
OLR Bill Analysis

sHB 6787

AN ACT CONCERNING THE PROSECUTION OF CANNABIS-RELATED CASES AND MODIFICATION OF SENTENCES FOR CANNABIS-RELATED OFFENSES.

SUMMARY

This bill requires prosecutors to evaluate cannabis-related charges pending on the day the bill passes and immediately move to dismiss them if they are no longer chargeable criminal offenses after the 2021 Cannabis Act passed (see BACKGROUND). Starting on the date it passes, the bill also:

1. prohibits prosecutors from charging anyone with an offense for an action that was criminal before the passing of the 2021 Cannabis Act if it is no longer a chargeable offense; and
2. requires the court or judge, within a certain time frame, to order a hearing on cannabis-related cases sentenced before the bill passes and modify the sentences for good cause shown.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

SENTENCE MODIFICATION

For cases where a defendant was sentenced before the bill passes, the bill requires the sentencing court or judge to, within six months after a defendant was sentenced or when the bill passes, whichever is later, to order a hearing for defendants sentenced for a cannabis-related offense. Upon good cause shown, the court or judge must reduce the sentence or order the defendant discharged or placed on probation or conditional discharge for a period not to exceed the original sentence. These modifications apply to plea agreements, including an agreement with

an agreed-upon sentence range, and may occur at any time during an executed incarceration period.

BACKGROUND

2021 Cannabis Act

PA 21-1, June Special Session, among other things, eliminated certain prior criminal penalties. This includes penalties for (1) possessing cannabis near certain buildings (e.g., elementary or secondary schools), (2) possessing $\frac{1}{2}$ ounce or more of cannabis, and (3) certain paraphernalia-related offenses.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 10 (03/31/2023)