Legislative Update: Criminal Justice Reform

This legislative session was one of resounding commitment to reforming our criminal legal system. It focused on reducing barriers to employment upon release, providing courts with greater discretion to individualize sentencing and continuing to recognize that differences in childhood brain development renders children less culpable than their adult counterparts and more amendable to rehabilitative interventions. First the successes:

Meaningful Sentencing Reform

- **HB 5: Concurrent Sentencing.** Provides judges with the discretion to individualize sentencing and impose concurrent instead of consecutive sentencing when the courts deem it appropriate.
- **SB 47 w/ SA 1: Drug Reform.** Reduces sentencing disparities for convictions in the city by eliminating sentence enhancement for drug possession near a school, church, or public park, removes sentence aggravators for prior convictions, and changes the weight tiers for controlled substance offenses to reflect actual use patterns.
- **SB 44 w/ HA 1: Underage Alcohol.** Changes underage possession and consumption of alcohol to a civil offense.
- **SB 45 w/ SA 1: Underage Marijuana.** Changes the possession or consumption of marijuana by a person under the age of 21 to a civil violation.

Reducing Barriers to Employment

- **HB 124: HVAC and Plumbing License.** Amends licensing bills to exclude fewer people with criminal histories from applying for and obtaining these licenses.
- **HB 7 w/ HA 1: Massage and Bodywork License.** Amends licensing bills to exclude fewer people with criminal histories from applying for and obtaining this license.
- **SB 43: Electrician License.** Amends licensing bills to exclude fewer people with criminal histories from applying for and obtaining the this license.
- **HB 102 w/ HA 1: Human Trafficking Expungement.** Allows a person who was a human trafficking victim to expunge their record and overturn the conviction for any crime committed as a result of being a victim of human trafficking with no wait period.

Protecting Our Youth

- **SB 60 w/ HA 4: Underage Prostitution.** No one under the age of 18 can be convicted of prostitution.
- **SB 41: Family Court Age.** Mandates that the age of offense, not age of arrest, dictates family court or superior court (i.e. treatment as a juvenile verses an adult).

But, much work remains for next session. Here is an overview of some of the bills that need our continued attention next session.

Protecting Our Youth

- **HB76:** Requires that the Department of Services for Children, Youth and Their Families (DSCYF) house all children under the age of 18, even those adjudicated delinquent in Superior Court.
- **HB10:** Establishes a minimum age of prosecution (age 12) and prohibits the prosecution of any child under the age of 16 in the Superior Court unless the child is charged with the first and second degree murder and rape.
- **HB75:** Clarifies that (DSCYF) continues to have exclusive jurisdiction over a child adjudicated delinquent and sentenced to a time of confinement in Family Court and permits family court to retain jurisdiction in some cases involving youth between the ages of 18 to 21. DSCYF to provide services and supervision for non-incarcerated persons.

Protections against False Conviction

- **SB 130:** Requires the mandatory electronic recordation of custodial interrogations, subject to some exceptions.

Meaningful Sentencing Reform / Reducing Barriers to Employment Following Justice System Involvement

- **SB39:** Permits courts to consider defendants' ability to pay prior to imposing fines, fees, costs, and assessments, and to waive, suspend, or modify those costs otherwise deemed mandatory by statute. Eliminates the automatic issuance of arrest warrants and suspension of driving privileges when defendants do not make timely payments and creates a study group to make long term recommendations to fee, fines, costs, and assessments and their disbursement to essential state functions.