



OLR RESEARCH REPORT

November 14, 2007

2007-R-0647

PROPOSAL 11:

AN ACT CONCERNING INFORMATION PROVIDED TO THE BOARD OF PARDONS AND PAROLES

By: Kevin E. McCarthy, Principal Analyst

You asked us to summarize Proposal 11, *An Act Concerning Information Provided to the Board of Pardons and Paroles* for the Judiciary Committee public hearing to be held on November 27, 2007.

SUMMARY

The bill modifies the information that must be sent to the Board of Pardons and Paroles (board) when a person is committed to prison and the circumstances under which it is sent. Under current law, within three weeks after a person who is sentenced to more than one year is committed, the state's attorney for the judicial district must send the board the person's record, if any. The bill (1) limits this requirement to individuals sentenced to at least two years (by law, the board does not have jurisdiction over people sentenced to shorter periods); (2) specifies that the information to be sent to the board is the person's criminal record, copies of the police report, any presentence investigation report, and a transcript of the sentencing hearing (the latter is already required under CGS § 51-286f); and (3) imposes the obligation on the prosecuting official rather than the state's attorney for the judicial district.

The bill prohibits panels of the board from holding (1) hearings to determine the suitability for parole release of any person or (2) meetings to consider the recommendation of board employees to grant parole to a person unless the panel's members have received and reviewed the prisoner's complete file. The file must at least include the information described above. It appears that these provisions apply to persons who are already incarcerated, while the previous provisions regarding the transmittal of information only apply to individuals sentenced to two or more years on or after the bill's effective date.

The bill requires court clerks, when issuing a judgment mittimus (court order) committing a person to the custody of the Commissioner of Correction, to indicate on the mittimus whether a presentence investigation report was prepared for the person in accordance with the law and the date of the report.

The bill is effective upon passage

BACKGROUND

Pre-Sentence Investigation

CGS § 54-91a requires a probation officer to conduct an investigation before the court disposes of a case of a person convicted of a crime (other than a capital felony) for which a prison sentence longer than one year can be imposed. The court can require such an investigation for crimes with shorter potential prison sentences. The investigation must address the circumstances of the case, the victim's attitude, and the defendant's criminal record, among other things. The probation officer must prepare a report, which the court must consider in disposing of the case.

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