



House of Representatives

General Assembly

File No. 37

January Session, 2001

Substitute House Bill No. 6656

House of Representatives, March 9, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING CREDIT FOR PRESENTENCE CONFINEMENT
IN A POLICE OR COURTHOUSE LOCKUP.***

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

1 Section 18-98d of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) Any person who is confined to a community correctional center
4 or a correctional institution for an offense committed on or after July 1,
5 1981, or any person who is confined to a police station or courthouse
6 lockup for an offense committed on or after October 1, 2001, under a
7 mittimus or because such person is unable to obtain bail or is denied
8 bail shall, if subsequently imprisoned, earn a reduction of [his] such
9 person's sentence equal to the number of days which [he] such person
10 spent in such facility from the time [he] such person was placed in
11 presentence confinement to the time [he] such person began serving
12 the term of imprisonment imposed; provided (1) each day of
13 presentence confinement shall be counted only once for the purpose of

14 reducing all sentences imposed after such presentence confinement;
15 and (2) the provisions of this section shall only apply to a person for
16 whom the existence of a mittimus, an inability to obtain bail or the
17 denial of bail is the sole reason for [his] such person's presentence
18 confinement, except that if a person is serving a term of imprisonment
19 at the same time [he] such person is in presentence confinement on
20 another charge and the conviction for such imprisonment is reversed
21 on appeal, such person shall be entitled, in any sentence subsequently
22 imposed, to a reduction based on such presentence confinement in
23 accordance with the provisions of this section. In the case of a fine,
24 each day spent in such confinement prior to sentencing shall be
25 credited against the sentence at the rate of ten dollars. When the court
26 sentences a person to whom the provisions of this subsection apply to
27 a term of imprisonment, the court shall indicate on the mittimus the
28 number of days such person spent in presentence confinement.

29 (b) In addition to any reduction allowed under subsection (a) of this
30 section, if such person obeys the rules of the facility [he] such person
31 may receive a good conduct reduction of any portion of a fine not
32 remitted or sentence not suspended at the rate of ten days or one
33 hundred dollars, as the case may be, for each thirty days of
34 presentence confinement; provided any day spent in presentence
35 confinement by a person who has more than one information pending
36 against [him] such person may not be counted more than once in
37 computing a good conduct reduction under this subsection.

38 (c) The Commissioner of Correction shall be responsible for
39 ensuring that each person to whom the provisions of this section apply
40 receives the correct reduction in such person's sentence; provided in no
41 event shall credit be allowed under subsection (a) of this section in
42 excess of the sentence actually imposed.

JUD **JOINT FAVORABLE SUBST.**

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: Potential Significant Savings, Revenue Loss, Uncertain

Affected Agencies: Department of Correction, Judicial Department

Municipal Impact: Uncertain

Explanation

State and Municipal Impact:

The bill could result in significant savings to the Department of Correction (DOC) by reducing the length of sentence for individuals confined in a police or courthouse lock-up. Currently, individuals are entitled to this credit and are accorded it when defense attorneys request so. The bill would require this credit routinely. There are about 220,000 arraignments per year. Many of these occur in the morning with a defendant that has been confined overnight or over the weekend. A portion of these arraignments results, at some point, in a sentence to a DOC facility. The average cost of incarceration in a DOC facility is \$71 per day. The level of savings is uncertain but could be several million dollars.

The bill would also result in a revenue loss since it requires that a \$10 credit be applied to the fine assessed against defendants for each day spent in confinement under the bill. Since many defendants are

indigent and are not assessed fines, the level of revenue loss is not anticipated to be significant but could be over \$100,000.

The manner in which the police and courthouse lock-up confinement data will be made available to DOC is unclear at this time but is anticipated to be absorbable within the existing resources of the Judicial Department and municipalities.

OLR Bill Analysis

sHB 6656

AN ACT CONCERNING CREDIT FOR PRESENTENCE CONFINEMENT IN A POLICE OR COURTHOUSE LOCKUP.

SUMMARY:

This bill gives a person credit when calculating his prison sentence for time spent before sentencing confined in a police station or courthouse lockup under a mittimus (court order to take a person into custody) or because he could not obtain or was denied bail. If the court imposes a fine, the bill also reduces it by \$10 for each day of presentence confinement. The bill applies to someone confined for an offense committed on or after October 1, 2001.

Under current law, a person receives credit for time confined to a community correctional center or correctional institution.

The bill also requires a court to indicate on the mittimus the number of days a person spent in presentence confinement when sentencing him to prison.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0