



HB 6367

Bill for Right to Judicial Review of Probation Sentencing



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What is Judicial Review of Probation?

For most crimes in Connecticut, there is a statutory limit on the term of probation: 5 years. Additionally, people on probation can ask a judge to reduce this term “after hearing and for good cause shown” (Sec. 53a-33).

What Needs to Change?

The statutory limit on probation does not include 23 select sexual offenses that carry a mandatory 10 to 35-year enhanced probation. Additionally, many who have these enhanced probation terms are excluded from having access to judicial review of their probation term.

All those who have been sentenced should have the right to a sentencing review based on their individual circumstance.

Does the Current Law Keep Communities Safe?

NO. This legislation was last modified over 20 years ago, before there was a clear understanding of recidivism risk for sexual offenses. Now there is consensus through research that there is no meaningful risk of re-offense after as few as three crime-free years for those categorized as low risk. The Judicial Branch’s January 2024 Supervision of Sex Offenders report notes that “Relative to the general probation population, the recidivism rate for sex offenders is significantly lower.”¹

Excessive probation policies cannot be justified for low-risk individuals. Law enforcement’s resources are better spent where there is risk.

Does the Current Law Cause Harm?

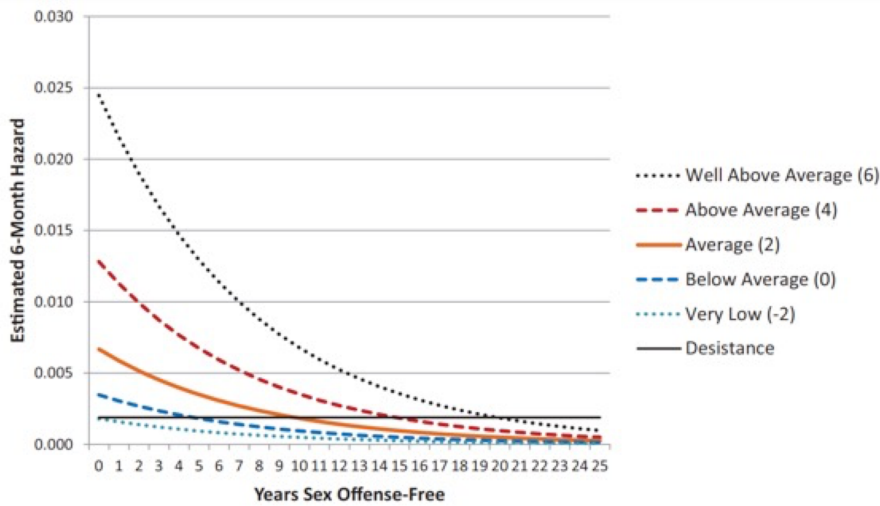
YES. It is well known that instability of housing, employment, and social support contributes to re-offense.² Punitive probationary terms increase the likelihood that rehabilitation will be unsuccessful. And higher probation officer caseloads are correlated with recidivism.

Additionally, unnecessary probation costs the State. On average, probation staffing support costs less than \$6000 per probationer over a 22-month term³. Mandatory probation costs the state from **\$32,000 to \$115,000** per probationer⁴, and this “enhanced” probation requires resources beyond standard probation.

How Should it Change?

- Remove the review exclusion of specific offenses from Sec. 53a-33 and 53a-29.
- Allow judicial review to terminate or reduce probation for those with mandatory probation sentences after 5 years of successfully completed supervision.

Risk Changes Over Time



The horizontal black line at represents the average *unconvicted* man's risk of offense. Most returning populations are 'baseline risk' in 0 to 9 years.

*Reductions in Risk Based on Time Offense-Free in the Community:
Once a Sexual Offender, Not Always a Sexual Offender*
Hanson, Harris, Helmus and Letourneau (2017)

Did you know...



Compared to our neighbor states, Connecticut is the only one that

- ✗ Doesn't provide for early termination of supervision
- ✗ Doesn't consider the risk level of the defendant

Probation Department Highlights Low Reoffense

From the Electronic Monitoring and Supervision of Sex Offenders Report from the CT Judicial Branch, January 2023

"The 3-month rearrest rate has decreased from 3.95 percent in 2021 to 3.67 percent in 2022 (15 rearrests of which **0 were new sex offenses**). The 6-month rate has decreased over the same time period from 5.65 percent to 5.41 percent (21 rearrests, of which **1 was a new sex offense**)... **Relative to the general probation population, the recidivism rate for sex offenders is significantly lower.**

Data Sources:

- 1 "Electronic Monitoring and Supervision of Sex Offenders" Connecticut Judicial Branch (2024)
- 2 The Effect of Housing Circumstances on Recidivism, Leah A. Jacobs and Aaron Gottlieb (2021)
- 3 States Can Shorten Probation and Protect Public Safety, Pew Charitable Trusts (2020)
- 4 Estimate based on CT DOL average probation officer salary and fringe and Adult Probation Quarterly January '24