



# House of Representatives

General Assembly

**File No. 814**

*January Session, 2001*

Substitute House Bill No. 6802

*House of Representatives, May 24, 2001*

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING FACTORS IMPACTING PRISON OVERCROWDING.***

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

1 Section 1. (NEW) It shall be the mission of the community  
2 corrections policy of the state to assist the court and the Board of  
3 Parole in assessing offenders' suitability for community placement  
4 and, upon placement of offenders in the community, to enforce the  
5 court-ordered sanctions, protect public safety, assist in the  
6 rehabilitation of offenders and support the rights of victims.

7 Sec. 2. Section 2-24 of the general statutes is repealed and the  
8 following is substituted in lieu thereof:

9 The words "State of Connecticut" shall be printed at the head of each  
10 bill and document printed by order of the General Assembly, or either  
11 house thereof, and on its title page or cover, if any. Before printed or

12 photographic copies of an original bill are made, the bill shall be  
13 endorsed with (1) the date of its introduction; (2) its number; (3) the  
14 name of the member or committee introducing it; and (4) the name of  
15 the committee to which it was referred. Copies of bills or resolutions  
16 printed after favorable report by a committee or reprinted after  
17 amendment on the third reading, i.e., files, shall bear the file number of  
18 such bill or resolution, placed conspicuously at the head of the same,  
19 which file number shall be assigned by the printer in the order printed,  
20 the number and title of the bill, the name of the committee to which it  
21 was referred, the date and nature of the committee's report, and, in any  
22 case where the bill, if passed, would require the expenditure of state or  
23 municipal funds or affect state or municipal revenue, a fiscal note,  
24 including an estimate of the cost or of the revenue impact shall be  
25 appended thereto and, in any case where the bill, if passed, would  
26 affect the prosecution of criminal offenses, the length of terms of  
27 imprisonment, the computation of time served or the number of  
28 offenders incarcerated, paroled, placed on probation or sentenced to  
29 any other alternative sentencing option or sanction, a prison impact  
30 statement shall be appended thereto evaluating how the bill would  
31 impact the population of offenders being supervised in correctional  
32 facilities and in the community. When a bill or resolution is  
33 accompanied with a report of a committee, other than a  
34 recommendation that it ought or ought not to pass, it shall then have  
35 an additional endorsement, as follows: "Accompanied by special  
36 report, No.-". Bills shall be designated in the printed calendar of each  
37 house by their file numbers, as well as by the titles and numbers of the  
38 bills.

39 Sec. 3. Subsections (b) and (c) of section 2-71c of the general statutes  
40 are repealed and the following is substituted in lieu thereof:

41 (b) The legislative Office of Legislative Research shall assist the  
42 General Assembly and the Legislative Department, legislative  
43 commissions and legislative committees in a research and advisory

44 capacity as follows: (1) [Assist] Assisting in the development of  
45 legislative programs; (2) analyzing the long-range implications of the  
46 several alternative programs; (3) preparing abstracts, summaries,  
47 explanations of state executive agency and federal government reports;  
48 (4) informing the legislative leaders of action taken by the federal  
49 government with regard to problems of their particular concern and  
50 federal law; (5) assisting in the research and writing of interim reports;  
51 (6) preparing bill analyses and summaries; (7) preparing prison impact  
52 statements, as required by section 2-24, as amended by this act; (8)  
53 assisting in hearings by preparing agendas, contacting potential  
54 witnesses, scheduling their appearances and analyzing testimonies;  
55 and [(8)] (9) performing such other research and analysis services as  
56 may be determined by the Joint Committee on Legislative  
57 Management.

58 (c) The legislative Office of Fiscal Analysis shall assist the General  
59 Assembly and the Legislative Department, legislative commissions  
60 and legislative committees in a research and advisory capacity as  
61 follows: (1) Reviewing department and program operating budget  
62 requests; (2) analyzing and helping to establish priorities with regard  
63 to capital programs; (3) checking executive revenue estimates for  
64 accuracy; (4) recommending potential untapped sources of revenue; (5)  
65 assisting in legislative hearings and helping to schedule and prepare  
66 the agenda of such hearings; (6) assisting in the development of means  
67 by which budgeted programs can be periodically reviewed; (7)  
68 preparing short analyses of the costs and long-range projections of  
69 executive programs and proposed agency regulations; (8) keeping  
70 track of federal aid programs to make sure that Connecticut is taking  
71 full advantage of opportunities for assistance; (9) reviewing, on a  
72 continuous basis, departmental budgets and programs; (10) analyzing  
73 and preparing critiques of the Governor's proposed budget; (11)  
74 studying, in depth, selected executive programs during the interim;  
75 (12) performing such other services in the field of finance as may be  
76 requested by the Joint Committee on Legislative Management; (13)

77 preparing the fiscal notes, required under section 2-24, upon favorably  
78 reported bills which require expenditure of state or municipal funds or  
79 affect state or municipal revenue; (14) preparing prison impact  
80 statements, as required by section 2-24, as amended by this act; and  
81 ~~[(14)]~~ (15) preparing at the end of each fiscal year a compilation of all  
82 fiscal notes on legislation and agency regulations taking effect in the  
83 next fiscal year, including the total costs, savings and revenue effects  
84 estimated in such notes. The governing body of any municipality, if  
85 requested, shall provide the Office of Fiscal Analysis, within two  
86 working days, with any information that may be necessary for analysis  
87 in preparation of such fiscal notes. Each officer, board, commission or  
88 department of the state government shall assist the Office of Fiscal  
89 Analysis in carrying out its duties and, if requested, shall make its  
90 records and accounts available to the office in a timely manner, except  
91 that where there are statutory requirements of confidentiality with  
92 regard to such records and accounts, the identity of any person to  
93 whom such records or accounts relate shall not be disclosed.

94 Sec. 4. (NEW) There is established a Justice Planning Division  
95 within the Office of Policy and Management. The division shall  
96 provide interagency leadership and coordination of criminal justice  
97 agencies and evaluate and develop criminal justice policy based on a  
98 comprehensive analysis of data and information.

99 Sec. 5. Section 18-87j of the general statutes is repealed and the  
100 following is substituted in lieu thereof:

101 (a) There is established a Commission on Prison and Jail  
102 Overcrowding which shall be within the Office of Policy and  
103 Management for administrative purposes only. Said commission shall  
104 consist of the Chief Court Administrator or ~~[his]~~ the Chief Court  
105 Administrator's designee, the Commissioner of Correction, the  
106 chairperson of the Board of Parole, the Commissioner of Public Safety,  
107 the Chief State's Attorney or ~~[his]~~ the Chief State's Attorney's designee,

108 the Chief Public Defender or [his] the Chief Public Defender's  
109 designee, [and] the Chief Bail Commissioner or other designee of the  
110 Chief Court Administrator, the director of the Justice Planning  
111 Division of the Office of Policy and Management, the Commissioner of  
112 Mental Health and Addiction Services or the commissioner's designee  
113 and [the Governor shall appoint the following members] eight  
114 members appointed by the Governor as follows: Three government  
115 officials, a police chief, two persons representing offender and victim  
116 services within the private community and two public members. The  
117 Governor shall appoint a chairperson from among the members of the  
118 commission. The commission shall meet at [such times as it deems  
119 necessary] least quarterly each year.

120 (b) There is established a Community Corrections Subcommittee to  
121 the Commission on Prison and Jail Overcrowding. The subcommittee  
122 shall: (1) Make recommendations to develop and implement  
123 community-based sentencing and sanction options; (2) coordinate the  
124 efforts of all criminal justice agencies in accordance with such  
125 recommended sentencing policy; (3) examine the impact of laws and  
126 policies on community-based sentencing and sanction options; (4)  
127 examine the impact of community-based sentencing and sanction  
128 options on prison and jail overcrowding; (5) assist the commission in  
129 the preparation of the annual comprehensive state criminal justice plan  
130 for preventing prison and jail overcrowding that includes pretrial and  
131 post-sentencing options that minimize the number of offenders in  
132 prisons and jails; (6) coordinate community-based sentencing and  
133 sanction options with state mental health and substance abuse plans;  
134 (7) develop strategies to assist in the siting of community-based  
135 programs and services; (8) research and analyze data with respect to  
136 the impact of community correction efforts on reducing crime and  
137 recidivism and the resulting impact on prison and jail overcrowding;  
138 and (9) submit an annual plan for community-based sentencing and  
139 sanction options, with recommendations, to the commission for  
140 inclusion in the commission's annual comprehensive state criminal

141 justice plan for preventing prison and jail overcrowding.

142 (c) The subcommittee shall be comprised of the following members:

143 (1) The executive director of the Court Support Services Division of the  
144 judicial branch; (2) the executive director of the Board of Parole; (3) the  
145 deputy warden of the Division of Community Enforcement of the  
146 Department of Correction; (4) the director of the Community Forensic  
147 Services Division of the Department of Mental Health and Addiction  
148 Services; (5) two representatives from a community policing program  
149 appointed by the Governor, one from an urban police department and  
150 one from a suburban police department; (6) two representatives from  
151 the Connecticut Conference of Municipalities appointed by the  
152 Governor, one from an urban area and one from a suburban area; (7) a  
153 superior court judge assigned to a judicial district courthouse  
154 appointed by the Chief Court Administrator; (8) a superior court judge  
155 assigned to a geographical area courthouse or to a drug court,  
156 community court or family violence court session, appointed by the  
157 Chief Court Administrator; (9) a state's attorney or assistant state's  
158 attorney appointed by the Chief State's Attorney; (10) a public  
159 defender or assistant public defender appointed by the Chief Public  
160 Defender; (11) the Victim Advocate; (12) four representatives from  
161 community-based service providers appointed by the Governor, one of  
162 whom shall be a representative from a residential substance abuse  
163 treatment program, one of whom shall be a representative from an  
164 outpatient substance abuse treatment program, one of whom shall be a  
165 representative from a residential program providing services other  
166 than substance abuse treatment including, but not limited to, shelter,  
167 mental health and work release services, and one of whom shall be a  
168 representative from a nonresidential program providing services other  
169 than substance abuse treatment including, but not limited to, shelter,  
170 mental health and work release services; and (13) the director of the  
171 Connecticut Justice Education Center.

172 (d) The subcommittee shall meet at least quarterly each year. The

173 Office of Policy and Management shall provide staff for the  
174 subcommittee.

175 Sec. 6. Section 54-91a of the general statutes is amended by adding  
176 subsection (e) as follows:

177 (NEW) (e) As part of any presentence investigation required by this  
178 section or requested by the court, the probation officer shall prepare a  
179 sentencing worksheet to be presented to the court prior to the  
180 imposition of sentence. The worksheet shall provide the court and the  
181 defendant, based on the potential sentence or sentences to be imposed,  
182 with information concerning the consequences of such sentence or  
183 sentences including, but not limited to, an estimate of the period of  
184 incarceration that the defendant may be required to serve, the date  
185 when the defendant may become eligible for parole, the period of  
186 probation and the period of special parole, as appropriate. The  
187 worksheet shall be a guideline based on applicable sentencing laws,  
188 regulations and policies and shall not constitute an agreement or  
189 guarantee that a defendant will in fact be eligible for any release prior  
190 to the scheduled termination date of such defendant's sentence, any  
191 reduction in the length of such defendant's sentence or any  
192 participation in any program.

193 Sec. 7. (NEW) (a) The judicial branch shall establish a sentencing  
194 team at all criminal court locations. Each sentencing team shall be  
195 comprised of a superior court judge, a state's attorney or assistant  
196 state's attorney, a public defender or assistant public defender, a bail  
197 commissioner, a probation officer, a person employed by the judicial  
198 branch to monitor criminal sanctions, a representative of the  
199 Department of Correction and a parole officer from the hearings  
200 division of the Board of Parole.

201 (b) The objectives of the sentencing team are to:

202 (1) Maximize the use of graduated sanctions for pretrial and

203 sentenced offenders;

204 (2) Increase criminal justice agencies' awareness of, investment in  
205 and commitment to a community corrections strategy through the  
206 development of a collaborative planning and resource allocation  
207 process;

208 (3) Enhance efficiency and effectiveness of criminal sentencing by  
209 improving the organizational capacity of the criminal justice system;  
210 and

211 (4) Increase victim and public awareness of the safety and  
212 rehabilitative value of community corrections.

213 Sec. 8. Subsection (b) of section 53a-28 of the general statutes is  
214 repealed and the following is substituted in lieu thereof:

215 (b) Except as provided in section 53a-46a, when a person is  
216 convicted of an offense, the court shall impose one of the following  
217 sentences: (1) A term of imprisonment; or (2) a sentence authorized by  
218 section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and  
219 a fine; or (5) a term of imprisonment, with the execution of such  
220 sentence of imprisonment suspended [ ] entirely, [or after a period set  
221 by the court,] and a period of probation or a period of conditional  
222 discharge; or (6) a term of imprisonment, with the execution of such  
223 sentence of imprisonment suspended [ ] entirely, [or after a period set  
224 by the court,] and a fine and a period of probation or a period of  
225 conditional discharge; or (7) a term of imprisonment, with the  
226 execution of such sentence of imprisonment suspended after a period  
227 set by the court of not more than one year, and a period of probation or  
228 a period of conditional discharge; or (8) a term of imprisonment, with  
229 the execution of such sentence of imprisonment suspended after a  
230 period set by the court of not more than one year, and a fine and a  
231 period of probation or a period of conditional discharge; or [(7)] (9) a  
232 fine and a sentence authorized by section 18-65a or 18-73; or [(8)] (10) a

233 sentence of unconditional discharge; or [(9)] (11) a term of  
234 imprisonment of more than one year and a period of special parole as  
235 provided in section 54-125e, as amended by this act; or (12) a term of  
236 imprisonment of more than one year, and a fine and a period of special  
237 parole as provided in section 54-125e, as amended by this act.

238 Sec. 9. (NEW) When imposing a sentence of a period of special  
239 parole in accordance with subdivision (11) or (12) of subsection (b) of  
240 section 53a-28 of the general statutes, as amended by this act, the court  
241 shall establish the conditions of a defendant's release on special parole  
242 and may, as a condition of the sentence, order the defendant to: (1)  
243 Work faithfully at a suitable employment or faithfully pursue a course  
244 of study or of vocational training that will equip the defendant for  
245 suitable employment; (2) undergo medical or psychiatric treatment  
246 and remain in a specified institution, when required for that purpose;  
247 (3) support the defendant's dependents and meet other family  
248 obligations; (4) make restitution of the fruits of the defendant's offense  
249 or make restitution, in an amount the defendant can afford to pay or  
250 provide in a suitable manner, for the loss or damage caused thereby  
251 and the court may fix the amount thereof and the manner of  
252 performance; (5) refrain from violating any criminal law of the United  
253 States, this state or any other state; (6) reside in a residential  
254 community center or halfway house approved by the chairperson of  
255 the Board of Parole, and contribute to the cost incident to such  
256 residence; (7) participate in a program of community service in  
257 accordance with section 51-181c of the general statutes; (8) if convicted  
258 of a violation of subdivision (2) of subsection (a) of section 53-21,  
259 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b of the  
260 general statutes, undergo specialized sexual offender treatment; and  
261 (9) satisfy any other conditions reasonably related to the defendant's  
262 rehabilitation. The court shall cause a copy of any such order to be  
263 delivered to the defendant and to the Board of Parole.

264 Sec. 10. Section 54-125e of the general statutes is repealed and the

265 following is substituted in lieu thereof:

266 (a) Any person convicted of a crime committed on or after October  
267 1, 1998, who received a definite sentence of more than two years  
268 followed by a period of special parole, and any person convicted of a  
269 crime committed on or after October 1, 2001, who received a definite  
270 sentence of more than one year followed by a period of special parole,  
271 shall, at the expiration of the maximum term or terms of imprisonment  
272 imposed by the court, be automatically transferred from the custody of  
273 the Commissioner of Correction to the jurisdiction of the [chairman]  
274 chairperson of the Board of Parole or, if such person has previously  
275 been released on parole pursuant to subsection (a) of section 54-125a or  
276 section 54-131a, remain under the jurisdiction of said [chairman]  
277 chairperson until the expiration of the period of special parole imposed  
278 by the court.

279 (b) Any person sentenced to a period of special parole shall be  
280 subject to such rules and conditions as may be established by the  
281 Board of Parole or its [chairman] chairperson pursuant to section  
282 54-126.

283 (c) The Board of Parole shall monitor and enforce compliance by a  
284 person sentenced to a period of special parole with the conditions  
285 ordered by the court pursuant to section 9 of this act. The board may  
286 require the person to comply with any or all conditions which the  
287 court could have imposed under said section which are not  
288 inconsistent with any condition actually imposed by the court or are  
289 consistent with prevailing supervision policies and procedures of the  
290 board. The board may, without a court hearing, modify, delete or add  
291 any condition necessary to comply with the order of the court or for  
292 the supervision of such person.

293 (d) The Board of Parole may, after a hearing, revoke special parole.  
294 The board may revoke special parole if it finds that the parolee has  
295 committed a criminal offense or violated a condition of special parole

296 imposed by the court or the board. If the board has revoked special  
297 parole for a parolee, it may issue a mittimus for the commitment of  
298 such parolee to the custody of the Commissioner of Correction for any  
299 period not to exceed the unexpired portion of the period of special  
300 parole.

301 (e) Whenever special parole has been revoked for a parolee, the  
302 board may, at any time during the unexpired portion of the period of  
303 special parole, allow the parolee to be released again on special parole  
304 without court order.

305 [(c)] (f) The period of special parole shall be not less than one year  
306 nor more than ten years except that such period may be for more than  
307 ten years for a person convicted of a violation of subdivision (2) of  
308 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,  
309 53a-72a or 53a-72b or sentenced as a persistent dangerous felony  
310 offender pursuant to subsection (h) of section 53a-40 or as a persistent  
311 serious felony offender pursuant to subsection (j) of section 53a-40.

312 Sec. 11. Section 54-128 of the general statutes is repealed and the  
313 following is substituted in lieu thereof:

314 (a) Any paroled convict or inmate who has been returned to the  
315 custody of the Commissioner of Correction or any institution of the  
316 Department of Correction for violation of [his] such person's parole  
317 may be retained in the institution from which [he] such person was  
318 paroled for a period equal to the unexpired portion of the term of [his]  
319 such person's sentence at the date of the request or order for [his] such  
320 person's return less any commutation or diminution of [his] such  
321 person's sentence earned except that the Board of Parole may, in its  
322 discretion, determine that [he] such person shall forfeit any or all of  
323 such earned time, or may be again paroled by said board.

324 (b) Each parolee or inmate, subject to the provisions of section 18-7,  
325 shall be subject to loss of all or any portion of time earned.

326 (c) Any person who, during the service of a period of special parole  
327 imposed in accordance with subdivision [(9)] (11) or (12) of section  
328 53a-28, as amended by this act, has been returned to the custody of the  
329 Commissioner of Correction or any institution of the Department of  
330 Correction for violation of [his] such person's parole, may be retained  
331 in the institution from which [he] such person was paroled for a period  
332 equal to the unexpired portion of the period of special parole. The total  
333 length of the term of incarceration and term of special parole combined  
334 shall not exceed the maximum sentence of incarceration authorized for  
335 the offense for which the person was convicted.

336 Sec. 12. Section 54-97 of the general statutes is repealed and the  
337 following is substituted in lieu thereof:

338 No person may be committed to [the Connecticut Correctional  
339 Institution, Somers,] a correctional institution or a community  
340 correctional center without a mittimus signed by the judge or clerk of  
341 the court which committed [him] such person or, with respect to a  
342 person sentenced to a period of special parole, signed by the  
343 chairperson of the Board of Parole, declaring the cause of commitment  
344 and requiring the warden or community correctional center  
345 administrator to receive and keep [him] such person in the  
346 [Correctional Institution, Somers,] correctional institution or the  
347 community correctional center, as the case may be, for the period fixed  
348 by the judgment of said court or said board or until [he] such person is  
349 legally discharged; and such mittimus shall be sufficient authority to  
350 the officer to commit such person, and to the warden or community  
351 correctional center administrator to receive and hold [him] such person  
352 in custody, except that any community correctional center may receive  
353 any person as provided in section 7-135 without such mittimus.

354 Sec. 13. Section 54-125a of the general statutes is repealed and the  
355 following is substituted in lieu thereof:

356 (a) A person convicted of one or more crimes who is incarcerated on

357 or after October 1, 1990, who received a definite sentence or aggregate  
358 sentence of more than two years, and who has been confined under  
359 such sentence or sentences for not less than one-half of the aggregate  
360 sentence or one-half of the most recent sentence imposed by the court,  
361 whichever is greater, may be allowed to go at large on parole in the  
362 discretion of the panel of the Board of Parole for the institution in  
363 which the person is confined, if, except as provided in subsections (d)  
364 and (e) of this section, (1) it appears from all available information,  
365 including any reports from the Commissioner of Correction that the  
366 panel may require, that there is reasonable probability that such  
367 inmate will live and remain at liberty without violating the law, and  
368 (2) such release is not incompatible with the welfare of society. At the  
369 discretion of the panel, and under the terms and conditions as may be  
370 prescribed by the panel including requiring the parolee to submit  
371 personal reports, the parolee shall be allowed to return to [his] the  
372 parolee's home or to reside in a residential community center, or to go  
373 elsewhere. The parolee shall, while on parole, remain in the legal  
374 custody and control of the board until the expiration of the maximum  
375 term or terms for which [he] the parolee was sentenced. Any parolee  
376 released on the condition that [he] the parolee reside in a residential  
377 community center may be required to contribute to the cost incidental  
378 to such residence. Each order of parole shall fix the limits of the  
379 parolee's residence, which may be changed in the discretion of such  
380 panel. Within three weeks after the commitment of each person  
381 sentenced to more than one year, the state's attorney for the judicial  
382 district shall send to the Board of Parole the record, if any, of such  
383 person.

384 (b) (1) No person convicted of any of the following offenses, which  
385 was committed on or after July 1, 1981, shall be eligible for parole  
386 under subsection (a) of this section: Capital felony, as defined in  
387 section 53a-54b, felony murder, as defined in section 53a-54c, arson  
388 murder, as defined in section 53a-54d, murder, as defined in section  
389 53a-54a, or any offense committed with a firearm, as defined in section

390 53a-3, in or on, or within one thousand five hundred feet of, the real  
391 property comprising a public or private elementary or secondary  
392 school. (2) A person convicted of an offense, other than an offense  
393 specified in subdivision (1) of this subsection, where the underlying  
394 facts and circumstances of the offense involve the use, attempted use  
395 or threatened use of physical force against another person shall be  
396 ineligible for parole under subsection (a) of this section until such  
397 person has served not less than eighty-five per cent of the definite  
398 sentence imposed.

399 (c) The Board of Parole shall, not later than July 1, 1996, adopt  
400 regulations in accordance with chapter 54 to ensure that a person  
401 convicted of an offense described in subdivision (2) of subsection (b) of  
402 this section is not released on parole until such person has served  
403 eighty-five per cent of the definite sentence imposed by the court. Such  
404 regulations shall include guidelines and procedures for classifying a  
405 person as a violent offender that are not limited to a consideration of  
406 the elements of the offense or offenses for which such person was  
407 convicted.

408 (d) The Board of Parole shall reassess the suitability for parole  
409 release of any person whose eligibility for parole release is subject to  
410 subsection (a) of this section upon completion by such person of  
411 seventy-five per cent of such person's definite sentence. The Board of  
412 Parole may allow such person to be released on parole if (1) there is  
413 reasonable probability that such person will live and remain at liberty  
414 without violating the law, and (2) such person's release to community  
415 supervision and transition substantially outweighs any period of  
416 continued confinement. If the board determines after such  
417 reassessment that the continued confinement of such person is  
418 necessary, it shall articulate for the record the specific reasons why  
419 such person and the public would not benefit from such person  
420 receiving a period of community supervision.

421 (e) The Board of Parole shall assess the suitability for parole release  
422 of any person whose eligibility for parole release is subject to  
423 subdivision (2) of subsection (b) of this section upon completion by  
424 such person of eighty-five per cent of the definite sentence imposed.  
425 The Board of Parole may allow such person to be released on parole if  
426 (1) there is reasonable probability that such person will live and  
427 remain at liberty without violating the law, and (2) such person's  
428 release to community supervision and transition substantially  
429 outweighs any period of continued confinement. If the board  
430 determines after such assessment that the continued confinement of  
431 such person is necessary, it shall articulate for the record the specific  
432 reasons why such person and the public would not benefit from such  
433 person receiving a period of community supervision.

434 Sec. 14. Section 54-125b of the general statutes is repealed and the  
435 following is substituted in lieu thereof:

436 (a) A person whose eligibility for parole release is subject to  
437 subsection (a) of section 54-125a, as amended by this act, may be  
438 allowed to go on parole in accordance with section 54-125a, as  
439 amended by this act, or 54-125g without a parole hearing being  
440 conducted by a panel of the Board of Parole if (1) an employee of the  
441 Board of Parole has reviewed the inmate's case and recommended  
442 parole be granted to such person, and (2) such recommendation has  
443 been approved by at least two members of a panel of the board. A  
444 parole hearing shall be conducted by a panel of the Board of Parole if  
445 the chairperson of the board deems such a hearing to be necessary or if  
446 a victim, as defined in sections 54-201 and 54-226, requests such a  
447 hearing.

448 [(b) No inmate may be released pursuant to the provisions of  
449 subsection (a) of this section if he or she has been convicted of a  
450 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,  
451 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-

452 134 or 53a-196a or has more than three years remaining on his or her  
453 sentence.]

454 [(c)] (b) The Board of Parole shall adopt regulations in accordance  
455 with chapter 54 to establish criteria and procedures for the  
456 administrative review and release of inmates without a parole hearing  
457 as provided in this section.

458 Sec. 15. This act shall take effect July 1, 2001.

**APP** *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:** See Summary Below

**Affected Agencies:** Various Criminal Justice Agencies, Office of Policy and Management

**Municipal Impact:** None

Sec.	Description	Impact
1	Mission of community corrections policy	None
2-3	Prison impact statements required on bills	None
4	Establish Justice Planning Division in OPM	Potential Cost of \$125,000
5	Provide staff for Community Corrections Subcommittee of PJOC	Potential Cost of \$73,000
6	Prepare sentencing worksheets	None <sup>1</sup>
7	Establish sentencing teams at all criminal court location	None <sup>2</sup>
8	Requires the use of special parole by courts when imposing sentences	Parole: \$300,000 - \$450,000 DOC: Potential Significant Savings
9	Identifies the conditions of special parole	None
10	Clarifies the application of special parole in regard to implementation and revocation	None
11	Minor changes to the parole statutes	None
12	Minor changes to the parole statutes	None
13	Requires Board of Parole to reassess the suitability of parole for certain offenders	Parole: Potential Indeterminate Costs & Workload Increase DOC: Potential Significant Savings

<sup>1</sup> Assumes that the worksheet involves the filling in of standard forms, not additional investigations.

<sup>2</sup> This assumes that the sentencing teams would be composed of existing staff and would meet periodically to address general sentencing issues. If the bill requires teams to be established such that they must meet to review every case subject to a criminal sentence, then significant costs far exceeding \$1 million for various agency staff would occur.

14	Expands the category of inmates eligible for administrative parole	Parole: \$300,000 - \$450,000 DOC: Potential Significant Savings
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**Explanation**

**State Impact:**

**Section 4** establishes a Justice Planning Division within the Office of Policy and Management (OPM). Currently, OPM has a Justice Planning Unit that is managed by a director. Aside from the duties specified in the bill, it is anticipated that this change in designation would have no substantive impact on the responsibilities of the existing unit. In accordance with current practice, however, OPM could create an undersecretary position to manage the Justice Planning Division established by the bill. The total, annualized cost for the undersecretary position would be \$125,013 and includes: \$86,658 in Personal Services, \$4,333 for Other Expenses, and \$34,022 to provide fringe benefits.

**Section 5** could require an additional research analyst position to assist the Community Corrections Subcommittee. It is anticipated that the person in this position would conduct substantive research, draft reports and plans, and coordinate quarterly meetings. The total, annualized cost for a research analyst position is \$73,103 and includes: \$50,674 in Personal Services, \$2,534 for Other Expenses, and \$19,895 to provide fringe benefits.

**Section 8** requires the use of special parole by courts when imposing sentences. It is estimated that by the end of FY 2003, there will be approximately 200 persons on special parole in the community and 800 by 2010. Passage of this section of the bill would result in a cost of \$300,000 - 450,000 (including fringe benefit costs) due to an increased number of parolees on special parole and the need for 4-5 additional parole officers and services.

**Section 13** requires the Board of Parole to reassess the suitability for

parole of any inmate who was eligible for parole consideration after serving 50% of his sentence in prison upon the completion of 75% of his sentence. It also requires the board to reassess parole eligibility for those offenders who have served the required 85% or certain offenses. Currently, the board is not required to reassess and an inmate can simply be required to complete his or her sentence.

Of over 10,000 inmates sentenced after October 1, 1994, almost half will have served 75% of their current controlling sentence by June 30, 2001. If 20% or 1,000 of these offenders were released on parole, as much as \$25 million would be saved by the department, less \$3 - \$4 million that would be necessary to supervise additional parolees in the community. Of over 1,500 inmates sentenced before October 1, 1994 approximately one-third will have served 75% of their controlling sentence by June 30, 2001. If 20% or 100 of these offenders were released on parole, as much as \$2.5 million would be saved by the department, less \$200,000 - \$300,000 that would be necessary to supervise additional parolees in the community.

In general, to the extent that this reassessment process results in more offenders being placed on parole, there would be both a need for additional resources to supervise parolees and potential indeterminate savings to the Department of Correction (DOC) due to a decrease in the need for bed space. DOC has expressed a need for 1,600 additional beds during the 2001-2003 biennium and is expected to increase the capacity of MacDougall Correctional Institution (Suffield) by 600 beds at a cost of over \$12 million in operating cost. The Department of Correction (DOC) currently supervises 17,500 offenders in 20 correctional facilities across the state. In addition, there are 1,400 offenders that are supervised in the community under the authority of the department. The average annual *inmate* cost is \$25,000. Average annual *parolee* cost can range between \$4,000 and 6,000 depending on the level of services that are provided.

**Section 14** expands the category for inmates eligible for administrative parole. Over 3,000 parole applications are considered per year. Passage of the bill would reduce the number of full hearings and increase the number of administrative hearings per year from 1,800 to more than 2,400. To the extent that the expansion of the administrative hearing process results in more offenders being placed on parole, there would be costs to the Board of Parole and potential savings to the Department of Correction (DOC) due to a decrease in the need for bed space. In order to maintain manageable caseloads, it is anticipated that at least 5 additional parole officers would be necessary at an estimated cost of \$300,000 - \$450,000.

Finally, it should be noted that any savings related to successful efforts to prevent offenders from being returned to prison due to minor parole violations would be offset by the need for additional parole officers. The starting salary for a parole officer is approximately \$41,000. There are 50 parole officers at the Board of Parole and the current average caseload is 54 parolees.

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**OLR Amended Bill Analysis**

sHB 6802

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING FACTORS IMPACTING PRISON OVERCROWDING.***

**SUMMARY:**

This bill requires the parole board to reassess the suitability for parole of any inmate who has completed 75% of his sentence and who was eligible for parole consideration after serving 50% of his sentence in prison. It also requires the board to assess inmates who are only eligible for parole consideration after they serve 85% of their sentence in prison, when they meet the 85% requirement. It changes the parole criteria the board must use when it makes these mandated assessments and reassessments. If the board decides not to grant parole to these inmates, the bill requires it to state for the record why the inmate and the public would not benefit from the inmate being placed on parole.

The bill expands the category of inmates eligible for administrative parole by making inmates who have more than three years remaining on their sentence or who have been convicted of certain offenses eligible.

The bill limits the conditions under which a court may order probation or special parole. Under current law, a court can suspend a portion of a prison sentence and order the defendant to spend it on probation or special parole (parole ordered by the court as part of the sentence). The bill limits the court's authority to order probation to sentences where the period of incarceration is one year or less. It limits the court's authority to order special parole to sentences where the period of incarceration is more than one year. The bill authorizes the court to also impose a fine when it orders special parole.

The bill also requires courts to impose special parole conditions at the time of sentencing when using this sentencing option and authorizes it

to impose specific conditions when using it.

The bill establishes a Justice Planning Division within the Office of Policy and Management (OPM) to provide interagency leadership for, and coordination of, criminal justice agencies and evaluate and develop criminal justice policy based on a comprehensive analysis of data and information.

The bill adds the director of the Justice Planning Division, the commissioner of Mental Health and Addiction Services, and the chairperson of the parole board to the Commission on Prison and Jail Overcrowding. It requires the commission to meet at least quarterly instead of whenever it deems it necessary. It establishes an 18-member community corrections subcommittee that must meet at least quarterly and imposes several duties on it. The bill requires OPM to provide staff to the subcommittee.

The bill requires a probation officer to prepare a sentencing worksheet whenever a presentence investigation is required or requested by the court.

The bill requires the judicial branch to establish a sentencing team at all criminal court locations.

The bill requires the offices of Legislative Research and Fiscal Analysis to prepare prison impact statements for bills that would affect prosecutions, sentences, and prisons.

Finally, the bill establishes the mission of community correction policy in Connecticut.

EFFECTIVE DATE: July 1,2001

### **NEW PAROLE RELEASE STANDARDS**

By law, most offenders sentenced to prison for two years or more are eligible to be considered for parole after they have served 50% of their sentence in prison. When the underlying circumstances of the offense for which the inmate was convicted involved the use, attempted use, or threatened use of violence, the inmate must serve 85% of his

sentence in prison before he is eligible to be considered for parole. The law does not require the board to parole inmates who are eligible for parole consideration nor does it require the board to consider inmates for parole just because they are eligible for parole consideration.

Under current law, the board may release an eligible inmate on parole if (1) it appears from all the available information, including any reports from the commissioner of correction that there is a reasonable probability that the inmate will live and remain at liberty without violating the law and (2) the release is compatible with society's welfare.

The bill changes the release criteria for inmates it requires the board to reassess or assess. Specifically, it authorizes the board to release them on parole if (1) there is reasonable probability they will live and remain at liberty without violating the law and (2) their release to community supervision and transition "substantially outweighs any period of continued confinement." Furthermore, under the bill, if the board determines after the reassessment that the continued confinement is necessary, it must state for the record the specific reasons why the prisoner and the public would not benefit from the prisoner's receiving a period of community supervision.

## **PAROLE AFTER ADMINISTRATIVE REVIEW**

The law allows a person to be released on parole without a hearing by a parole board panel if a board employee reviews the case and recommends parole and at least two board members approve the recommendation.

The bill expands the pool of inmates eligible for "this administrative parole" by eliminating the prohibition against administrative parole for inmates convicted of manslaughter; vehicular misconduct; criminally negligent homicide; first-degree assault; first-degree assault of an aged, blind, or disabled person; first-degree sexual assault; first-degree aggravated sexual assault; sexual assault in a spousal or cohabiting relationship; first-degree kidnapping; first-degree kidnapping with a firearm; first-degree robbery; and employing a minor in an obscene performance. It also eliminates the prohibition against administrative parole for inmates who have more than three

years left to serve on their sentence.

Finally, the bill requires a parole hearing conducted by a board panel if the chairperson deems it necessary.

### **CONDITIONS OF SPECIAL PAROLE**

The bill requires the court, when imposing a sentence of a period of special parole, to establish the conditions of a defendant's release on special parole. It authorizes the court, as a condition of the sentence, to order the defendant to:

1. work faithfully at a suitable employment or pursue faithfully a course of study or vocational training that will equip him for suitable employment;
2. undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose;
3. support his dependents and meet other family obligations;
4. make restitution in an amount he can afford to pay, or provide in some other way, for the loss or damage he caused with the court allowed to fix the amount and the manner of performance;
5. refrain from violating any criminal law;
6. reside in a residential community center or halfway house the parole board's chairperson approves and contribute to the cost of such residence;
7. participate in a program of community service;
8. if convicted of a violation of specified sexual assault offenses, undergo specialized sexual offender treatment; and
9. satisfy any other conditions reasonably related to his rehabilitation;

The bill requires the court to have a copy of the order delivered to the defendant and parole board.

**Parole Board's Duties and Powers - Special Parole**

The bill requires the parole board to monitor and enforce compliance on parolees sentenced to a period of special parole with court-ordered conditions. The board may require them to comply with any or all conditions that the court could have imposed that are consistent with those the court did impose and with board policies and procedures. The bill allows the board, without a court hearing, to modify, delete, or add any condition necessary to comply with the court order or for a parolee's supervision.

The bill authorizes the board, after a hearing, to revoke special parole if it finds that the parolee has committed a criminal offense or violated a special parole condition. When the board revokes special parole, it may issue an order for the parolee's commitment to the custody of the commissioner of correction for any period not to exceed the unexpired portion of the special parole.

The bill authorizes the board, whenever it revokes special parole, to allow the parolee to be released again on special parole without court order at any time during the unexpired portion of the special parole.

**COMMUNITY CORRECTIONS SUBCOMMITTEE**

The bill requires the community corrections subcommittee of the Commission on Prison and Jail Overcrowding to:

1. make recommendations to develop and implement community-based sentencing and sanction options;
2. coordinate the efforts of all criminal justice agencies in accordance with the recommended sentencing policy;
3. examine the impact of laws and policies on community-based sentencing and sanction options;
4. examine the impact of community-based sentencing and sanction options on prison and jail overcrowding;

5. help the commission prepare the annual comprehensive state criminal justice plan for preventing prison and jail overcrowding that includes pretrial and post-sentencing options that minimize the number of offenders in prisons and jails;
6. coordinate community-based sentencing and sanction options with state mental health and substance abuse plans;
7. develop strategies to assist in siting community-based programs and services;
8. research and analyze data on the impact of community correction efforts on reducing crime and recidivism and the resulting impact on prison and jail overcrowding; and
9. submit an annual plan for community-based sentencing and sanction options, with recommendations, to the commission for inclusion in the commission's annual comprehensive state criminal justice plan for preventing prison and jail overcrowding.

***Subcommittee Members***

Under the bill, the subcommittee consists of (1) the executive director of the judicial branch's Court Support Services Division; (2) the Board of Parole's executive director; (3) the Department of Correction's (DOC) deputy warden of the Division of Community Enforcement; (4) the Department of Mental Health and Addiction Services' director of the Community Forensic Services Division; (5) two representatives from a community policing program appointed by the governor, one from an urban police department and one from a suburban police department; (6) two representatives from the Connecticut Conference of Municipalities appointed by the governor, one from an urban area and one from a suburban area; (7) a Superior Court judge assigned to a judicial district courthouse appointed by the chief court administrator; (8) a Superior Court judge assigned to a geographical area courthouse or to a drug court, community court, or family violence court session, appointed by the chief court administrator; (9) a state's attorney or assistant state's attorney appointed by the chief state's attorney; (10) a public defender or assistant public defender appointed by the chief public defender; (11) the victim advocate; (12) the director of the

Connecticut Justice Education Center; and (13) four representatives from community-based service providers appointed by the governor.

One of the community-based service providers must represent a residential substance abuse treatment program; one, an outpatient substance abuse treatment program; one, a residential program providing services other than substance abuse treatment; and one, a nonresidential program providing services other than substance abuse treatment.

### **SENTENCING WORKSHEET**

The bill requires that, as part of any presentence investigation required by law or requested by the court, the probation officer prepare a sentencing worksheet and present it to the court before it imposes sentence. (The law requires a presentence investigation for anyone convicted of a felony for the first time in Connecticut. The court may request it for any crime or offense other than a capital offense.)

The worksheet must provide the court and the defendant, based on the potential sentence or sentences to be imposed, with information concerning the consequences of the sentence or sentences. This must include an estimate of the period of incarceration that the defendant may have to serve, the date when the defendant may become eligible for parole, the period of probation, and the period of special parole, if appropriate. The bill requires that the worksheet be a guideline based on applicable sentencing laws, regulations, and policies. The bill specifies that the worksheet is not an agreement nor does it guarantee that a defendant will be eligible for any release before the scheduled termination date of his sentence, any reduction in the length of his sentence, or participation in any program.

### **SENTENCING TEAMS**

The bill requires the judicial branch to establish a sentencing team at all criminal court locations. Each sentencing team must have a Superior Court judge, a state's attorney or assistant state's attorney, a public defender or assistant public defender, a bail commissioner, a probation officer, a person employed by the judicial branch to monitor criminal sanctions, a DOC representative, and a parole officer from the

parole board's hearings division.

The sentencing team's objectives are to:

1. maximize the use of graduated sanctions for pretrial and sentenced offenders;
2. increase criminal justice agencies' awareness of, investment in, and commitment to a community corrections strategy through the development of a collaborative planning and resource allocation process;
3. enhance the efficiency and effectiveness of criminal sentencing by improving the organizational capacity of the criminal justice system; and
4. increase victim and public awareness of the safety and rehabilitative value of community corrections.

## **PRISON IMPACT STATEMENTS**

The bill requires a prison impact statement for each bill that would affect (1) the prosecution of criminal offenses; (2) the length of prison terms; (3) the computation of time served; or (4) the number of offenders incarcerated, paroled, placed on probation, or sentenced to any other alternative sentencing option or sanction. The statement must be appended to the bill and evaluate how the bill would impact the population of offenders being supervised in prison or in the community.

## **COMMUNITY CORRECTIONS POLICY**

The bill establishes the mission of community corrections policy as assisting the court and parole board in assessing offenders' suitability for placement in the community, enforcing court-ordered sanctions, protecting public safety, assisting in the rehabilitation of offenders, and supporting the rights of victims.

## **BACKGROUND**

***Special Parole***

The law allows courts to sentence an individual convicted of any offense committed after September 30, 1998 to a term of imprisonment and a period of special parole. The sentence imposed must be for more than two years. Special parole requires post-release supervision by the Board of Parole and allows the individual to be returned to prison for a parole violation.

Special parole may be imposed for one to 10 years but an individual who has been convicted of a felony sexual assault offense or sentenced as a persistent dangerous felony offender or persistent serious felony offender may be sentenced to 10 to 35 years of special parole. The combination of the term of imprisonment imposed and the term of special parole cannot exceed the maximum sentence that may be imposed for the offense.

An individual given a definite sentence of more than two years followed by a term of special parole is transferred to the jurisdiction of the chairman of the Board of Parole at the end of the maximum term or terms of imprisonment imposed by the court. If the individual has already been released on parole, he remains under the chairman's jurisdiction. The Board of Parole or its chairman can set rules and conditions for special parole.

An individual returned to the custody of the correction commissioner for violating parole may be confined in the institution from which he was paroled for a period equal to the unexpired portion of the period of special parole.

***Related Legislation***

The Judiciary Committee reported sSB 1428 favorably, (File 585) on April 17. It (1) establishes a diversion program for those convicted of a nonviolent drug possession offense; (2) establishes probation and parole violation procedures and standards for those offenders; (3) establishes a pretrial diversion and post-conviction treatment program for offenders with psychiatric disabilities; (4) prohibits the correction commissioner from entering into contracts with profit-making organizations to supervise or house inmates outside of Connecticut; (5)

requires the parole board to develop a screening program for conducting risk assessments of people eligible for parole; and (6) creates a presumption that bail not be given to people convicted of violent offenses while awaiting sentencing or appealing their conviction and eliminates the prohibition against granting post-conviction bail to such offenders.

sSB 1083 (File 579), reported favorably by the Public Health Committee on April 9, and the Judiciary Committee on April 17, makes numerous changes to the laws relating to sentencing and treating substance abusers.

Specifically it:

1. requires DOC to provide substance abuse, mental health, and anger management treatment services, rehabilitation, and training sufficient to meet the needs of inmates and offenders under community supervision;
2. allows previous participants to reenter the Judicial Department's drug treatment program and the Department of Mental Health and Addiction Services' pretrial drug education program;
3. allows people to apply to participate in the community service labor program even if they were convicted previously of certain drug-related crimes and sets minimum participation periods;
4. requires those courts that operate special drug dockets to offer substance abuse detoxification, maintenance, and treatment programs, including methadone detoxification and maintenance open to all offenders who need it;
5. requires each Superior Court to establish an interdisciplinary team to advise judges on appropriate sentences and use of graduated sanctions and establishes a sentencing task force to evaluate the process of sentencing people who have committed felonies;
6. requires the parole board to modify the conditions of parole for a parole violator whose original sentence was not for a crime involving violence to address the cause of his violation and his

treatment needs; and

7. makes meeting the needs of community-supervised offenders the standard for determining probation and parole officer caseloads and eliminates statutory requirements for intensive probation caseloads.

## **BACKGROUND**

### ***Legislative History***

The House, on May 8, referred the bill (File 590) to the Government Administration and Elections Committee, which reported it unchanged on May 14. The House referred it on May 15 to the Appropriations Committee, which reported a substitute bill on May 17. The Appropriations Committee eliminated section 14 from the file copy. This section (1) reduced the parole board from 15 (3 full-time and 12 part-time) to 3 full-time members; (2) required the chairperson to appoint an executive director who was required to appoint an assistant director for the hearings division and an assistant director for the parole supervision division; (3) required the chairperson and executive director to develop policies and procedures for parole revocation and rescission hearings, a graduated system for parole violations, and a parole orientation program; (4) required the executive director, at the chairperson's discretion to do various things, including establishing parole officer to parolee caseload ratios based on supervision levels and standards with the goal of having average caseloads of 65 or fewer after June 30, 2004.

## **COMMITTEE ACTION**

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference  
Yea 8      Nay 3

Judiciary Committee

Joint Favorable Substitute  
Yea 30      Nay 8

Government Administration and Elections Committee

Joint Favorable Report

Yea 13    Nay 3

Appropriations Committee

Joint Favorable Substitute

Yea 45    Nay 0