
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 imprisonment without possibility of release	25 years' imprisonment
At least 40, but less than 50, years'	20 years' imprisonment

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