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**Written Testimony on Senate Bill 425, An Act Concerning Sentence Modification**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting written testimony on Senate Bill 425, An Act Concerning Sentence Modification.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. Last year, this legislature passed Public Acts 21-102 and 21-104, which attempted to ease the process for sentence modification. The laws were intended to permit people who were sentenced to prison after a trial or if they were incarcerated for seven years or less as part of a plea agreement to apply to a judge for sentence modification, without the prior approval of a state's attorney. While all those involved in drafting agree that the intent was for the laws to be retroactive, the Judicial Branch decided otherwise—that the change would only apply to those convicted and sentenced after the effective date. Senate Bill 425 would firmly clarify that the actual intent of the drafters was for the law to apply retroactively.

Last year, the ACLU-CT supported in part and opposed in part House Bill 6594, An Act Concerning the Criminal Justice Process. The narrowing of offenses where a state's attorney can block sentence modifications was a positive change. But by requiring a waiting period of five years between sentence modification requests, the bill unnecessarily cut off one of the few avenues of sentence relief for people who have

been unjustly sentenced in Connecticut courts. The waiting period is far too long and outweighs any benefit from changing the standard for when prosecutors can block sentence modifications. We support Senate Bill 425's fix to bolster the clear intent that the law be retroactive. But, we encourage this Committee to retain the change that only allows prosecutors to block sentence modifications in sentences over seven years that resulted from plea bargains, but to remove the five-year waiting period after an unsuccessful sentence modification attempt. With that change, we would fully support Senate Bill 425.