

House Republican Press Release

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**Capitol Commentary 1/29/08 - LEGISLATURE ADDRESSES LEGAL
FLAWS ILLUSTRATED BY CHESHIRE CRIME**



By State Rep. Mary Ann Carson

On January 22 and 23, the Legislature met in special session to address flaws in the state's legal system that were illustrated by the horrific home invasion that left three people dead in Cheshire last summer. Both the Legislature's Judiciary Committee and a task force appointed by Governor M. Jodi Rell have met since that time and the legislation approved included recommendations from both panels.

The comprehensive legislation approved contains the following provisions (with information supplied from the non-partisan Office of Legislative Research):

- The creation of a new crime of home invasion. A person commits this crime by entering or remaining unlawfully in an occupied dwelling with intent to commit a crime and commits or attempts to commit a felony against a person who is in the dwelling or is armed with explosives, a deadly weapon, or a dangerous instrument.
- It makes this crime a class A felony, punishable by 10 to 25 years in prison with a 10-year mandatory minimum sentence, a fine of up to \$ 20,000, or both. The legislation also increases the penalty for committing burglary of a dwelling at night. In addition, it changes sentencing requirements, making someone convicted of burglary in the second degree or the new crime of home invasion ineligible for parole until he or she has served at least 85% of the sentence imposed.

The Cheshire crimes brought to light problems with the state's parole system, as the Board of Pardons and Paroles (BOPP) did not have information that could have prevented the release of one of the suspects.

- The new legislation prohibits the board from holding a hearing on someone's suitability for parole unless the chairman has made reasonable efforts to determine the existence of and obtain all information deemed pertinent to the decision and certifies that all existing pertinent information has been obtained or is unavailable.

- The legislation also increases the membership of the BOPP from 13 to a maximum of 25. Under current law, the chairman must be qualified by education, experience, and training in administering community corrections, parole, or pardons. For all members appointed starting February 1, 2008, the bill requires them to be qualified by education, experience, or training in administering community corrections, parole, or pardons; criminal justice; criminology; evaluation or supervision of offenders; or providing mental health services to offenders.
- The legislation also alters the reasons that an inmate may be granted a furlough. Currently, inmates may be granted a furlough to visit a specifically designated place, within or outside the state, under specified conditions for up to 30 days for visiting a dying relative, attending a relative's funeral, obtaining medical services not otherwise available, contacting prospective employers, or any “compelling reason consistent with rehabilitation.” Under the bill, furloughs will be eliminated “any compelling reason consistent with rehabilitation.” It also restricts furloughs to contact prospective employers to those where the Department of Corrections (DOC) confirms that an employment opportunity exists and an employment interview is scheduled.
- The legislation requires the state to make available information on all outstanding arrest warrants for probation violations including the probationer's name, address, and photographic image and on the Internet. It also requires DOC to use a global positioning system (GPS) to electronically monitor an additional 200 parolees immediately after the bill is enacted, and an additional 100 parolees by July 1, 2008, whose risk levels indicate that they are most likely to re-offend.
- Finally, it requires DOC and the Judicial Branch to each contract for 12 beds in staff secure residential sex offender treatment facilities for occupancy not later than July 1, 2008. The agencies must report to the Governor and the General Assembly by April 15, 2008 concerning the progress made in contracting for these beds. This provision is, in part due to the public outcry resulting from an incident that occurred last fall in Southbury. A town resident took a just-released convicted sex offender who is a relative into her home, citing the fact that there were no facilities to accommodate this person upon release.

I supported this legislation but have concerns with two issues that were highlighted during debate. Under the language approved, a criminal could only be subject to the additional burglary penalties if the incident occurred during evening hours.

Also, a proposal that would have allowed judges to sentence criminals to life without parole for a third violent offense was defeated. I supported this modified ‘three-strikes’ proposal because it would provide judges with an appropriate tool when dealing with violent criminals who repeatedly commit such crimes as murder, rape, arson, kidnapping,

etc. Also, of the more than 300 surveys that have been returned from constituents to date (at press time, they are also still being mailed), 84 percent approve of this initiative.

I am hopeful the Legislature will revisit both these issues during the upcoming regular legislative session.

Editors Note: State Representative Mary Ann Carson represents Kent, New Fairfield, New Milford and Sherman in the Connecticut General Assembly.