



Senate

General Assembly

File No. 579

January Session, 2001

Substitute Senate Bill No. 1083

Senate, May 3, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ENHANCED SUPERVISION OF OFFENDERS AND ENHANCED ACCESS TO SUBSTANCE ABUSE TREATMENT AND OTHER TREATMENT PROGRAMS IN THE CRIMINAL JUSTICE SYSTEM.

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

1 Section 1. (NEW) (a) The Department of Correction, in cooperation
2 with the Department of Mental Health and Addiction Services, shall
3 provide treatment services to incarcerated offenders and community-
4 supervised offenders sufficient to meet the service needs of the
5 population of such incarcerated and community-supervised offenders,
6 ensure public safety, and reduce prison overcrowding and criminal
7 recidivism. The treatment services provided by the department
8 pursuant to this section shall include training, rehabilitation, treatment
9 and other programs devoted to substance abuse, mental health and
10 anger management. Such treatment services shall also include
11 necessary and appropriate maintenance and detoxification treatment
12 to any incarcerated offender or community-supervised offender whom

13 the department has determined would benefit from such treatment.
14 Offenders incarcerated for a period likely to exceed one year are not
15 eligible for maintenance treatment pursuant to this section.

16 (b) The Department of Correction, the Board of Parole and the
17 Judicial Department, in cooperation with the Department of Mental
18 Health and Addiction Services, shall establish on the premises of
19 correctional facilities and community-based facilities programs to
20 screen incarcerated offenders and community-supervised offenders for
21 substance abuse dependency.

22 (c) The Department of Mental Health and Addiction Services shall
23 provide inmates released into the community with a transitional
24 caseworker who shall effectively manage and support the
25 reintegration of inmates into the community and coordinate the
26 provision of treatment programs.

27 Sec. 2. (NEW) A sentencing team shall be established at all criminal
28 court locations to advise the court on appropriate sentences for
29 offenders, to maximize the use of graduated sanctions for offenders, to
30 increase the criminal justice agencies' use of community correction
31 programs and to improve the organizational capacity of the criminal
32 justice system. Each sentencing team shall be composed of a judge, a
33 state's attorney, a public defender, a bail commissioner, a probation
34 officer, a criminal sanctions monitor, a representative from the
35 Department of Mental Health and Addiction Services, a representative
36 from the Department of Correction and a parole officer from the
37 hearings division of the Board of Parole.

38 Sec. 3. Subsection (a) of section 17a-696 of the general statutes is
39 repealed and the following is substituted in lieu thereof:

40 (a) The provisions of this section shall not apply to any person
41 charged with a violation of section 14-227a or 53a-60d or with a class
42 A, B or C felony. [or to any person who was previously ordered treated

43 under this section, subsection (i) of section 17-155y, section 19a-386 or
44 section 21a-284 of the general statutes revised to 1989.] The court may
45 waive the ineligibility provisions of this subsection for any person.

46 Sec. 4. Subsection (a) of section 17a-699 of the general statutes is
47 repealed and the following is substituted in lieu thereof:

48 (a) The provisions of this section shall not apply to any person
49 convicted of murder, attempt to commit murder, kidnapping, robbery
50 in the first degree or any felony involving serious physical injury. [or
51 to any person who has been previously ordered to be treated under
52 this section or section 19a-387 or 21a-285 of the general statutes,
53 revised to 1989.]

54 Sec. 5. Section 51-181b of the general statutes is repealed and the
55 following is substituted in lieu thereof:

56 (a) The Chief Court Administrator may establish in any
57 geographical area court location or juvenile matters court location a
58 docket separate from other criminal or juvenile matters for the hearing
59 of criminal or juvenile matters in which a defendant is a drug-
60 dependent person, as defined in section 21a-240. The docket in a
61 geographical area court location shall be available to, but not be
62 limited to, offenders who are sixteen to twenty-one years of age and
63 who could benefit from placement in a substance abuse treatment
64 program.

65 (b) No offender charged with a sale offense may be denied
66 eligibility to participate in the program established under subsection
67 (a) of this section solely due to such charged offense. No offender may
68 be denied eligibility to participate in the program established under
69 subsection (a) of this section solely because the offender has
70 withdrawn from substance abuse treatment against medical advice on
71 a prior occasion or because the offender has relapsed after earlier
72 treatment.

73 (c) Not later than January 2, 2002, each docket established under
74 subsection (a) of this section shall, with the cooperation of the
75 Department of Mental Health and Addiction Services, offer
76 appropriate substance abuse detoxification, maintenance and other
77 treatment programs, including, but not limited to, methadone
78 detoxification and methadone maintenance treatments, to all offenders
79 assigned to such docket who have been determined by the Department
80 of Mental Health and Addiction Services to be dependent on opiates
81 and in need of detoxification or maintenance treatment.

82 (d) The Department of Mental Health and Addiction Services shall
83 contract with methadone treatment programs licensed in this state to
84 provide the detoxification and maintenance treatment as required
85 under subsection (c) of this section. The Department of Mental Health
86 and Addiction Services shall establish a state-wide registry of program
87 participants.

88 Sec. 6. Section 53a-39c of the general statutes is repealed and the
89 following is substituted in lieu thereof:

90 (a) There is established, within available appropriations, a
91 community service labor program for persons charged with a violation
92 of section 21a-267 or 21a-279. [who have not previously been convicted
93 of a violation of section 21a-267, 21a-277, 21a-278 or 21a-279.] Upon
94 application by any such person for participation in such program the
95 court may grant such application and (1) if such person has not
96 previously been placed in the community service labor program, the
97 court may either suspend prosecution and place such person in such
98 program or, upon a plea of guilty without trial where a term of
99 imprisonment is part of a stated plea agreement, suspend any sentence
100 of imprisonment and make participation in such program a condition
101 of probation or conditional discharge in accordance with section
102 53a-30; or (2) if such person has previously been placed in such
103 program, the court may, upon a plea of guilty without trial where a

104 term of imprisonment is part of a stated plea agreement, suspend any
105 sentence of imprisonment and make participation in such program a
106 condition of probation or conditional discharge in accordance with
107 said section 53a-30. No person may be placed in such program who
108 has twice previously been placed in such program.

109 (b) Any person for whom prosecution is suspended and who is
110 placed in the community service labor program pursuant to subsection
111 (a) of this section shall agree to the tolling of the statute of limitations
112 with respect to such crime and to a waiver of such person's right to a
113 speedy trial. A pretrial community service labor program established
114 under this section for persons for whom prosecution is suspended
115 shall include a drug education component. If such person satisfactorily
116 completes the program of community service labor to which such
117 person was assigned, such person may apply for dismissal of the
118 charges against such person and the court, on reviewing the record of
119 such person's participation in such program and on finding such
120 satisfactory completion, shall dismiss the charges. If the program
121 provider certifies to the court that such person did not successfully
122 complete the program of community service labor to which such
123 person was assigned or is no longer amenable to participation in such
124 program, the court shall enter a plea of not guilty for such person and
125 immediately place the case on the trial list.

126 (c) The period of participation in a community service labor
127 program shall be: (1) For a violation of section 21a-267, a minimum of
128 fourteen days for a first violation and thirty days for a second violation
129 involving a plea of guilty and conviction; (2) for a violation of
130 subsection (a) of section 21a-279, fourteen days for a first violation and
131 thirty days for a second violation; (3) for a violation of subsection (b) of
132 section 21a-279, ten days for a first violation and twenty days for a
133 second violation; and (4) for a violation of subsection (c) of section 21a-
134 279, two days for a first violation and ten days for a second violation.

135 Sec. 7. Section 54-56i of the general statutes is repealed and the
136 following is substituted in lieu thereof:

137 [(a) Not later than January 1, 1998, but in no event sooner than the
138 establishment of the pilot research drug education program under
139 section 17a-715, the]

140 (a) The Department of Mental Health and Addiction Services shall
141 establish a pretrial drug education program for persons charged with a
142 violation of section 21a-267 or 21a-279.

143 [(b) Upon application by any such person for participation in such
144 program, the court shall, but only as to the public, order the court file
145 sealed provided such person states under oath, in open court or before
146 any person designated by the clerk and duly authorized to administer
147 oaths, under penalties of perjury, that such person has never had such
148 program invoked in such person's behalf. A person shall be ineligible
149 for participation in such pretrial drug education program if such
150 person has previously participated in the drug education program
151 established under this section or the pretrial community service labor
152 program established under section 53a-39c.]

153 [(c)] (b) The court, after consideration of the recommendation of the
154 state's attorney, assistant state's attorney or deputy assistant state's
155 attorney in charge of the case, may, in its discretion, grant [such] an
156 application for participation in the program. If the court grants such
157 application, it shall refer such person to the Bail Commission for
158 confirmation of the eligibility of the applicant.

159 [(d)] (c) Upon confirmation of eligibility, such person shall be
160 referred to the Department of Mental Health and Addiction Services
161 by the Bail Commission for placement in the drug education program.
162 Any person who enters the program shall agree: (1) To the tolling of
163 the statute of limitations with respect to such crime; (2) to a waiver of
164 such person's right to a speedy trial; (3) to any conditions that may be

165 established by the department concerning participation in the drug
166 education program including conditions concerning participation in
167 meetings or sessions of the program; and (4) to accept placement in a
168 treatment program upon the recommendation of a provider under
169 contract with the Department of Mental Health and Addiction Services
170 or placement in a treatment program that has standards substantially
171 similar to, or higher than, a program of a provider under contract with
172 the Department of Mental Health and Addiction Services if the Bail
173 Commission deems it appropriate. The department shall require, as a
174 condition of the assigned program, that such person participate in, and
175 successfully complete, a community service labor program established
176 under section 53a-39c, as amended by this act, for a period of four
177 days.

178 [(e)] (d) If the Bail Commission informs the court that such person is
179 ineligible for the program and the court makes a determination of
180 ineligibility or if the program provider certifies to the court that such
181 person did not successfully complete the assigned program, the court
182 shall [order the court file to be unsealed,] enter a plea of not guilty for
183 such person and immediately place the case on the trial list.

184 [(f)] (e) If such person satisfactorily completes the assigned
185 program, such person may apply for dismissal of the charges against
186 such person and the court, on reviewing the record of such person's
187 participation in such program submitted by the Bail Commission and
188 on finding such satisfactory completion, shall dismiss the charges. If
189 such person does not apply for dismissal of the charges against such
190 person after satisfactorily completing the assigned program, the court,
191 upon receipt of the record of such person's participation in such
192 program submitted by the Bail Commission, may on its own motion
193 make a finding of such satisfactory completion and dismiss the
194 charges. Upon motion of such person and a showing of good cause,
195 the court may extend the placement period for a reasonable period for
196 such person to complete the assigned program. A record of

197 participation in such program shall be retained by the Bail
198 Commission for a period of seven years from the date of application.

199 [(g)] (f) At the time the court grants the application for participation
200 in the pretrial drug education program, such person shall pay to the
201 court a nonrefundable program fee of three hundred fifty dollars,
202 except that no person may be excluded from such program for
203 inability to pay such fee, provided (1) such person files with the court
204 an affidavit of indigency or inability to pay, (2) such indigency or
205 inability to pay is confirmed by the Bail Commission, and (3) the court
206 enters a finding thereof. The court may waive all or any portion of
207 such fee depending on such person's ability to pay. If the court denies
208 the application, such person shall not be required to pay the program
209 fee. If the court grants the application, and such person is later
210 determined to be ineligible for participation in such pretrial drug
211 education program or fails to complete the assigned program, the
212 three-hundred-fifty-dollar program fee shall not be refunded. All such
213 program fees shall be credited to the General Fund.

214 [(h)] (g) The Department of Mental Health and Addiction Services
215 shall develop standards and oversee appropriate drug education
216 programs to meet the requirements of this section and may contract
217 with service providers to provide such programs. The department
218 shall adopt regulations₂ in accordance with chapter 54₂ to establish
219 standards for such drug education programs.

220 [(i)] (h) Any person whose employment or residence or schooling
221 makes it unreasonable to attend a drug program in this state may
222 attend a program in another state that has standards similar to, or
223 higher than, those of this state, subject to the approval of the court and
224 payment of the program fee as provided in this section.

225 Sec. 8. Section 54-105 of the general statutes is repealed and the
226 following is substituted in lieu thereof:

227 (a) The Director of Probation shall be the executive officer of the
228 Office of Adult Probation. The judges of the Superior Court or an
229 authorized committee thereof shall, within the limits of available
230 appropriated funds and subject to the compensation plan established
231 under section 51-12, appoint and fix the salaries and the date when
232 such salaries and services shall commence of such number of
233 probation officers, assistants and other employees as may be necessary
234 to provide [adequate probation service] probation services sufficient to
235 meet the needs of community-supervised offenders. The director shall
236 supervise and direct the work of the probation officers and other
237 employees and may require reports from them. [He] The director shall
238 formulate methods of investigation, supervision, record-keeping and
239 reports. [He] The director shall compile statistics on the work of all
240 probation officers and shall perform such other duties as may be
241 necessary to establish and maintain an efficient probation service in the
242 Superior Court. [He] The director shall prepare and publish such
243 reports as may be required by the Chief Court Administrator. In the
244 pursuance of [his] such duties, [he] the director shall have access to the
245 records of probation officers. [He] The director shall maintain a record
246 of all probationers.

247 (b) The Director of Probation shall establish within the Office of
248 Adult Probation an intensive probation program, which shall be
249 operated separately from regular probation except that it may share
250 facilities and administrative services. The purpose of intensive
251 probation is to place persons in the community under close
252 supervision and restriction to ensure public safety, reduce prison
253 overcrowding and contribute to the rehabilitation of persons in the
254 program. There shall be periodic testing for drug or alcohol use for
255 those probationers on intensive probation who have been identified as
256 having histories of drug or alcohol abuse. Any defendant placed on
257 intensive probation who fails to comply with the conditions of [his]
258 such defendant's intensive probation shall be presented to the court as
259 provided in subsection (a) of section 53a-32 for a hearing to be

260 conducted in accordance with said subsection. If such defendant is
261 found by the court to have violated any condition of [his] such
262 defendant's intensive probation, the sentencing court or judge may
263 continue such defendant on intensive probation, modify or enlarge the
264 conditions of intensive probation or revoke the intensive probation
265 and either require the defendant to serve the balance of the sentence
266 imposed or impose any lesser sentence. The director shall have the
267 same powers and duties with respect to the intensive probation
268 program as [he] the director has with respect to regular probation
269 under subsection (a) of this section. Persons may be placed on
270 intensive probation pursuant to an order of a court or judge under
271 section 53a-30 or 53a-39a, as amended by this act, or as required by the
272 Office of Adult Probation.

273 (c) Subject to the approval of the Chief Court Administrator, the
274 Director of Probation may establish within the Office of Adult
275 Probation a community service program, including a community
276 service labor program, which will assign, supervise and report
277 compliance of persons sentenced to perform community service as a
278 condition of probation or conditional discharge. Prior to the
279 establishment of such a community service labor program, the Director
280 of Probation shall certify to the Chief Court Administrator that all
281 anticipated costs of a program sufficient for the number of eligible
282 persons expected to be assigned to it can be paid for within available
283 appropriations. If the Director of Probation establishes such a
284 community service program, [said] the director shall, subject to the
285 approval of the Chief Court Administrator, contract with service
286 providers, develop standards and oversee community service
287 programs to implement such program.

288 (d) The Director of Probation shall [establish within the Office of
289 Adult Probation a program wherein eighty-four probation officers
290 shall have a caseload of not more than thirty-five probationers per
291 officer for the purpose of providing high level supervision. This

292 program shall be implemented with funds appropriated pursuant to
293 section 48 of public act 90-213*, provided such caseload may be
294 increased at the discretion of the Director of Probation if funding for
295 the current service level for the Office of Adult Probation is reduced]
296 annually determine probation officer caseloads sufficient to meet the
297 needs of community-supervised offenders.

298 Sec. 9. Section 54-124b of the general statutes is repealed and the
299 following is substituted in lieu thereof:

300 The [chairman] chairperson of the Board of Parole, in consultation
301 with the members of the board and representatives of parole officers,
302 shall annually [review and establish goals for parole officer to parolee
303 caseload ratio] determine the caseload of parolees per parole officer to
304 meet the needs of community-supervised offenders.

305 Sec. 10. Section 54-128 of the general statutes is repealed and the
306 following is substituted in lieu thereof:

307 (a) If a paroled convict or inmate has violated parole, as established
308 by the parole officer, and the offense for which the parolee was
309 originally sentenced to parole did not involve the use, attempted use,
310 or threatened use of physical force against another person, the Board
311 of Parole shall modify the conditions of parole to address the cause of
312 the parolee's violation and the parolee's treatment needs. If the Board
313 of Parole finds that such modification of parole conditions is not
314 appropriate under the circumstances, the court may return the parolee
315 to the custody of the Commissioner of Correction or any institution of
316 the Department of Correction pursuant to subsection (b) of this section.

317 [(a)] (b) Any paroled convict or inmate who has been returned to the
318 custody of the Commissioner of Correction or any institution of the
319 Department of Correction for violation of [his] such convict's or
320 inmate's parole may be retained in the institution from which [he] such
321 convict or inmate was paroled for a period equal to the unexpired

322 portion of the term of [his] such convict's or inmate's sentence at the
323 date of the request or order for [his] such convict's or inmate's return
324 less any commutation or diminution of [his] such convict's or inmate's
325 sentence earned, except that the Board of Parole may, in its discretion,
326 determine that [he] such convict or inmate shall forfeit any or all of
327 such earned time, or may be again paroled by said board.

328 [(b)] (c) Each parolee or inmate, subject to the provisions of section
329 18-7, shall be subject to loss of all or any portion of time earned.

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

340 Sec. 11. (a) There is established a sentencing task force to evaluate
341 the criminal sentencing process at the felony level. The task force shall:
342 (1) Review existing sentencing laws; (2) evaluate the actual versus the
343 intended impact of sentencing practices and trends as they relate to the
344 overall policy; (3) measure the impact of sentencing laws and practices
345 on the growth of the inmate and community-supervised offender
346 populations; (4) review all statutory and administrative bond options
347 and practices; (5) assess the effectiveness of mandatory minimum
348 sentences, persistent offender statutes and eligibility criteria for
349 criminal justice sentencing and sanction options; and (6) estimate the
350 cost of any changes proposed.

351 (b) The sentencing task force shall consist of the following members:
352 (1) A state's attorney appointed by the Chief State's Attorney; (2) a

353 public defender appointed by the Chief Public Defender; (3) the chief
354 administrative judge for the Criminal Division of the Superior Court;
355 (4) a bail commissioner appointed by the Chief Court Administrator;
356 (5) a probation supervisor appointed by the Chief Court
357 Administrator; (6) the Commissioner of Correction; (7) the chairperson
358 of the Board of Parole; (8) the Victim Advocate; (9) an assistant
359 attorney general dealing with criminal justice matters appointed by the
360 Attorney General; (10) a representative from the Connecticut Bar
361 Association's criminal justice section; (11) the chairpersons of the joint
362 standing committee of the General Assembly having cognizance of
363 matters relating to judiciary; and (12) six members of the General
364 Assembly, one of whom shall be appointed by the speaker of the
365 House of Representatives, one of whom shall be appointed by the
366 president pro tempore of the Senate, one of whom shall be appointed
367 by the majority leader of the House of Representatives, one of whom
368 shall be appointed by the majority leader of the Senate, one of whom
369 shall be appointed by the minority leader of the House of
370 Representatives and one of whom shall be appointed by the minority
371 leader of the Senate.

372 (c) All appointments to the task force shall be made no later than
373 thirty days after the effective date of this section. Any vacancy shall be
374 filled by the appointing authority.

375 (d) The chairpersons of the joint standing committee of the General
376 Assembly having cognizance of matters relating to judiciary shall be
377 the chairpersons of the task force. Such chairpersons shall schedule the
378 first meeting of the task force, which shall be held no later than sixty
379 days after the effective date of this section.

380 (e) The administrative staff of the joint standing committee of the
381 General Assembly having cognizance of matters relating to judiciary
382 shall serve as administrative staff of the task force.

383 (f) Not later than January 2, 2002, the task force shall submit a report

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, Department of Mental Health and Addiction Services

Municipal Impact: None

The following Table contains a section-by-section summary of the impact. Further explanation of each section that results in a non-minimal impact follows the summary.

Sec.	Description	Impact
1(a)	Requires treatment sufficient to meet needs of offenders	Potential Significant Cost
1(b)	Requires screens for substance abuse dependency	None (capacity already exists)
1(c)	Requires transitional caseworkers for released inmates	>\$6.5 million
2	Establish sentencing teams in all criminal courts	None ¹
3-4	Allows offenders to participate in drug treatment programs more than once	DMHAS: Indeterminate Cost; DOC: Indeterminate Savings
5 (b,c)	Expands eligibility and programs in drug court	Minimal Cost ²
5(d)	DMHAS must contract for drug court services	Indeterminate Cost
6	Expand CSLP eligibility to include possession of drug	Minimal Cost

¹ 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.

² The current drug courts have capped participation levels as follows: New Haven - 100; Waterbury - 80; Bridgeport - 80; and Hartford Juvenile - 40.

	paraphernalia offenses	
7	Allows participation in Pretrial Drug Education program more than once	Indeterminate Cost and Revenue
8	Probation services must be sufficient to meet need	Potential Significant Cost
9	Parole officer caseload should be primarily based on meeting the needs of the offender population	Potential Significant Cost
10	Board of Parole is required to modify the conditions of parole for certain violators	Potential Indeterminate Savings
11	Establishes sentencing task force	Minimal Cost
12	Repeals review of substance abuse programs by DOC	None

Explanation

State Impact:

Section 1(a) of the bill requires the Department of Correction (DOC), in cooperation with the Department of Mental Health and Addiction Services (DMHAS), to provide treatment services to its offender population “sufficient to meet the service needs” of the population. The department currently provides services as outlined in the bill. To the extent, that it is determined that the level of services provided is insufficient; passage of the bill would result in potential indeterminate cost. All incarcerated offenders are currently screened for various needs upon entering the correctional system. Offenders are also screened for various needs before participating in community supervision programs.

The University of Connecticut Health Center (UCHC) assumed all responsibility for inmate medical services in FY 98. The state currently spends about \$70 million on inmate health care, which is an almost 40% increase in expenditures since UCHC initially took over. A majority of this increase is related to efforts to provide more mental health and substance abuse services. According to the department, approximately 80% of the offenders require some sort of substance abuse treatment. In addition, DOC spends over \$17 million on community residential and non-residential services.

DOC 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.

Section 1(c) requires DMHAS to provide a transitional caseworker for all inmates released to the community. The bill does not specify that such caseworkers be available only to inmates with behavioral health issues. This requirement will result in significant additional costs to DMHAS. Based on current release trends at the 20 existing DOC facilities, it is estimated that DMHAS would be required to add up to 100 clinical case managers, as well as administrative and supervisory staff, in order to provide these transitional services at all DOC facilities in the state. Total costs for these efforts are expected to exceed \$6.5 million.

Sections 3-4 allow additional individuals to participate in treatment programs operated by DMHAS rather than being sentenced to a period of incarceration. This would result in indeterminate costs to DMHAS and indeterminate savings to DOC. Since a stay in a drug treatment program is typically longer than a period of incarceration, the net impact is uncertain.

Section 5 requires DMHAS to make a determination as to opiate dependence for all cases before the drug court. These clinical evaluations will result in significant increased costs to DMHAS. These costs will be dependent upon the volume of cases that are referred to this drug court. This cannot be determined at this time.

Section 7 results in indeterminate savings to DOC and indeterminate cost to DMHAS by expanding the number of individuals that would participate in the Pre-Trial Drug Education Program rather than being sentenced to a period of incarceration.

Section 8 if implemented in a manner to reduce probation caseloads

to a more manageable level would result in a cost of \$2.8 million in FY 02 and \$5.6 million in FY 03 for 60 additional probation officers in each year. The current average caseload per officer is about 240 cases.

Section 9 of the bill requires that parole officer caseloads be determined based on meeting the needs of the community-supervised offenders. Current law requires the Board of Parole to annually review and establish goals for parole officer to parolee caseload ratios. The board supervises over 1,600 offenders and the average caseload per officer is between 30 and 40 parolees. To the extent that the caseload ratio is insufficient to meet certain needs, passage of the bill would result in potential indeterminate costs related to the hiring of additional parole officers.

Section 10 of the bill requires the Board of Parole to modify the conditions of parole for certain parole violators whose original sentences were non-violent. To the extent that this provision of the bill encourages the court to return certain parole violators to the community instead of prison, passage of the bill would reduce the need for prison beds in these circumstances. While the Board was unable to provide statistics as to how many violators may be affected by such a proposal, there are over 3,000 offenders in prison for violation of parole and probation. It should be noted that the annual cost per incarcerated offender is \$25,000 and the annual cost per parolee is below \$5,000.

OLR Bill Analysis

sSB 1083

AN ACT CONCERNING ENHANCED SUPERVISION OF OFFENDERS AND ENHANCED ACCESS TO SUBSTANCE ABUSE TREATMENT AND OTHER TREATMENT PROGRAMS IN THE CRIMINAL JUSTICE SYSTEM.**SUMMARY:**

This bill:

1. requires the Correction Department 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 people to participate in the Judicial Department's drug treatment program and in the Department of Mental Health's pretrial drug education program even if they participated before;
3. allow people to apply to participate in the community service labor program even if they have been 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.

EFFECTIVE DATE: October 1, 2001

SUBSTANCE ABUSE TREATMENT FOR INMATES

The bill requires the Department of Correction (DOC), in cooperation with the Department of Mental Health and Addiction Services (DMHAS), to provide treatment services that are sufficient to meet the needs of inmates and those in DOC-supervised programs in the community. These services must also ensure public safety, reduce recidivism, and reduce prison overcrowding. They must include training; rehabilitation; substance abuse, mental health, and anger management treatment; and detoxification and maintenance treatment to those DOC determines would benefit. But it bars inmates who are expected to stay in prison for more than one year from detoxification and maintenance treatment.

The bill requires DOC, the Parole Board, and the Judicial Department to cooperate with the Department of Mental Health and Addiction Services (DMHAS) in establishing substance abuse screening programs in correctional and community-based facilities. And it requires DMHAS to provide transitional caseworkers to inmates who are released into the community. These caseworkers are to manage and the support inmates' reintegration into the community and coordinate the treatment programs DOC establishes under the bill.

PARTICIPATION IN PRISON DIVERSION PROGRAMS

Drug Treatment in Lieu of Prosecution Program

The bill allows a court to order a person to participate in this Judicial Department program even if he participated previously. Current law bars previous participants in this program (or its predecessors) from

participating again.

Pretrial Drug Education Program

The bill allows people to participate in this DMHAS program even if they previously participated in it or the community service labor program. Current law makes them ineligible for participation. The bill also eliminates the requirement that the court deny public access to the case file of an applicant who swears in open court the he has not previously participated in the program.

Community Service Labor Program

It also allows a person to apply to participate in the Judicial Department's community service labor program even if he was previously convicted of one of the following drug-related crimes:

1. possession, sale, or delivery of drug paraphernalia (CGS § 21a-267);
2. illegal manufacture, distribution, sale, prescription, or dispensing of hallucinogens (CGS § 21a-277);
3. illegal manufacture, distribution, sale, prescription, or administration of narcotics, hallucinogens, and other drugs by a non-drug-dependent person (CGS § 21a-278); and
4. possession of drugs (CGS § 21a-279).

Current law prohibits anyone with a prior conviction for one of these crimes from applying for participation. A judge still has discretion in placing an applicant in the program, and the law continues to bar a person from participating in the program more than two times.

The bill sets new mandatory minimum program participation periods depending on the specific charge and the whether it is a first or second offense on the same charge. Current law requires a 14-day minimum for a first violation and a 30-day minimum for a second violation of either of the crimes that make a person eligible for this program (possession, sale, or delivery of drug paraphernalia and drug possession). The bill establishes the following schedule:

Crime	1st Violation	2nd Violation
Possession, sale, or delivery of drug paraphernalia (21a-267)	14 days	30 days
Narcotics possession (21a-279(a))	14 days	30 days
Possession of hallucinogen or more than 4 ounces of marijuana (21a-279(b))	10 days	20 days
Possession of non-narcotic controlled substance, hallucinogen, or less than 4 ounces of marijuana (CGS 21a-279(c))	2 days	10 days

SUBSTANCE ABUSE DOCKETS

Current law allows the chief court administrator to establish special drug dockets in geographic area and juvenile courts. These are targeted to drug-dependent 16- to 21- year- olds who could benefit from substance abuse treatment. This bill requires each court with a drug docket to offer, by January 2, 2002, detoxification, maintenance, and other treatment programs to all offenders DMHAS determines are addicted to opiates and need detoxification or maintenance. These programs can include methadone treatment.

The courts must cooperate with DMHAS in this effort, and DMHAS must contract with licensed methadone treatment programs to provide services. DMHAS must also establish a statewide registry of program participants. (Juvenile Court case records are, by law, confidential. Allowing public access to registry information concerning juveniles might conflict with this confidentiality requirement.)

The bill prohibits the court from barring an offender from participating in drug docket programs solely because (1) he is charged with a crime involving the sale of drugs or (2) he previously dropped out of a substance abuse treatment program against medical advice or relapsed after prior treatment.

SENTENCING

Sentencing Teams

Under the bill, a sentencing team must be created in each criminal court location to advise judges on (1) appropriate sentences, (2) maximizing use of graduated sanctions, (3) increasing criminal justice agencies' use of community correction programs, and (4) improving the criminal justice system's organizational capacity. The teams are composed of a judge, a state's attorney, a public defender, a bail commissioner, a probation officer, a criminal sanctions monitor, DMHAS and DOC representatives, and a parole officer from the Parole Board's Hearings Division.

Sentencing Task Force

The bill creates an 18-member task force to evaluate the process of sentencing felons. It must:

1. review existing sentencing laws and evaluate their effect and the effect of sentencing practices on the growth in the number of inmates and offenders in community supervision;
2. compare the actual effect of sentencing practices and trends on overall (presumably criminal justice) policy to their intended effect;
3. review all statutory and administrative bond options and practices;
4. assess the effectiveness of mandatory minimum sentences, persistent offender laws, and eligibility criteria for criminal sentencing and sanctions; and
5. estimate the cost of any changes the task force proposes.

The task force is composed of:

1. a state's attorney appointed by the chief state's attorney;
2. a public defender appointed by the chief public defender;
3. the chief administrative judge of the Superior Court's Criminal

Division;

4. a bail commissioner and a probation supervisor each appointed by the chief court administrator;
5. the DOC commissioner;
6. the Board of Parole chairman;
7. the victim advocate;
8. an assistant attorney general who deals with criminal justice matters appointed by the attorney general;
9. a representative of the Connecticut Bar Association's criminal justice section;
10. the Judiciary Committee chairmen, who serve as the task force's chairmen; and
11. six legislators appointed by legislative leaders.

All appointments must be made by October 30, 2001 and the chairmen must convene the task force by November 29th. The task force must report to the Judiciary Committee by January 2, 2002. The Judiciary Committee staff must provide administrative support.

PAROLE AND PROBATION

Parole Violations

The bill requires the Parole Board to modify a parole violator's conditions of release if the person's original conviction was for a crime that did not involve the use, attempted use, or threat of physical violence. The modifications must address the reasons the parolee violated parole and his treatment needs. But, if the board finds that modifications are not appropriate, the court can return the parolee to the correction system. Under current law, parole violators are arrested and sent to DOC custody. The courts do not play a role in this process.

Parole and Probation Caseloads

The bill makes meeting the needs of community-supervised offenders the standard for determining parole and probation officer caseload ratios. Current law requires the Parole Board annually to review and establish goals for parole officer-parolee ratios and requires the Office of Adult Probation to provide adequate probation services. The bill eliminates the requirement that the director of probation establish a 35-person caseload for 84 probation officers if needed appropriations are available.

BACKGROUND***Drug Treatment in Lieu of Prosecution Program (CGS § 19a-692-701)***

A court can order a drug-dependent offender into a DMHAS or DOC treatment program in lieu of prosecution or incarceration, if an examiner determines he needs and would benefit from treatment. The court can suspend prosecution for an eligible person for up to two years and place him on probation. If he successfully completes the program and complies with other probation conditions, the court can terminate the probation and release him. If he does not, the court can terminate the suspended prosecution or sentence and proceed to trial or send him to prison or impose other probation conditions on him.

Pretrial Drug Education (CGS § 54-56i)

This DMHAS program is available to people charged with possession of illegal drugs or drug paraphernalia if a prosecutor recommends participation. Participants must agree to participate in an approved program and successfully complete four days in the community service labor program. The court must dismiss the charge of anyone who asks after it determines that he successfully completed the program. The court can also extend the placement if the person asks for this.

Community Service Labor Program (CGS § 53a-39c)

This program is also for people charged with possession of illegal

drugs or drug paraphernalia. It can be a pretrial diversion, or if the person has previously been convicted of such a charge, part of sentence of conditional discharge or a condition of probation. It includes unpaid labor for government, such a picking up litter, and unpaid labor for nonprofit organizations, such as painting buildings. If a person satisfactorily completes the program, the court must dismiss the charges against him; if he does not, his case must go to trial.

Related Bills

sSB 1428, which the Judiciary Committee favorably reported on April 17, (1) establishes a diversion program for those convicted of non violent drug possession offense; (2) establishes probation and parole violation procedures and standards for those offenders; (3) establishes a pre trial 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.

sHB 6802 was reported out by the Judiciary Committee on April 17. It (1) replaces the current 15-member parole board with a full-time three-member board; (2) requires the board to reassess certain inmates after they have served 75% of their sentence in prison, to assess certain other inmates after they completed 85% of their sentence in prison, and changes the parole criteria the board must use when it does so; (3) allows a court to impose a probation period as part of a sentence if the nonsuspended prison term is one year or less; (4) allows a court to impose a period of special parole as part of a sentence only when the nonsuspended prison term is more than one year; (5) establishes a Justice Planning Division within OPM; (6) adds certain officials to the Commission on Prison and Jail Overcrowding and establishes and 18-member community corrections subcommittee of the commission; (7) requires a probation officer to prepare a sentencing worksheet

whenever a presentence investigation is required or requested by the courts; requires the Judicial Branch to establish a sentencing team at all criminal court locations; and (8) requires OLR and OFA to prepare prison impact statements for bills that would affect prosecutions, sentences, and prisons.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 24 Nay 1

Judiciary Committee

Joint Favorable Substitute

Yea 31 Nay 5