



OLR RESEARCH REPORT

November 14, 2007

2007-R-0653

PROPOSAL 12:

AN ACT CONCERNING THE RELEASE OF A PERSON ON PAROLE OR OTHER SUPERVISED COMMUNITY RELEASE.

By: Sandra Norman-Eady, Chief Attorney

You asked for a summary of Proposal 12, *An Act Concerning the Release of a Person on Parole or Other Supervised Community Release*, for the Judiciary Committee public hearing scheduled for November 27, 2007.

SUMMARY

The bill (1) adds to the process for releasing inmates on parole or supervised home release, (2) requires certain inmates to submit to psychiatric examinations before they are eligible for parole or supervised release, and (3) requires inmates convicted of entering or remaining unlawfully in an occupied dwelling to commit a crime to serve a longer sentence before they are eligible for parole.

The bill is effective upon passage.

PAROLE RELEASE CONDITIONS

The bill prohibits the release of inmates on parole or supervised release unless the correction commissioner, Board of Pardons and Paroles, or other designated releasing authority, as appropriate, has reviewed the inmate's complete file, including his or her criminal record, sentencing transcript, and any presentence investigation report. The prohibition appears to apply to all types of parole, including

administrative (generally for inmates convicted of nonviolent offenses), medical (for inmates with terminal conditions), special (ordered by the court as part of a sentence), and deportation parole.

By law (CGS § 18-100(c)), the commissioner of correction may release inmates to a supervised community correction program if they (1) were sentenced to a prison term of two years or less and (2) have served at least 50% of their sentences minus any good time credits.

PAROLE ELIGIBILITY

Sex Offenders, Drug Dealers and Users, and Violent Offenders

It requires inmates convicted of sexual assault; illegal drug sale or possession; or the use, attempted use, or threatened use of physical force against another person to submit to a psychiatric examination before they are eligible for parole or supervised release. The examining psychiatrist must file a written report and the correction commissioner, a Board of Pardons and Paroles panel, or other designated releasing authority, as appropriate, must review it before parole or supervised release is approved. The law already permits the parole board to require sexual offenders to undergo specialized sexual offender treatment for at least one year before it schedules a parole hearing.

Inmates Convicted Of Occupied Home Invasions

The bill makes anyone convicted of entering or remaining unlawfully in an occupied dwelling to commit a crime ineligible for parole until he or she has served at least 85%, instead of 50%, of his or her sentence. As a consequence, the Board of Pardons and Parole must hold a hearing to determine these offenders' suitability for release. Under current law, they may be released without a hearing.

By law, entering or remaining unlawfully in an occupied dwelling to commit a crime is 2nd degree burglary, punishable by one to 10 years in prison, up to a \$10,000 fine, or both.

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