



House of Representatives

File No. 291

General Assembly

January Session, 2001

(Reprint of File No. 31)

Substitute House Bill No. 5042
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 12, 2001

AN ACT RESTORING VOTING RIGHTS OF CONVICTED FELONS WHO ARE ON PROBATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-45 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) The [Judicial Department] Commissioner of Correction shall, on
4 or before the fifteenth day of each month, transmit to the Secretary of
5 the State a list of all persons who, during the preceding calendar
6 month, have been convicted in the Superior Court of [any crime for
7 which the privileges of an elector are forfeited] a felony and committed
8 to the custody of the Commissioner of Correction for confinement in a
9 correctional institution or facility or a community residence. Such lists
10 shall include the names, birth dates and addresses of such persons,
11 with the dates of their conviction and the crimes of which such persons
12 have been convicted. The Secretary of the State shall transmit such lists
13 to the registrars of the towns in which such convicted persons resided
14 at the time of their conviction and to the registrars of any towns where
15 the secretary believes such persons may be electors. The registrars of

16 such towns shall compare the same with the list of electors upon their
17 registry lists and, after written notice mailed by certified mail to each
18 of the persons named at [his] the last-known place of address of such
19 person, shall erase such names from the registry lists in their respective
20 towns or voting districts.

21 (b) Any person who procures [himself] such person or another to be
22 registered after having been disfranchised by reason of conviction of
23 crime and committed to the custody of the Commissioner of
24 Correction for confinement in a correctional institution or facility or a
25 community residence, and any person who votes at any election after
26 having forfeited [his] such privileges by reason of conviction of crime
27 and confinement, shall be fined not more than five hundred dollars
28 and imprisoned not more than one year.

29 Sec. 2. Section 9-46 of the general statutes is repealed and the
30 following is substituted in lieu thereof:

31 (a) A person shall forfeit [his] such person's right to become an
32 elector and [his] such person's privileges as an elector upon conviction
33 of a felony and committal to the custody of the Commissioner of
34 Correction for confinement in a correctional institution or facility or a
35 community residence, committal to confinement in a federal
36 correctional institution or facility, or committal to the custody of the
37 chief correctional official of any other state or a county of any other
38 state for confinement in a correctional institution or facility or a
39 community residence in such state or county.

40 (b) No person who has forfeited and not regained [his] such
41 person's privileges as an elector, as provided in section 9-46a, as
42 amended by this act, may be a candidate for or hold public office.

43 Sec. 3. Section 9-46a of the general statutes is repealed and the
44 following is substituted in lieu thereof

45 (a) A person who has been convicted of a felony and committed to
46 confinement in a federal or other state correctional institution or

47 facility or community residence shall have [his] such person's electoral
48 privileges restored upon submission of written or other satisfactory
49 proof to the admitting official before whom [he] such person presents
50 his or her qualifications to be admitted as an elector, that all fines in
51 conjunction with the conviction have been paid and that [he] such
52 person has been discharged from confinement, and, if applicable,
53 parole. [or probation, as the case may be.]

54 (b) Upon the release from confinement in a correctional institution
55 or facility or a community residence of a person who has been
56 convicted of a felony and committed to the custody of the
57 Commissioner of Correction and, if applicable, the discharge of such
58 person from parole, (1) the person shall have the right to become an
59 elector, (2) the Commissioner of Correction shall give the person a
60 document certifying that the person has been released from such
61 confinement and, if applicable, has been discharged from parole, (3) if
62 the person was an elector at the time of such felony conviction and,
63 after such release and any such discharge, is residing in the same
64 municipality in which the person resided at the time of such felony
65 conviction, the person's electoral privileges shall be restored upon
66 submitting to an admitting official such document or other satisfactory
67 proof that the person has been released from such confinement and, if
68 applicable, discharged from parole, and (4) if the person was an elector
69 at the time of such felony conviction and, after such release and any
70 such discharge, is residing in a different municipality or if the person
71 was not an elector at the time of such felony conviction, the person's
72 electoral privileges shall be restored or granted upon submitting to an
73 admitting official (A) satisfactory proof of the person's qualifications to
74 be admitted as an elector, and (B) such document or other satisfactory
75 proof that the person has been released from confinement and, if
76 applicable, discharged from parole. The provisions of subdivisions (1)
77 to (4), inclusive, of this subsection shall not apply to any person
78 convicted of a felony for a violation of any provision of title 9 until
79 such person has been discharged from any parole or probation for
80 such felony.

81 [(b)] (c) The registrars of voters of the municipality in which a
82 person is admitted as an elector pursuant to subsection (a) or (b) of this
83 section, within thirty days after the date on which such person is
84 admitted, shall notify the registrars of voters of the municipality
85 wherein such person resided at the time of [his] such person's
86 conviction that [his] such person's electoral rights have been so
87 restored. [to him.]

88 [(c)] (d) The [Judicial Department, the] Commissioner of Correction
89 [and the Board of Parole] shall establish procedures to inform those
90 persons who have been convicted of a felony [, have been under the
91 jurisdiction of said department, commissioner or board] and
92 committed to the custody of said commissioner for confinement in a
93 correctional institution or facility or a community residence, and are
94 eligible to have their electoral privileges restored or granted pursuant
95 to subsection [(a)] (b) of this section, of the right and procedures to
96 have such privileges restored. The Office of Adult Probation shall,
97 within available appropriations, inform such persons who are on
98 probation on the effective date of this section of their right to become
99 electors and procedures to have their electoral privileges restored,
100 which shall be in accordance with subsections (b) and (c) of this
101 section.

102 (e) The Commissioner of Correction shall, on or before the fifteenth
103 day of each month, transmit to the Secretary of the State a list of all
104 persons convicted of a felony and committed to the custody of said
105 commissioner and who, during the preceding calendar month, have
106 been released from confinement in a correctional institution or facility
107 or a community residence and, if applicable, discharged from parole.
108 Such lists shall include the names, birth dates and addresses of such
109 persons, with the dates of their convictions and the crimes of which
110 such persons have been convicted. The Secretary of the State shall
111 transmit such lists to the registrars of the municipalities in which such
112 convicted persons resided at the time of their convictions and to the
113 registrars of any municipalities where the secretary believes such
114 persons may be electors.

115 Sec. 4. This act shall take effect January 1, 2002.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost, Reallocation of Budgeted Resources

Affected Agencies: Judicial Department (Office of Adult Probation), Secretary of State, Department of Correction

Municipal Impact: None

Explanation

State Impact:

The bill as amended requires the Department of Correction, rather than the Judicial Department, to send the Secretary of the State a list of felons whose voting rights should be forfeited and a list of those eligible to have their rights restored. It is anticipated that these requirements can be carried out within the agencies' normal resources. The savings to the Judicial Department are minimal. It should be noted that the Secretary of State would continue to disseminate this information to municipalities as it currently does.

The bill as amended also requires the Office of Adult Probation (see note below), within available appropriations, to inform people on probation of their right to become voters. There are an estimated 31,000 people currently on probation with a felony conviction. The bill as amended would result in a one-time cost of up to \$20,000 and reduced costs annually thereafter, if the notice to probationers were

made by mail. Since the bill as amended requires this task to be accomplished within available appropriations, resources would have to be allocated from other Judicial Department functions.

It should be noted that due to reorganization, the functions of the Office of Adult Probation have been incorporated into the Court Support Services Division of the Judicial Department. It should also be noted that it is unclear that those committed to the Commission of Correction due to a violation of probation for which the underlying charge is a felony would have their electoral privileges revoked upon commitment.

House Amendment "A" adds felons released from an out-of-state county correctional facility to the list of felons who may have their voting rights restored while on probation. There is no fiscal impact resulting from this change.

OLR AMENDED BILL ANALYSIS

sHB 5042 (as amended by House "A")*

AN ACT RESTORING VOTING RIGHTS OF CONVICTED FELONS WHO ARE ON PROBATION.**SUMMARY:**

With one exception, this bill makes felons on probation eligible to vote and run for public office. It does so by limiting the amount of time a person can be disenfranchised to the period during which he is committed to (1) the Department of Correction (DOC) commissioner's custody to be confined in a correctional institution, facility, or community residence or placed on parole; (2) a federal prison; or (3) the custody of the chief correctional official of another state or county of another state. A person who is released from prison after serving time for an elections-related felony conviction is not eligible to get his rights back until he is discharged from parole or probation.

The bill requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state lists of felons whose voting rights should be forfeited and those eligible to have their rights restored. It establishes a new procedure for restoring the voting rights of felons who were confined to the commissioner's custody.

It requires the Office of Adult Probation to use available appropriations to inform people on probation on January 1, 2002 of their right to become voters and of the restoration procedures the bill establishes.

*House Amendment "A" adds felons released from an out-of-state county correctional facility to the list of felons who may have their voting rights restored while on probation.

EFFECTIVE DATE: January 1, 2002

FORFEITURE OF VOTING RIGHTS AND PRIVILEGES***Applicability***

Under current law, felons forfeit their electoral rights and privileges while serving their sentences, which may include parole and probation. The bill limits the law's application to felons imprisoned in a federal prison, a state or out-of-state correctional institution or facility, or a community residence.

Procedure

By the 15th of each month, the bill requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state a list of all convicted felons committed to his custody during the preceding calendar month.

As with the Judicial Department's list, the DOC commissioner's list must include each inmate's name, birth date, address, date of conviction, and crime. The secretary gives the list to the registrar of the town where (1) each felon lived when he was convicted and (2) the secretary believes each one was registered to vote. The registrars must compare the list with the voter registry list and, after written notice to the felon's last known address, erase his name from the voting list.

RESTORATION OF VOTING RIGHTS AND PRIVILEGES

Under the bill, felons who have not been convicted of elections-related crimes are eligible to have their voting rights restored when they are released from the DOC commissioner's custody.

If, upon release, the person resides in the town where he was registered to vote, the town's registrar must restore his voting privilege upon satisfactory proof that he was released from prison and completed any parole. The DOC commissioner must give a release certificate to inmates who complete their term of incarceration and any parole.

If the person was not registered to vote when he was convicted or moves to a different town upon release, he must prove he is qualified to vote and was released from prison and completed any parole.

Felons who are placed on probation after being confined in a federal or out-of-state correctional institution remain entitled to have their rights restored only after submitting proof that they paid all court-ordered

finer related to the conviction and were discharged from confinement or parole, whichever applies.

LIST OF PEOPLE ELIGIBLE TO HAVE THEIR VOTING RIGHTS RESTORED

The bill requires the DOC commissioner, on the 15th of each month, to send the secretary of the state a list of all felons released from his custody during the preceding calendar month. The list must include the same information as the list required upon conviction (i.e., each inmate's name, birth date, address, date of conviction, and crime). The secretary must send the list to the registrar of (1) each inmate's town of residence at conviction and (2) the town where she believes he was registered to vote.

By law, the commissioner must inform felons in his custody of their right to have, and the procedure for having, their voting privileges restored. The bill eliminates a requirement for the parole board to provide such information.

BACKGROUND

Legislative History

On March 15, the House referred the bill to the Government Administration and Elections Committee, which reported it out unchanged on April 2.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 13

Government Administration and Elections Committee

Joint Favorable Report

Yea 16 Nay 3