 be eligible for parole after serving thirty years. Nothing in this
473 subsection shall limit a person's eligibility for parole release under the
474 provisions of subsections (a) to (f), inclusive, of this section if such
475 person would be eligible for parole release at an earlier date under any
476 of such provisions.

477 (2) The board shall apply the parole eligibility rules of this subsection
478 only with respect to the sentence for a crime or crimes committed while

479 a person was under twenty-one years of age. Any portion of a sentence
480 that is based on a crime or crimes committed while a person was twenty-
481 one years of age or older shall be subject to the applicable parole
482 eligibility, suitability and release rules set forth in subsections (a) to (e),
483 inclusive, of this section.

484 (3) Whenever a person becomes eligible for parole release pursuant
485 to this subsection, the board shall hold a hearing to determine such
486 person's suitability for parole release. At least twelve months prior to
487 such hearing, the board shall notify the office of Chief Public Defender,
488 the appropriate state's attorney, the Victim Services Unit within the
489 Department of Correction, the Office of the Victim Advocate and the
490 Office of Victim Services within the Judicial Department of such
491 person's eligibility for parole release pursuant to this subsection. The
492 office of Chief Public Defender shall assign counsel for such person
493 pursuant to section 51-296 if such person is indigent. At any hearing to
494 determine such person's suitability for parole release pursuant to this
495 subsection, the board shall permit (A) such person to make a statement
496 on such person's behalf, (B) counsel for such person and the state's
497 attorney to submit reports and other documents, and (C) any victim of
498 the crime or crimes to make a statement pursuant to section 54-126a. The
499 board may request testimony from mental health professionals or other
500 relevant witnesses, and reports from the Commissioner of Correction or
501 other persons, as the board may require. The board shall use validated
502 risk assessment and needs assessment tools and its risk-based
503 structured decision making and release criteria established pursuant to
504 subsection (d) of section 54-124a in making a determination pursuant to
505 this subsection.

506 (4) After such hearing, the board may allow such person to go at large
507 on parole with respect to any portion of a sentence that was based on a
508 crime or crimes committed while such person was under twenty-one
509 years of age, if the board finds that such parole release would be
510 consistent with the factors set forth in subdivisions (1) to (4), inclusive,
511 of subsection (c) of section 54-300 and if it appears, from all available
512 information, including, but not limited to, any reports from the

513 Commissioner of Correction, that (A) there is a reasonable probability
514 that such person will live and remain at liberty without violating the
515 law, (B) the benefits to such person and society that would result from
516 such person's release to community supervision substantially outweigh
517 the benefits to such person and society that would result from such
518 person's continued incarceration, and (C) such person has demonstrated
519 substantial rehabilitation since the date such crime or crimes were
520 committed considering such person's character, background and
521 history, as demonstrated by factors, including, but not limited to, such
522 person's correctional record, the age and circumstances of such person
523 as of the date of the commission of the crime or crimes, whether (i) such
524 person is a survivor of domestic violence, sexual assault, stalking or
525 trafficking in persons, as defined in subsection (b) of section 53a-35a, as
526 amended by this act, and (ii) their experiences of domestic violence,
527 sexual assault, stalking or trafficking in persons were a significant
528 contributing factor to the commission of the offense, whether such
529 person has demonstrated remorse and increased maturity since the date
530 of the commission of the crime or crimes, such person's contributions to
531 the welfare of other persons through service, such person's efforts to
532 overcome substance abuse, addiction, trauma, lack of education or
533 obstacles that such person may have faced as a person who was under
534 twenty-one years of age in the adult correctional system, the
535 opportunities for rehabilitation in the adult correctional system,
536 whether the person has also applied for or received a sentence
537 modification and the overall degree of such person's rehabilitation
538 considering the nature and circumstances of the crime or crimes.

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

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

547 (h) Any person released on parole under this section shall remain in
548 the custody of the Commissioner of Correction and be subject to
549 supervision by personnel of the Department of Correction during such
550 person's period of parole.

551 Sec. 4. Section 54-130a of the general statutes is repealed and the
552 following is substituted in lieu thereof (*Effective January 1, 2027*):

553 (a) Jurisdiction over the granting of, and the authority to grant,
554 commutations of punishment or releases, conditioned or absolute, in the
555 case of any person convicted of any offense against the state and
556 commutations from the penalty of death shall be vested in the Board of
557 Pardons and Paroles.

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

562 (c) The board may accept an application for a pardon three years after
563 an applicant's conviction of a misdemeanor or violation and five years
564 after an applicant's conviction of a felony, except that the board, upon a
565 finding of extraordinary circumstances, may accept an application for a
566 pardon prior to such dates.

567 (d) Prior to holding a session to consider whether to grant any
568 commutation of punishment, release or pardon in the case of any person
569 convicted of any offense against the state, the board shall, upon written
570 request, provide the state's attorney for the jurisdictional district in
571 which any conviction for such offense was obtained with a copy of the
572 convicted person's application, any materials and documentation filed
573 in support thereof, except for any information contained in the
574 application, materials and documentation that are confidential,
575 privileged and nondisclosable pursuant to state or federal law, any
576 information obtained by the board about the convicted person pursuant
577 to section 54-130c, and shall permit such state's attorney, or such state's
578 attorney's designee, to appear at such session for the purpose of making

579 a statement for the record concerning whether the convicted person
580 should be granted any such commutation of punishment, release or
581 pardon.

582 (e) When reviewing the application for a pardon, the board shall give
583 substantial weight to any evidence that (1) such person is a survivor of
584 domestic violence, sexual assault, stalking or trafficking in persons, as
585 defined in subsection (b) of section 53a-35a, as amended by this act, and
586 (2) their experiences of domestic violence, sexual assault, stalking or
587 trafficking in persons were a significant contributing factor to the
588 commission of the offense.

589 [(e)] (f) Whenever the board grants an absolute pardon to any person,
590 the board shall cause notification of such pardon to be made in writing
591 to the clerk of the court in which such person was convicted, or the
592 Office of the Chief Court Administrator if such person was convicted in
593 the Court of Common Pleas, the Circuit Court, a municipal court, or a
594 trial justice court.

595 [(f)] (g) Whenever the board grants a provisional pardon or a
596 certificate of rehabilitation to any person, the board shall cause
597 notification of such provisional pardon or certificate of rehabilitation to
598 be made in writing to the clerk of the court in which such person was
599 convicted. The granting of a provisional pardon or a certificate of
600 rehabilitation does not entitle such person to erasure of the record of the
601 conviction of the offense or relieve such person from disclosing the
602 existence of such conviction as may be required.

603 [(g)] (h) In the case of any person convicted of a violation for which a
604 sentence to a term of imprisonment may be imposed, the board shall
605 have authority to grant a pardon, conditioned, provisional or absolute,
606 or a certificate of rehabilitation in the same manner as in the case of any
607 person convicted of an offense against the state.

608 [(h)] (i) The board shall not deny any application for a pardon, unless
609 the board provides a statement in writing to the applicant of the factors
610 considered when determining whether the applicant qualified for the

611 pardon and an explanation as to which factors were not satisfied.

612 Sec. 5. (NEW) (*Effective January 1, 2027*) Not later than February 15,
 613 2028, and annually thereafter, the Judicial Branch shall report on its
 614 Internet web site information from the previous calendar year relevant
 615 to sentencing relief provided on the basis that domestic violence, sexual
 616 assault, stalking or trafficking in persons was found to be a significant
 617 contributing factor to the commission of a defendant's offense,
 618 including, but not limited to, (1) the number of cases in each judicial
 619 district that were granted a lesser sentence pursuant to subsection (b) of
 620 section 53a-35a of the general statutes, as amended by this act, (2) the
 621 number of cases in each judicial district for which there was an
 622 application for sentencing modification pursuant to subsection (g) of
 623 section 53a-39 of the general statutes, as amended by this act, and (3) the
 624 number of cases in each judicial district granted sentencing modification
 625 pursuant to subsection (g) of section 53a-39 of the general statutes, as
 626 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2027</i>	53a-35a
Sec. 2	<i>January 1, 2027</i>	53a-39
Sec. 3	<i>January 1, 2027</i>	54-125a
Sec. 4	<i>January 1, 2027</i>	54-130a
Sec. 5	<i>January 1, 2027</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 27 \$	FY 28 \$
Correction, Dept.	GF - Savings	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which establishes a process for certain offenders to apply for a reduced sentence or a sentence modification, results in a potential savings to the Department of Correction to the extent there is a reduction in incarceration. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300.¹

The bill also (1) requires the Board of Pardons and Paroles to consider whether an applicant for pardon or parole is a domestic violence, sexual assault, stalking, or human trafficking survivor and that experience was a significant contributing factor in committing the offense and (2) requires the Judicial Department to annually report on the sentencing relief provided under the bill's provisions. These provisions result in no fiscal impact because the affected agencies have the capacity and expertise to meet the bill's requirements.

¹ Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these expenses would only be realized if a unit or facility opened.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the extent to which sentences are reduced or modified.

OLR Bill Analysis**sHB 5306*****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 get a reduced sentence or a sentence modification due to being a domestic violence, sexual assault, stalking, or human trafficking survivor if the experience was a significant contributing factor in committing the offense (see BACKGROUND).

Under the bill, the defendant must give the court documented proof to corroborate their survivor status and the court must make its determination for a reduced or modified sentence on these grounds by clear and convincing evidence. The bill specifies the new sentences that apply, even if existing law sets a mandatory minimum for an offense. It (1) requires the court to deny a defendant's motion without prejudice if it does not meet the requirements for applying for the reduction or modification and (2) specifies that its provisions do not prevent a defendant from seeking relief under other specified laws for sentence reduction relief.

Relatedly, the bill requires the Board of Pardons and Paroles (BPP), when reviewing certain requests for parole or a pardon, to consider whether the applicant is a domestic violence, sexual assault, stalking, or human trafficking survivor and that experience was a significant contributing factor in committing the offense. For pardon applicants and parole applicants who have completed at least 75% or 85% of their sentence (depending on the type of crime committed), BPP must give substantial weight to evidence supporting these facts. For eligible underage offenders, the survivor status and experience are new factors

for BPP to weigh when considering if an offender has shown substantial rehabilitation since the crime, which is one of the criteria an offender must meet for parole (see BACKGROUND).

Lastly, the bill requires the judicial branch, beginning by February 15, 2028, to annually report on the sentencing relief provided under the bill’s provisions. The report must include how many cases in each judicial district (1) were granted a lesser sentence, (2) had an application for a sentencing modification, and (3) were granted a modification. The reports must be for the prior calendar year and posted on the branch’s website.

EFFECTIVE DATE: January 1, 2027

SIGNIFICANT CONTRIBUTING FACTOR

Under the bill, a “significant contributing factor” is something that made it substantially likely that the survivor’s abuse influenced the commission of the crime, but was not necessarily the only or overriding factor that led up to an offense. The court determines if the abuse was a significant contributing factor, and the bill allows it to consider both the abuse’s cumulative impact and the events immediately surrounding the crime.

SENTENCE REDUCTION

Under the bill, if a court receives a motion, before sentencing, for a reduced sentence and finds by clear and convincing evidence that domestic violence, sexual assault, stalking, or trafficking was a significant contributing factor in committing the offense, it may impose a reduced sentence, up to the maximum sentence as specified in the below table. The bill requires the court to state on the record that this was done.

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	25 years’ imprisonment

Existing Law's Sentence	The Bill's Maximum Reduced Sentence
imprisonment without possibility of release	
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 years' imprisonment
At least five, 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 their experience was a significant contributing factor in committing the offense;
 2. a sworn statement from someone with direct knowledge or other reliable evidence of the defendant's experience with domestic violence, sexual assault, stalking, or trafficking;
 3. a court, social services, hospital, or law enforcement record;
 4. a restraining or protective order or a foreign order of protection;
 5. documentation submitted under court rules that tends to support the defendant's claims, including written documents, photos, text messages, emails, videos, and audio recordings;
 6. records from a licensed medical or mental health care provider;
- or

7. sworn statements from a clergy member, attorney, social worker, teacher or other school professional, domestic violence or sexual assault counselor, or other advocate on the defendant's behalf.

The bill also allows 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 domestic violence, sexual assault, stalking, or trafficking was a significant 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 significant contributing factor to committing the offense for which they are incarcerated. Defendants may do this even if they did not raise evidence of the domestic violence, sexual 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. If that judge no longer serves in the judicial district of the original sentence, the matter must be randomly assigned to another judge in the district.

The bill requires the defendant to give the court at least two of the same types of documented proof that it requires for a sentence reduction (see above, such as a court, social services, hospital, or law enforcement record, or certain sworn statements). It also similarly allows 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 another modification motion if the defendant presents new evidence or shows good cause for a delay in doing so.

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 (such as therapist/patient or 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 in order 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 their physical safety, have emotional distress, or fear the

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 their 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.).

Parole for Underage Offenders

The law sets alternative parole eligibility rules for someone who (1) committed a crime when he or she was under age 18 and (2) received a sentenced of more than 10 years. These rules apply to offenders incarcerated on or after October 1, 2015, regardless of the date of the crime or the offender’s sentencing. The law similarly extends these alternate rules to a sentence for crimes committed on or before October 1, 2005, and the person was (1) under age 21 when they committed the crime and (2) received a sentence of more than 10 years.

In general, these offenders must show BPP that (1) there is a reasonable probability that they will not reoffend; (2) the benefits of releasing them would substantially outweigh benefits of keeping them in prison; and (3) they have substantially rehabilitated since their crime, evidenced by such things as their correctional record, being remorseful,

performing service, maturing, and taking efforts to overcome substance abuse, trauma, or educational deficiencies.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 11 (03/24/2026)