



General Assembly

Substitute Bill No. 6802

January Session, 2001

**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 Section 2-24 of the general statutes is repealed and the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 54-124a of the general statutes is repealed and the
435 following is substituted in lieu thereof:

436 (a) There shall be a Board of Parole which, on and after July 1, [1998]
437 2001, shall consist of [fifteen] three members [, including a chairman
438 and two vice-chairmen who shall be] appointed by the Governor with
439 the advice and consent of either house of the General Assembly. [The
440 chairman and vice-chairmen shall be qualified by training, experience
441 or education in law, criminal justice, parole matters or other related
442 fields for the consideration of the matters before them and the other
443 members shall be qualified by training and experience for the
444 consideration of matters before them.] In the appointment of the
445 members, the Governor shall endeavor to reflect the racial diversity of
446 the state. The Governor shall appoint a chairperson from among the

447 membership. The chairperson of the board shall be qualified by
448 education, experience and training in the administration of community
449 corrections, probation or parole; one member of the board shall be
450 qualified by education, experience and training in the administration
451 of substance abuse and mental health treatment services and one
452 member of the board shall be qualified by education, experience and
453 training in the law.

454 (b) The term of each appointed member of the board serving on
455 June 30, 2001, shall expire on said date. The term of [the chairman and
456 the term of each vice-chairman] each member of the board beginning
457 on or after July 1, 2001, shall be coterminous with the term of the
458 Governor or until a successor is chosen, whichever is later. [The terms
459 of all members, except the chairman, shall expire on July 1, 1994, and
460 on or after July 1, 1994, members shall be appointed in accordance with
461 subsection (a) of this section as follows: Six members shall be
462 appointed for a term of two years; and six members shall be appointed
463 for a term of four years. Thereafter, all members shall serve for terms
464 of four years.] Any vacancy in the membership of the board shall be
465 filled for the unexpired portion of the term by the Governor.

466 (c) The [chairman and vice-chairmen] members of the board shall
467 devote their entire time to the performance of their duties hereunder
468 and shall be compensated therefor in such amount as the
469 Commissioner of Administrative Services determines, subject to the
470 provisions of section 4-40. [The other members of said board shall
471 receive one hundred ten dollars for each day spent in the performance
472 of their duties and shall be reimbursed for necessary expenses incurred
473 in the performance of such duties. The chairman or, in his absence or
474 inability to act, a member designated by him to serve temporarily as
475 chairman, shall be present at all meetings of said board and participate
476 in all decisions thereof.]

477 (d) [Said chairman] The chairperson shall be the executive and
478 administrative head of said board and shall have the authority and
479 responsibility for (1) [directing and supervising] overseeing all

480 administrative affairs of the board, [(2) preparing the budget and
481 annual operation plan in consultation with the board, (3) assigning
482 staff to parole panels, regions and supervision offices, (4) organizing
483 parole hearing calendars to facilitate the timely and efficient
484 processing of cases, (5) implementing a uniform case filing and
485 processing system, (6)] (2) establishing policy in all areas of parole
486 including, but not limited to, decision making, release criteria and
487 supervision standards, [(7) establishing specialized parole units as
488 deemed necessary, (8) entering into contracts, in consultation with the
489 board, with service providers, community programs and consultants
490 for the proper function of parole and community supervision, (9)
491 creating programs for staff and board member development, training
492 and education, (10) establishing, developing and maintaining
493 noninstitutional, community-based service programs, (11)] (3)
494 consulting with the Department of Correction on shared issues
495 including, but not limited to, prison overcrowding, (4) consulting with
496 the judicial branch on shared issues of community supervision, (5)
497 placing in a community-based residential program any inmate whose
498 release on parole has been approved and who is within eighteen
499 months of the date of such release, and [(12)] (6) signing and issuing
500 subpoenas to compel the attendance and testimony of witnesses at
501 parole proceedings. Any such subpoena shall be enforceable to the
502 same extent as subpoenas issued pursuant to section 52-143.

503 [(e) The chairman shall have the authority and responsibility for
504 assigning members to panels, each to be composed of two members
505 and the chairman or a member designated to serve temporarily as
506 chairman, for each correctional institution. Such panels shall be the
507 paroling authority for the institutions to which they are assigned and
508 not less than two members shall be present at each parole hearing.]

509 (e) The members of the board shall conduct all revocation and
510 rescission hearings and approve or deny all parole releases
511 recommended after an administrative review as provided in section
512 54-125b.

513 (f) The chairperson of the board shall appoint an executive director.
514 The executive director shall appoint an assistant director for the
515 hearings division and an assistant director for the parole supervision
516 division. The executive director shall oversee the administration of the
517 agency and, at the discretion of the chairperson, shall: (1) Direct and
518 supervise all administrative affairs of the board, (2) prepare the budget
519 and annual operation plan, (3) assign staff to administrative review,
520 regions and supervision offices, (4) organize parole hearing calendars,
521 (5) implement a uniform case filing and processing system, (6)
522 establish specialized parole units, (7) establish parole officer to parolee
523 caseload ratios based on supervision levels and standards with the
524 objective that on and after July 1, 2004, the average caseload does not
525 exceed sixty-five parolees, (8) enter into contracts with service
526 providers, community programs and consultants, (9) create programs
527 for staff and board member development, training and education, and
528 (10) establish, develop and maintain noninstitutional, community-
529 based service programs.

530 (g) The chairperson and executive director shall develop policies
531 and procedures for:

532 (1) Parole revocation and rescission hearings that include
533 implementing due process requirements and creating a bifurcated
534 system with a preliminary evidentiary hearing and a formal hearing;

535 (2) A graduated sanctions system for parole violations including,
536 but not limited to, reincarceration based on the type, severity and
537 frequency of the violation and specific periods of incarceration for
538 certain types of violations; and

539 (3) A parole orientation program for all parole-eligible inmates upon
540 their transfer to the custody of the Commissioner of Correction that
541 will provide general information on the laws and policies regarding
542 parole release, calculation of time-served standards, general conditions
543 of release, supervision practices, revocation and rescission policies,
544 and procedures for administrative review and panel hearings, and any

545 other information that the board deems relevant for preparing inmates
546 for parole.

547 [(f)] (h) In the event of the temporary inability of any member [other
548 than the chairman] to perform his or her duties, the Governor, at the
549 request of the board, may appoint a qualified person to serve as a
550 temporary member during such period of inability.

551 [(g)] (i) The Board of Parole shall: (1) Adopt an annual budget and
552 plan of operation, (2) adopt such rules as deemed necessary for the
553 internal affairs of the board, (3) develop policy for and administer the
554 operation of the Interstate Parole Compact, and (4) submit an annual
555 report to the Governor and General Assembly.

556 Sec. 15. (NEW) Notwithstanding any provision of the general
557 statutes, when sentencing a person convicted of an offense for which
558 there is a mandatory minimum sentence or for which there is an
559 enhanced penalty on account of such person being found to be a
560 persistent offender, the court may, upon a showing of good cause by
561 the defendant, depart from the prescribed mandatory minimum
562 sentence or persistent offender sentence, provided the court, at the
563 time of sentencing, states in open court the reasons for imposing the
564 particular sentence and the specific reason for imposing a sentence that
565 departs from the prescribed mandatory minimum sentence or
566 persistent offender sentence.

567 Sec. 16. Section 54-125b of the general statutes is repealed and the
568 following is substituted in lieu thereof:

569 (a) A person whose eligibility for parole release is subject to
570 subsection (a) of section 54-125a, as amended by this act, may be
571 allowed to go on parole in accordance with section 54-125a, as
572 amended by this act, or 54-125g without a parole hearing being
573 conducted by a panel of the Board of Parole if (1) an employee of the
574 Board of Parole has reviewed the inmate's case and recommended
575 parole be granted to such person, and (2) such recommendation has
576 been approved by at least two members of a panel of the board. A

577 parole hearing shall be conducted by a panel of the Board of Parole if
578 the chairperson of the board deems such a hearing to be necessary or if
579 a victim, as defined in sections 54-201 and 54-226, requests such a
580 hearing.

581 [(b) No inmate may be released pursuant to the provisions of
582 subsection (a) of this section if he or she has been convicted of a
583 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
584 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-
585 134 or 53a-196a or has more than three years remaining on his or her
586 sentence.]

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

591 Sec. 17. This act shall take effect July 1, 2001.

PRI

JOINT FAVORABLE SUBST. C/R

JUD