



General Assembly

File No.

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Bill No.

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**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 Section 53a-35a of the general statutes is repealed and the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, 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) their
42 experiences of domestic violence, sexual assault, stalking or trafficking
43 in persons were a significant contributing factor to the commission of
44 the offense, the court shall impose a sentence in accordance with this
45 subsection.

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

64 (3) Such defendant shall provide the court at least one piece of
65 documentary evidence corroborating that the defendant is a survivor of
66 domestic violence, sexual assault, stalking or trafficking in persons that
67 may include, but need not be limited to, a signed affidavit attesting to
68 subparagraphs (A) and (B) of subdivision (1) of this subsection; a court
69 record; presentence report; social services record; hospital record; law
70 enforcement record; restraining order or protective order pursuant to
71 section 46b-15, 46b-16a or 46b-38c, subsection (f) of section 53a-28 or
72 section 53a-40e or 54-1k, or a foreign order of protection, as defined in
73 section 46b-15a; sworn statement from a person with direct or indirect
74 knowledge of the domestic violence, sexual assault, stalking or
75 trafficking in persons; documentation, including written documents,
76 photographs, text messages, emails, videos, and audio recordings
77 tending to support the claims of the defendant; records provided by a
78 licensed medical care provider or mental health care provider; or sworn
79 statements from a member of the clergy, an attorney or a social worker,
80 a teacher or other school professional, or a domestic violence counselor

81 or sexual assault counselor, each as defined in section 52-146k, or other
82 advocate acting on behalf of a survivor of domestic violence, sexual
83 assault, stalking or trafficking in persons.

84 (4) At any time prior to sentencing, the court shall 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 to
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 a preponderance of the
94 evidence that domestic violence, sexual assault, stalking or trafficking
95 in persons was a significant contributing factor to the commission of the
96 offense, the court shall depart from the applicable sentence under
97 subsection (a) of this section or the sentence provided under the section
98 of the general statutes for the applicable offense, to the ranges provided
99 as follows: (A) A term of life imprisonment without the possibility of
100 release shall be reduced to a term of fifteen years imprisonment or less;
101 (B) a term of fifty years of imprisonment or more, but not life
102 imprisonment without the possibility of release, shall be reduced to a
103 term of twelve years imprisonment or less; (C) a term of forty years of
104 imprisonment or more, up to, but not including, fifty years
105 imprisonment, shall be reduced to a term of ten to twelve years
106 imprisonment or less; (D) a term of thirty years of imprisonment or
107 more, up to, but not including, a term of forty years imprisonment, shall
108 be reduced to a term of seven to nine years imprisonment or less; (E) a
109 term of twenty-five years of imprisonment or more, up to, but not
110 including, a term of thirty years imprisonment, shall be reduced to a
111 term of six to seven years imprisonment or less; (F) a term of twenty
112 years of imprisonment or more, up to, but not including, a term of
113 twenty-five years imprisonment, shall be reduced to a term of five to six
114 years imprisonment or less; (G) a term of ten years of imprisonment or

115 more, up to, but not including, a term of twenty years imprisonment,
116 shall be reduced to a term of two to five years imprisonment or less; (H)
117 a term of five years of imprisonment or more, up to, but not including,
118 a term of ten years imprisonment, shall be reduced to a term of one to
119 two years imprisonment or less; and (I) a term of three years of
120 imprisonment or more, up to, but not including, a term of five years
121 imprisonment, shall be reduced to a term of six months to one year
122 imprisonment or less. The court may impose a sentence that does not
123 include incarceration, or may direct that the execution of the sentence,
124 or any part thereof, be suspended and that the defendant be placed on
125 probation for such time and on such terms and conditions as it shall set
126 pursuant to section 53a-29. The court shall state on the record that
127 sentencing was determined in accordance with this subsection.

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

131 (7) The right to file an application and obtain relief under this
132 subdivision (1) of this subsection shall not be waivable and is not barred
133 by any plea agreement.

134 (8) Nothing in this subsection shall preclude a defendant from
135 seeking or obtaining relief under section 51-195, 51-196, 53a-39, as
136 amended by this act, 54-95c, 54-125a, as amended by this act, or 54-130a,
137 as amended by this act, or any other statute pertaining to sentence
138 reduction relief.

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

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

147 (b) [On] Except as provided in subsection (g) of this section, on and
148 after October 1, 2021, at any time during the period of a sentence in
149 which a defendant has been sentenced prior to, on or after October 1,
150 2021, to an executed period of incarceration of more than seven years as
151 a result of a plea agreement, including an agreement in which there is
152 an agreed upon range of sentence, upon agreement of the defendant and
153 the state's attorney to seek review of the sentence, the sentencing court
154 or judge may, after hearing and for good cause shown, reduce the
155 sentence, order the defendant discharged, or order the defendant
156 discharged on probation or conditional discharge for a period not to
157 exceed that to which the defendant could have been originally
158 sentenced.

159 (c) If, after a hearing pursuant to this section, the sentencing court or
160 judge denies or grants in full a motion to reduce a defendant's sentence
161 or discharge the defendant, the defendant may not file a subsequent
162 motion for relief under this section until five years have elapsed from
163 the date of the most recent decision denying such defendant relief
164 pursuant to this section. If, after a hearing pursuant to this section, the
165 sentencing court or judge grants in part a motion to reduce a defendant's
166 sentence, the defendant may not file a subsequent motion for relief
167 under this section until three years from the date of the most recent
168 decision granting such defendant relief pursuant to this section.

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

173 (e) At the time the defendant files a motion with the court, the
174 defendant shall provide the state with a copy of the motion and any
175 materials and documentation filed with the court in support of such
176 motion.

177 (f) At a hearing held by the sentencing court or judge under this
178 section, such court or judge shall permit any victim of the crime to
179 appear before the court or judge for the purpose of making a statement

180 for the record concerning whether or not the sentence of the defendant
181 should be reduced, the defendant should be discharged or the
182 defendant should be discharged on probation or conditional discharge
183 pursuant to subsection (a) or (b) of this section. In lieu of such
184 appearance, the victim may submit a written statement to the court or
185 judge and the court or judge shall make such statement a part of the
186 record at the hearing. For the purposes of this subsection, "victim"
187 means the victim, the legal representative of the victim or a member of
188 the deceased victim's immediate family.

189 (g) (1) Any defendant filing a motion for sentence modification
190 pursuant to subsections (a) and (b) of this subsection shall have the
191 opportunity to present evidence demonstrating that (A) the defendant
192 is a survivor of domestic violence, sexual assault, stalking or trafficking
193 in persons, and (B) their experiences of domestic violence, sexual
194 assault, stalking or trafficking in persons were a significant contributing
195 factor to the commission of the offense.

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

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

205 (4) Any defendant seeking consideration pursuant to this subsection
206 shall provide the court at least one piece of documentary evidence
207 corroborating that the defendant is a survivor of domestic violence,
208 sexual assault, stalking or trafficking in persons that may include, but
209 need not be limited to, a signed affidavit attesting to subparagraphs (A)
210 and (B) of subdivision (1) of this subsection; a court record; presentence
211 report; social services record; hospital record; law enforcement record;
212 restraining order or protective order pursuant to section 46b-15, 46b-16a

213 or 46b-38c, subsection (f) of section 53a-28 or section 53a-40e or 54-1k, or
214 a foreign order of protection, as defined in section 46b-15a; sworn
215 statement from a person with direct or indirect knowledge of the
216 domestic violence, sexual assault, stalking or trafficking in persons;
217 documentation, including written documents, photographs, text
218 messages, emails, videos, and audio recordings tending to support the
219 claims of the defendant; records provided by a licensed medical care
220 provider or mental health care provider; or sworn statements from a
221 member of the clergy, an attorney or a social worker, a teacher or other
222 school professional, or a domestic violence counselor or sexual assault
223 counselor, each as defined in section 52-146k, or other advocate acting
224 on behalf of a survivor of domestic violence, sexual assault, stalking or
225 trafficking in persons. Any defendant who complies with this
226 subdivision shall be granted a hearing pursuant to this section.

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

240 (6) Regardless of whether the defendant is subject to a mandatory
241 minimum sentence, if the court finds by a preponderance of the
242 evidence that (A) the defendant is a survivor of domestic violence,
243 sexual assault, stalking or trafficking in persons, and (B) their
244 experiences of domestic violence, sexual assault, stalking or trafficking
245 in persons were a significant contributing factor to the commission of
246 the offense, the court shall reduce the sentence in accordance with

247 subdivision (5) of subsection (b) of section 53a-35a, as amended by this
248 act. A person whose time served exceeds the period of incarceration
249 required by their reduced sentence shall be released.

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

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

257 (9) Nothing in this subsection shall preclude a defendant from
258 seeking or obtaining relief under section 51-195, 51-196, 53a-39, as
259 amended by this act, 54-95c, 54-125a, as amended by this act, or 54-130a,
260 as amended by this act, or any other statute pertaining to sentence
261 reduction relief.

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

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

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

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

310 (c) The Board of Pardons and Paroles shall, not later than July 1, 1996,
311 adopt regulations in accordance with chapter 54 to ensure that a person
312 convicted of an offense described in subdivision (2) of subsection (b) of

313 this section is not released on parole until such person has served eighty-
314 five per cent of the definite sentence imposed by the court. Such
315 regulations shall include guidelines and procedures for classifying a
316 person as a violent offender that are not limited to a consideration of the
317 elements of the offense or offenses for which such person was convicted.

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

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

381 (f) (1) Notwithstanding the provisions of subsections (a) to (e),

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

397 (2) The board shall apply the parole eligibility rules of this subsection
398 only with respect to the sentence for a crime or crimes committed while
399 a person was under eighteen years of age. Any portion of a sentence that
400 is based on a crime or crimes committed while a person was eighteen
401 years of age or older shall be subject to the applicable parole eligibility,
402 suitability and release rules set forth in subsections (a) to (e), inclusive,
403 of this section.

404 (3) Whenever a person becomes eligible for parole release pursuant
405 to this subsection, the board shall hold a hearing to determine such
406 person's suitability for parole release. At least twelve months prior to
407 such hearing, the board shall notify the office of Chief Public Defender,
408 the appropriate state's attorney, the Victim Services Unit within the
409 Department of Correction, the Office of the Victim Advocate and the
410 Office of Victim Services within the Judicial Department of such
411 person's eligibility for parole release pursuant to this subsection. The
412 office of Chief Public Defender shall assign counsel for such person
413 pursuant to section 51-296 if such person is indigent. At any hearing to
414 determine such person's suitability for parole release pursuant to this
415 subsection, the board shall permit (A) such person to make a statement

416 on such person's behalf, (B) counsel for such person and the state's
417 attorney to submit reports and other documents, and (C) any victim of
418 the crime or crimes to make a statement pursuant to section 54-126a. The
419 board may request testimony from mental health professionals or other
420 relevant witnesses, and reports from the Commissioner of Correction or
421 other persons, as the board may require. The board shall use validated
422 risk assessment and needs assessment tools and its risk-based
423 structured decision making and release criteria established pursuant to
424 subsection (d) of section 54-124a in making a determination pursuant to
425 this subsection.

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

451 the welfare of other persons through service, such person's efforts to
452 overcome substance abuse, addiction, trauma, lack of education or
453 obstacles that such person may have faced as a child or youth in the
454 adult correctional system, the opportunities for rehabilitation in the
455 adult correctional system, whether the person has also applied for or
456 received a sentence modification and the overall degree of such person's
457 rehabilitation considering the nature and circumstances of the crime or
458 crimes.

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

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

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

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

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

513 (4) After such hearing, the board may allow such person to go at large
514 on parole with respect to any portion of a sentence that was based on a
515 crime or crimes committed while such person was under twenty-one
516 years of age, if the board finds that such parole release would be
517 consistent with the factors set forth in subdivisions (1) to (4), inclusive,

518 of subsection (c) of section 54-300 and if it appears, from all available
519 information, including, but not limited to, any reports from the
520 Commissioner of Correction, that (A) there is a reasonable probability
521 that such person will live and remain at liberty without violating the
522 law, (B) the benefits to such person and society that would result from
523 such person's release to community supervision substantially outweigh
524 the benefits to such person and society that would result from such
525 person's continued incarceration, and (C) such person has demonstrated
526 substantial rehabilitation since the date such crime or crimes were
527 committed considering such person's character, background and
528 history, as demonstrated by factors, including, but not limited to, such
529 person's correctional record, the age and circumstances of such person
530 as of the date of the commission of the crime or crimes, whether (A) such
531 person is a survivor of domestic violence, sexual assault, stalking or
532 trafficking in persons, as defined in subsection (b) of section 53a-35a, as
533 amended by this act, and (B) their experiences of domestic violence,
534 sexual assault, stalking or trafficking in persons were a significant
535 contributing factor to the commission of the offense, whether such
536 person has demonstrated remorse and increased maturity since the date
537 of the commission of the crime or crimes, such person's contributions to
538 the welfare of other persons through service, such person's efforts to
539 overcome substance abuse, addiction, trauma, lack of education or
540 obstacles that such person may have faced as a person who was under
541 twenty-one years of age in the adult correctional system, the
542 opportunities for rehabilitation in the adult correctional system,
543 whether the person has also applied for or received a sentence
544 modification and the overall degree of such person's rehabilitation
545 considering the nature and circumstances of the crime or crimes.

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

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

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

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

560 (a) Jurisdiction over the granting of, and the authority to grant,
561 commutations of punishment or releases, conditioned or absolute, in the
562 case of any person convicted of any offense against the state and
563 commutations from the penalty of death shall be vested in the Board of
564 Pardons and Paroles.

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

569 (c) The board may accept an application for a pardon three years after
570 an applicant's conviction of a misdemeanor or violation and five years
571 after an applicant's conviction of a felony, except that the board, upon a
572 finding of extraordinary circumstances, may accept an application for a
573 pardon prior to such dates.

574 (d) Prior to holding a session to consider whether to grant any
575 commutation of punishment, release or pardon in the case of any person
576 convicted of any offense against the state, the board shall, upon written
577 request, provide the state's attorney for the jurisdictional district in
578 which any conviction for such offense was obtained with a copy of the
579 convicted person's application, any materials and documentation filed
580 in support thereof, except for any information contained in the
581 application, materials and documentation that are confidential,
582 privileged and nondisclosable pursuant to state or federal law, any

583 information obtained by the board about the convicted person pursuant
584 to section 54-130c, and shall permit such state's attorney, or such state's
585 attorney's designee, to appear at such session for the purpose of making
586 a statement for the record concerning whether the convicted person
587 should be granted any such commutation of punishment, release or
588 pardon.

589 (e) When reviewing an application for a pardon, the board shall give
590 substantial weight to any evidence that (A) the applicant is a survivor
591 of domestic violence, sexual assault, stalking or trafficking in persons,
592 as defined in subsection (b) of section 53a-35a, as amended by this act,
593 and (B) their experiences of domestic violence, sexual assault, stalking
594 or trafficking in persons were a significant contributing factor to the
595 commission of the offense for which the applicant is seeking a pardon.

596 [(e)](f) Whenever the board grants an absolute pardon to any person,
597 the board shall cause notification of such pardon to be made in writing
598 to the clerk of the court in which such person was convicted, or the
599 Office of the Chief Court Administrator if such person was convicted in
600 the Court of Common Pleas, the Circuit Court, a municipal court, or a
601 trial justice court.

602 [(f)](g) Whenever the board grants a provisional pardon or a
603 certificate of rehabilitation to any person, the board shall cause
604 notification of such provisional pardon or certificate of rehabilitation to
605 be made in writing to the clerk of the court in which such person was
606 convicted. The granting of a provisional pardon or a certificate of
607 rehabilitation does not entitle such person to erasure of the record of the
608 conviction of the offense or relieve such person from disclosing the
609 existence of such conviction as may be required.

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

615 Sec. 5. (NEW) (*Effective January 1, 2027*) Not later than January 15,
616 2028, and annually thereafter, the Judicial Branch shall report on its
617 Internet web site information from the previous calendar year relevant
618 to sentencing relief provided on the basis that domestic violence,
619 stalking or trafficking in persons was found to be related to the
620 commission of a defendant's offense, including, but not limited to, (1)
621 the number of defendants in each judicial district who were granted a
622 lesser sentence pursuant to subsection (b) of section 53a-35a of the
623 general statutes, as amended by this act, (2) the number of defendants
624 in each judicial district who applied for sentencing modification
625 pursuant to subsection (g) of section 53a-39 of the general statutes, as
626 amended by this act, (3) the number of defendants granted sentencing
627 modification pursuant to subsection (g) of section 53a-39 of the general
628 statutes, as amended by this act, (4) the sentence requested by the state's
629 attorney at sentencing, if applicable, (5) the sentence imposed, (6) the
630 judicial district in which the defendant was prosecuted, (7) the race and
631 ethnicity of the defendant, and (8) the gender identity of the defendant.