



General Assembly

Amendment

January Session, 2001

LCO No. 8709

Offered by:

REP. MALONE, 47th Dist.

REP. FARR, 19th Dist.

REP. LAWLOR, 99th Dist.

REP. WASSERMAN, 106th Dist.

REP. DIAMANTIS, 79th Dist.

SEN. COLEMAN, 2nd Dist.

REP. DYSON, 94th Dist.

SEN. HARP, 10th Dist.

To: Subst. House Bill No. 6802

File No. 814

Cal. No. 408

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

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (a) The Justice Planning Division existing within
4 the Office of Policy and Management shall provide interagency
5 leadership and coordination of criminal justice agencies and evaluate
6 and develop criminal justice policy based on a comprehensive analysis
7 of data and information.

8 (b) The Justice Planning Division shall, within available
9 appropriations: (1) Make recommendations to develop and implement
10 community-based sentencing and sanction options; (2) coordinate the
11 efforts of all criminal justice agencies in accordance with such

12 recommended sentencing policy; (3) examine the impact of laws and
13 policies on community-based sentencing and sanction options; (4)
14 examine the impact of community-based sentencing and sanction
15 options on prison and jail overcrowding; (5) assist the Commission on
16 Prison and Jail Overcrowding in the preparation of the annual
17 comprehensive state criminal justice plan for preventing prison and jail
18 overcrowding that includes pretrial and post-sentencing options that
19 minimize the number of offenders in prisons and jails; (6) coordinate
20 community-based sentencing and sanction options with state mental
21 health and substance abuse plans; (7) develop strategies to assist in the
22 siting of community-based programs and services; (8) research and
23 analyze data with respect to the impact of community correction
24 efforts on reducing crime and recidivism and the resulting impact on
25 prison and jail overcrowding; and (9) submit an annual plan for
26 community-based sentencing and sanction options, with
27 recommendations, to the Commission on Prison and Jail
28 Overcrowding for inclusion in the commission's annual
29 comprehensive state criminal justice plan for preventing prison and jail
30 overcrowding.

31 Sec. 2. Section 18-87j of the general statutes is repealed and the
32 following is substituted in lieu thereof:

33 There is established a Commission on Prison and Jail Overcrowding
34 which shall be within the Office of Policy and Management for
35 administrative purposes only. Said commission shall consist of the
36 Chief Court Administrator or [his] the Chief Court Administrator's
37 designee, the Commissioner of Correction, the chairperson of the
38 Board of Parole, the Commissioner of Public Safety, the Chief State's
39 Attorney or [his] the Chief State's Attorney's designee, the Chief Public
40 Defender or [his] the Chief Public Defender's designee, [and] the Chief
41 Bail Commissioner or other designee of the Chief Court Administrator,
42 the director of the Justice Planning Division of the Office of Policy and
43 Management, the Commissioner of Mental Health and Addiction
44 Services or the commissioner's designee and [the Governor shall
45 appoint the following members] eight members appointed by the

46 Governor as follows: Three government officials, a police chief, two
47 persons representing offender and victim services within the private
48 community and two public members. The Governor shall appoint a
49 chairperson from among the members of the commission. The
50 commission shall meet at [such times as it deems necessary] least
51 quarterly each year.

52 Sec. 3. (NEW) The Judicial Branch shall establish a sentencing unit at
53 all criminal court locations comprised of the appropriate participants
54 in the sentencing process to (1) facilitate the use of graduated sanctions
55 for pretrial and sentenced offenders, and (2) increase criminal justice
56 agencies' awareness of community corrections options.

57 Sec. 4. Subsection (b) of section 53a-28 of the general statutes is
58 repealed and the following is substituted in lieu thereof:

59 (b) Except as provided in section 53a-46a, when a person is
60 convicted of an offense, the court shall impose one of the following
61 sentences: (1) A term of imprisonment; or (2) a sentence authorized by
62 section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and
63 a fine; or (5) a term of imprisonment, with the execution of such
64 sentence of imprisonment suspended [,] entirely, [or after a period set
65 by the court,] and a period of probation or a period of conditional
66 discharge; or (6) a term of imprisonment, with the execution of such
67 sentence of imprisonment suspended [,] entirely, [or after a period set
68 by the court,] and a fine and a period of probation or a period of
69 conditional discharge; or (7) a term of imprisonment, with the
70 execution of such sentence of imprisonment suspended after a period
71 set by the court of not more than two years, and a period of probation
72 or a period of conditional discharge; or (8) a term of imprisonment,
73 with the execution of such sentence of imprisonment suspended after a
74 period set by the court of not more than two years, and a fine and a
75 period of probation or a period of conditional discharge; or [(7)] (9) a
76 fine and a sentence authorized by section 18-65a or 18-73; or [(8)] (10) a
77 sentence of unconditional discharge; or [(9)] (11) a term of
78 imprisonment of more than two years and a period of special parole as

79 provided in section 54-125e, as amended by this act; or (12) a term of
80 imprisonment of more than two years, and a fine and a period of
81 special parole as provided in section 54-125e, as amended by this act.
82 Notwithstanding the provisions of subdivision (7) or (8) of this
83 subsection, whenever the court deems it appropriate or when a person
84 is convicted of a violation of subdivision (2) of subsection (a) of section
85 53-21 or section 14-227a, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or
86 53a-72b, the court may impose a sentence of a term of imprisonment,
87 with the execution of such sentence of imprisonment suspended after a
88 period set by the court, and (A) a period of probation or conditional
89 discharge, or (B) a fine and a period of probation or conditional
90 discharge.

91 Sec. 5. (NEW) When imposing a sentence of a period of special
92 parole in accordance with subdivision (11) or (12) of subsection (b) of
93 section 53a-28 of the general statutes, as amended by this act, the court
94 shall establish the conditions of a defendant's release on special parole
95 and may, as a condition of the sentence, order the defendant to: (1)
96 Make reasonable efforts to obtain and maintain suitable employment
97 or to pursue a course of study or of vocational training that will equip
98 the defendant for suitable employment; (2) undergo medical or
99 psychiatric treatment and remain in a specified institution, when
100 required for that purpose; (3) support the defendant's dependents and
101 meet other family obligations according to the defendant's ability to do
102 so; (4) make restitution of the fruits of the defendant's offense or make
103 restitution, in an amount the defendant can afford to pay or provide in
104 a suitable manner, for the loss or damage caused thereby and the court
105 may fix the amount thereof and the manner of performance; (5) refrain
106 from violating any criminal law of the United States, this state or any
107 other state; (6) reside in a residential community center or halfway
108 house approved by the chairperson of the Board of Parole; (7)
109 participate in a program of community service in accordance with
110 section 51-181c of the general statutes; (8) if convicted of a violation of
111 subdivision (2) of subsection (a) of section 53-21, section 53a-70, 53a-
112 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b of the general statutes,

113 undergo specialized sexual offender treatment; and (9) satisfy any
114 other conditions reasonably related to the defendant's rehabilitation.
115 The court shall cause a copy of any such order to be delivered to the
116 defendant and to the Board of Parole.

117 Sec. 6. Section 54-97 of the general statutes is repealed and the
118 following is substituted in lieu thereof:

119 No person may be committed to [the Connecticut Correctional
120 Institution, Somers,] a correctional institution or a community
121 correctional center without a mittimus signed by the judge or clerk of
122 the court which committed [him] such person or, with respect to a
123 person sentenced to a period of special parole, signed by the
124 chairperson of the Board of Parole, declaring the cause of commitment
125 and requiring the warden or community correctional center
126 administrator to receive and keep [him] such person in the
127 [Correctional Institution, Somers,] correctional institution or the
128 community correctional center, as the case may be, for the period fixed
129 by the judgment of said court or said board or until [he] such person is
130 legally discharged; and such mittimus shall be sufficient authority to
131 the officer to commit such person, and to the warden or community
132 correctional center administrator to receive and hold [him] such person
133 in custody, except that any community correctional center may receive
134 any person as provided in section 7-135 without such mittimus.

135 Sec. 7. Section 54-105 of the general statutes is repealed and the
136 following is substituted in lieu thereof:

137 (a) The Director of Probation shall be the executive officer of the
138 Office of Adult Probation. The judges of the Superior Court or an
139 authorized committee thereof shall, within the limits of available
140 appropriated funds and subject to the compensation plan established
141 under section 51-12, appoint and fix the salaries and the date when
142 such salaries and services shall commence of such number of
143 probation officers, assistants and other employees as may be necessary
144 to provide adequate probation service including meeting the needs of

145 community-supervised offenders. The director shall supervise and
146 direct the work of the probation officers and other employees and may
147 require reports from them. [He] The director shall formulate methods
148 of investigation, supervision, record-keeping and reports. [He] The
149 director shall compile statistics on the work of all probation officers
150 and shall perform such other duties as may be necessary to establish
151 and maintain an efficient probation service in the Superior Court. [He]
152 The director shall prepare and publish such reports as may be required
153 by the Chief Court Administrator. In the pursuance of [his] such
154 duties, [he] the director shall have access to the records of probation
155 officers. [He] The director shall maintain a record of all probationers.

156 (b) The Director of Probation shall establish within the Office of
157 Adult Probation an intensive probation program, which shall be
158 operated separately from regular probation except that it may share
159 facilities and administrative services. The purpose of intensive
160 probation is to place persons in the community under close
161 supervision and restriction to ensure public safety, reduce prison
162 overcrowding and contribute to the rehabilitation of persons in the
163 program. There shall be periodic testing for drug or alcohol use for
164 those probationers on intensive probation who have been identified as
165 having histories of drug or alcohol abuse. Any defendant placed on
166 intensive probation who fails to comply with the conditions of [his]
167 such defendant's intensive probation shall be presented to the court as
168 provided in subsection (a) of section 53a-32 for a hearing to be
169 conducted in accordance with said subsection. If such defendant is
170 found by the court to have violated any condition of [his] such
171 defendant's intensive probation, the sentencing court or judge may
172 continue such defendant on intensive probation, modify or enlarge the
173 conditions of intensive probation or revoke the intensive probation
174 and either require the defendant to serve the balance of the sentence
175 imposed or impose any lesser sentence. The director shall have the
176 same powers and duties with respect to the intensive probation
177 program as [he] the director has with respect to regular probation
178 under subsection (a) of this section. Persons may be placed on

179 intensive probation pursuant to an order of a court or judge under
180 section 53a-30 or 53a-39a, as amended by this act, or as required by the
181 Office of Adult Probation.

182 (c) Subject to the approval of the Chief Court Administrator, the
183 Director of Probation may establish within the Office of Adult
184 Probation a community service program, including a community
185 service labor program, which will assign, supervise and report
186 compliance of persons sentenced to perform community service as a
187 condition of probation or conditional discharge. Prior to the
188 establishment of such a community service labor program, the Director
189 of Probation shall certify to the Chief Court Administrator that all
190 anticipated costs of a program sufficient for the number of eligible
191 persons expected to be assigned to it can be paid for within available
192 appropriations. If the Director of Probation establishes such a
193 community service program, [said] the director shall, subject to the
194 approval of the Chief Court Administrator, contract with service
195 providers, develop standards and oversee community service
196 programs to implement such program.

197 (d) The Director of Probation shall [establish within the Office of
198 Adult Probation a program wherein eighty-four probation officers
199 shall have a caseload of not more than thirty-five probationers per
200 officer for the purpose of providing high level supervision. This
201 program shall be implemented with funds appropriated pursuant to
202 section 48 of public act 90-213*, provided such caseload may be
203 increased at the discretion of the Director of Probation if funding for
204 the current service level for the Office of Adult Probation is reduced]
205 annually determine probation officer caseloads sufficient to meet the
206 needs of community-supervised offenders.

207 Sec. 8. Section 54-124a of the general statutes is repealed and the
208 following is substituted in lieu thereof:

209 (a) There shall be a Board of Parole which, on and after July 1, 1998,
210 shall consist of fifteen members, including a [chairman and two vice-

211 chairmen] chairperson and two vice-chairpersons who shall be
212 appointed by the Governor with the advice and consent of either
213 house of the General Assembly. The [chairman and vice-chairmen]
214 chairperson and vice-chairpersons shall be qualified by training,
215 experience or education in law, criminal justice, parole matters or other
216 related fields for the consideration of the matters before them and the
217 other members shall be qualified by training and experience for the
218 consideration of matters before them. In the appointment of the
219 members, the Governor shall endeavor to reflect the racial diversity of
220 the state.

221 (b) The term of the [chairman] chairperson and the term of each
222 [vice-chairman] vice-chairperson of the board shall be coterminous
223 with the term of the Governor or until a successor is chosen, whichever
224 is later. [The terms of all members, except the chairman, shall expire on
225 July 1, 1994, and on] On or after July 1, 1994, members shall be
226 appointed in accordance with subsection (a) of this section as follows:
227 Six members shall be appointed for a term of two years; and six
228 members shall be appointed for a term of four years. Thereafter, all
229 members shall serve for terms of four years. Any vacancy in the
230 membership of the board shall be filled for the unexpired portion of
231 the term by the Governor.

232 (c) The [chairman and vice-chairmen] chairperson and vice-
233 chairpersons shall devote their entire time to the performance of their
234 duties hereunder and shall be compensated therefor in such amount as
235 the Commissioner of Administrative Services determines, subject to
236 the provisions of section 4-40. The other members of said board shall
237 receive one hundred ten dollars for each day spent in the performance
238 of their duties and shall be reimbursed for necessary expenses incurred
239 in the performance of such duties. The [chairman] chairperson or, in
240 [his] the chairperson's absence or inability to act, a [member
241 designated by him to serve temporarily as chairman] vice-chairperson,
242 shall be present at all meetings of said board and participate in all
243 decisions thereof.

244 (d) [Said chairman] The chairperson shall be the executive and
245 administrative head of said board and shall have the authority and
246 responsibility for (1) directing and supervising all administrative
247 affairs of the board, (2) preparing the budget and annual operation
248 plan, [in consultation with the board,] (3) assigning staff to parole
249 panels, regions and supervision offices, (4) organizing parole hearing
250 calendars to facilitate the timely and efficient processing of cases, (5)
251 implementing a uniform case filing and processing system, (6)
252 establishing policy in all areas of parole including, but not limited to,
253 decision making release criteria and supervision standards, (7)
254 establishing specialized parole units as deemed necessary, (8) entering
255 into contracts [, in consultation with the board,] with service providers,
256 community programs and consultants for the proper function of parole
257 and community supervision, (9) creating programs for staff and board
258 member development, training and education, (10) establishing,
259 developing and maintaining noninstitutional, community-based
260 service programs, (11) consulting with the Department of Correction
261 and the Judicial Branch on shared issues including, but not limited to,
262 prison overcrowding, and (12) signing and issuing subpoenas to
263 compel the attendance and testimony of witnesses at parole
264 proceedings. Any such subpoena shall be enforceable to the same
265 extent as subpoenas issued pursuant to section 52-143.

266 (e) The [chairman] chairperson shall have the authority and
267 responsibility for assigning members to panels, each to be composed of
268 two members and the [chairman or a member designated to serve
269 temporarily as chairman] chairperson or a vice-chairperson, for each
270 correctional institution. Such panels shall be the paroling authority for
271 the institutions to which they are assigned and not less than two
272 members shall be present at each parole hearing.

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

277 (g) The [Board of Parole] chairperson shall: (1) Adopt an annual
278 budget and plan of operation, (2) adopt such rules as deemed
279 necessary for the internal affairs of the board, (3) develop policy for
280 and administer the operation of the Interstate Parole Compact, and (4)
281 submit an annual report to the Governor and General Assembly.

282 Sec. 9. Section 54-125a of the general statutes is repealed and the
283 following is substituted in lieu thereof:

284 (a) A person convicted of one or more crimes who is incarcerated on
285 or after October 1, 1990, who received a definite sentence or aggregate
286 sentence of more than two years, and who has been confined under
287 such sentence or sentences for not less than one-half of the aggregate
288 sentence or one-half of the most recent sentence imposed by the court,
289 whichever is greater, may be allowed to go at large on parole in the
290 discretion of the panel of the Board of Parole for the institution in
291 which the person is confined, if (1) it appears from all available
292 information, including any reports from the Commissioner of
293 Correction that the panel may require, that there is reasonable
294 probability that such inmate will live and remain at liberty without
295 violating the law, and (2) such release is not incompatible with the
296 welfare of society. At the discretion of the panel, and under the terms
297 and conditions as may be prescribed by the panel including requiring
298 the parolee to submit personal reports, the parolee shall be allowed to
299 return to [his] the parolee's home or to reside in a residential
300 community center, or to go elsewhere. The parolee shall, while on
301 parole, remain in the legal custody and control of the board until the
302 expiration of the maximum term or terms for which [he] the parolee
303 was sentenced. Any parolee released on the condition that [he] the
304 parolee reside in a residential community center may be required to
305 contribute to the cost incidental to such residence. Each order of parole
306 shall fix the limits of the parolee's residence, which may be changed in
307 the discretion of such panel. Within three weeks after the commitment
308 of each person sentenced to more than one year, the state's attorney for
309 the judicial district shall send to the Board of Parole the record, if any,
310 of such person.

311 (b) (1) No person convicted of any of the following offenses, which
312 was committed on or after July 1, 1981, shall be eligible for parole
313 under subsection (a) of this section: Capital felony, as defined in
314 section 53a-54b, felony murder, as defined in section 53a-54c, arson
315 murder, as defined in section 53a-54d, murder, as defined in section
316 53a-54a, or any offense committed with a firearm, as defined in section
317 53a-3, in or on, or within one thousand five hundred feet of, the real
318 property comprising a public or private elementary or secondary
319 school. (2) A person convicted of an offense, other than an offense
320 specified in subdivision (1) of this subsection, where the underlying
321 facts and circumstances of the offense involve the use, attempted use
322 or threatened use of physical force against another person shall be
323 ineligible for parole under subsection (a) of this section until such
324 person has served not less than eighty-five per cent of the definite
325 sentence imposed.

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

335 (d) Notwithstanding the provisions of subsection (a) of this section,
336 any person whose eligibility for parole release is subject to said
337 subsection and who has not been released on parole by the board in its
338 discretion, shall be placed on parole supervision upon completion by
339 such person of seventy-five per cent of such person's definite sentence
340 unless: (1) Such person has been given a level five security or chronic
341 disciplinary status classification by the Department of Correction, (2)
342 such person is the subject of a class A disciplinary report by the
343 Department of Correction for assault on staff or another inmate, rioting
344 or escape during such person's period of incarceration, (3) such person

345 has a pending criminal charge for the alleged commission of a felony
346 during such person's period of incarceration, or (4) such person has
347 failed to cooperate in his or her own rehabilitation.

348 (e) The Board of Parole shall assess the suitability for parole release
349 of any person whose eligibility for parole release is subject to
350 subdivision (2) of subsection (b) of this section upon completion by
351 such person of eighty-five per cent of the definite sentence imposed.
352 The Board of Parole may allow such person to be released on parole if
353 (1) there is reasonable probability that such person will live and
354 remain at liberty without violating the law, and (2) the benefits to such
355 person and society that would result from such person's release to
356 community supervision and transition substantially outweighs the
357 benefits to such person and society that would result from such
358 person's continued confinement. If the board determines after such
359 assessment that the continued confinement of such person is
360 necessary, it shall articulate for the record the specific reasons why
361 such person and society would not benefit from such person receiving
362 a period of community supervision.

363 Sec. 10. (NEW) (a) The Board of Parole shall conduct an initial
364 assessment of a convicted person whose eligibility for parole release is
365 subject to subsection (a) or subdivision (2) of subsection (b) of section
366 54-125a of the general statutes, as amended by this act, within six
367 months of such person's admission to the custody of the Department of
368 Correction. The initial assessment shall establish and confirm such
369 person's eligibility for parole. In conducting the initial assessment, the
370 board shall review information concerning such person including, but
371 not limited to: (1) The current offense information, (2) prior criminal
372 history information, (3) any information submitted to the board by a
373 prosecutorial official, defense attorney, the court or a victim, (4)
374 classification and institutional records of the Department of Correction
375 including records concerning substance abuse treatment and service
376 needs, medical and mental health treatment and service needs, and
377 educational or vocational deficiencies and service needs, and (5) any
378 presentence investigation report and probation records.

379 (b) During the initial assessment, the board shall provide such
380 person with general information on the laws and policies regarding
381 parole release, calculation of time-served standards, general conditions
382 of release, supervision practices, revocation and rescission policies,
383 and procedures for administrative review and panel hearings, and any
384 other information that the board deems relevant for preparing such
385 person for parole. The initial assessment shall be conducted by an
386 employee of the board.

387 Sec. 11. (NEW) (a) An employee of the Board of Parole shall prepare
388 a pre-parole plan for a convicted person that will serve to increase such
389 person's suitability for parole release in accordance with subsection (a)
390 or subdivision (2) of subsection (b) of section 54-125a of the general
391 statutes, as amended by this act. The pre-parole plan shall be based on
392 the information acquired during the initial assessment conducted by
393 the Board of Parole in accordance with section 10 of this act and the
394 prevailing release and supervision policies and procedures established
395 by the chairperson of said board. The pre-parole plan shall establish
396 such factors considered favorable by the board in its decision to grant
397 parole including, but not limited to, such person's participation in
398 treatment, educational or vocational programs and reasonable
399 compliance with the rules and regulations of the Department of
400 Correction during such person's period of incarceration or community
401 release. An employee of the board shall provide such person with a
402 copy of the pre-parole plan and explain the provisions of the plan to
403 such person.

404 (b) Any pre-parole plan shall be based on available prison-based
405 resources and programs administered by the Department of
406 Correction. The department shall consider the interests and needs of
407 the Board of Parole in such resources and programs to increase the
408 parole suitability of the inmate population and assist in the successful
409 transition of such persons to the community.

410 (c) No person shall be required to comply with such pre-parole
411 plan, but substantial compliance by such person shall create a

412 presumption that the board will grant parole. Nothing in this section
413 shall create any expectation of parole or establish the right to appeal a
414 decision of the board.

415 Sec. 12. Section 54-125b of the general statutes is repealed and the
416 following is substituted in lieu thereof:

417 (a) A person whose eligibility for parole release is subject to
418 subsection (a) of section 54-125a, as amended by this act, may be
419 allowed to go on parole in accordance with section 54-125a, as
420 amended by this act, or 54-125g without a parole hearing being
421 conducted by a panel of the Board of Parole if (1) an employee of the
422 Board of Parole has reviewed the inmate's case and recommended
423 parole be granted to such person, and (2) such recommendation has
424 been approved by at least two members of a panel of the board. A
425 parole hearing shall be conducted by a panel of the Board of Parole if
426 the chairperson of the board deems such a hearing to be necessary or if
427 a victim, as defined in sections 54-201 and 54-226, requests such a
428 hearing.

429 (b) No inmate may be released pursuant to the provisions of
430 subsection (a) of this section if he or she has been convicted of a
431 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
432 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-
433 134 or 53a-196a or has more than three years remaining on his or her
434 sentence.

435 (c) The Board of Parole shall adopt regulations in accordance with
436 chapter 54 to establish criteria and procedures for the administrative
437 review and release of inmates without a parole hearing as provided in
438 this section.

439 Sec. 13. Section 54-125e of the general statutes is repealed and the
440 following is substituted in lieu thereof:

441 (a) Any person convicted of a crime committed on or after October
442 1, 1998, who received a definite sentence of more than two years

443 followed by a period of special parole shall, at the expiration of the
444 maximum term or terms of imprisonment imposed by the court, be
445 automatically transferred from the custody of the Commissioner of
446 Correction to the jurisdiction of the [chairman] chairperson of the
447 Board of Parole or, if such person has previously been released on
448 parole pursuant to subsection (a) of section 54-125a or section 54-131a,
449 remain under the jurisdiction of said [chairman] chairperson until the
450 expiration of the period of special parole imposed by the court.

451 (b) Any person sentenced to a period of special parole shall be
452 subject to such rules and conditions as may be established by the
453 Board of Parole or its [chairman] chairperson pursuant to section
454 54-126.

455 (c) The Board of Parole shall monitor and enforce compliance by a
456 person sentenced to a period of special parole with the conditions
457 ordered by the court pursuant to section 5 of this act.

458 [(c)] (d) The period of special parole shall be not less than one year
459 nor more than ten years except that such period may be for more than
460 ten years for a person convicted of a violation of subdivision (2) of
461 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
462 53a-72a or 53a-72b or sentenced as a persistent dangerous felony
463 offender pursuant to subsection (h) of section 53a-40 or as a persistent
464 serious felony offender pursuant to subsection (j) of section 53a-40.

465 (e) At any time during the period of special parole, a parole officer
466 may seek a warrant for the arrest of a parolee for violation of any of
467 the conditions of special parole, or may issue a notice to appear before
468 the Board of Parole to answer to a charge of such violation, which
469 notice shall be personally served upon the parolee. Any such warrant
470 shall authorize all officers named therein to return the parolee to the
471 custody of the Commissioner of Correction. After making an arrest, the
472 parole officer shall present to the detaining authorities a statement of
473 the circumstances of the violation. Upon such arrest and detention, the
474 parole officer shall immediately so notify the Board of Parole.

475 Thereupon, or upon an arrest by warrant as herein provided, the board
476 shall cause the parolee to be brought before it without unnecessary
477 delay for a hearing on the violation charges. At such hearing, the
478 parolee shall be informed of the manner in which such parolee is
479 alleged to have violated the conditions of such parolee's special parole,
480 shall be advised by the board that such parolee has the right to retain
481 counsel and, if indigent, shall be entitled to the services of the public
482 defender, and shall have the right to cross-examine witnesses and to
483 present evidence in such parolee's own behalf. The chairperson of the
484 Board of Parole shall develop policies and procedures for revocation
485 and recission hearings.

486 (f) If such violation is established, the board may: (1) Continue the
487 sentence of special parole; (2) modify or enlarge the conditions of
488 special parole; or (3) revoke the sentence of special parole. No such
489 revocation shall be ordered, except upon consideration of the incident
490 and unless such violation is established by the introduction of reliable
491 and probative evidence and by a preponderance of the evidence.

492 (g) If the board revokes special parole for a parolee, it may issue a
493 mittimus for the commitment of such parolee to the custody of the
494 Commissioner of Correction for any period not to exceed the
495 unexpired portion of the period of special parole.

496 (h) Whenever special parole has been revoked for a parolee, the
497 board may, at any time during the unexpired portion of the period of
498 special parole, allow the parolee to be released again on special parole
499 without court order.

500 Sec. 14. Section 54-128 of the general statutes is repealed and the
501 following is substituted in lieu thereof:

502 (a) The Board of Parole may, after a hearing, revoke parole for any
503 paroled inmate if it finds that the parolee has committed a criminal
504 offense or violated a condition of parole imposed by the court or the
505 board and that such offense or violation makes the parolee's continued
506 release on parole incompatible with the welfare of society. If the board

507 revokes parole, it shall return the parolee to the custody of the
508 Commissioner of Correction or any institution of the Department of
509 Correction pursuant to subsection (b) of this section.

510 [(a)] (b) Any paroled [convict or] inmate who has been returned to
511 the custody of the Commissioner of Correction or any institution of the
512 Department of Correction for violation of [his] such inmate's parole
513 may be retained in [the institution from which he was paroled] a
514 correctional institution for a period equal to the unexpired portion of
515 the term of [his] such inmate's sentence at the date of the request or
516 order for [his] such inmate's return less any commutation or
517 diminution of [his] such inmate's sentence earned, except that the
518 Board of Parole may, in its discretion, determine that [he] such inmate
519 shall forfeit any or all of such earned time, or may be again paroled by
520 said board.

521 [(b)] (c) Each parolee or inmate, subject to the provisions of section
522 18-7, shall be subject to loss of all or any portion of time earned.

523 [(c)] (d) Any person who, during the service of a period of special
524 parole imposed in accordance with subdivision [(9)] (11) or (12) of
525 section 53a-28, as amended by this act, has been returned to the
526 custody of the Commissioner of Correction or any institution of the
527 Department of Correction for violation of [his] such person's parole,
528 may be retained in [the institution from which he was paroled] a
529 correctional institution for a period equal to the unexpired portion of
530 the period of special parole. The total length of the term of
531 incarceration and term of special parole combined shall not exceed the
532 maximum sentence of incarceration authorized for the offense for
533 which the person was convicted.

534 Sec. 15. (NEW) (a) The interagency committee that exists for the
535 purpose of identifying problems in the coordination and delivery of
536 treatment services for persons discharged into the community and
537 facilitating community transition planning for persons with psychiatric
538 disabilities and substance abuse treatment needs shall make

539 recommendations to the Department of Correction and the Board of
540 Parole concerning the provision of treatment services by said
541 department and board to incarcerated offenders and community-
542 supervised offenders.

543 (b) The Department of Correction and the Court Support Services
544 Division shall establish programs to screen incarcerated offenders and
545 community-supervised offenders for substance abuse dependency.

546 (c) The Department of Correction shall, after consideration of the
547 recommendations offered by the interagency committee pursuant to
548 subsection (a) of this section, provide treatment services to
549 incarcerated offenders and community-supervised offenders sufficient
550 to meet the service needs of the population of such incarcerated and
551 community-supervised offenders, ensure public safety, and reduce
552 prison overcrowding and criminal recidivism. The treatment services
553 provided by the department pursuant to this section shall include
554 training, rehabilitation, treatment and other programs devoted to
555 substance abuse, mental health and anger management. Such
556 treatment services shall also include necessary and appropriate
557 federally-approved opiate-substitution or alternative therapies for
558 opiate-dependent individuals and detoxification to any incarcerated
559 offender or community-supervised offender whom the department has
560 determined would benefit from such therapies or treatment. Offenders
561 incarcerated for a period likely to exceed one year are not eligible for
562 such opiate-substitution or alternative therapies pursuant to this
563 section.

564 Sec. 16. Section 51-181b of the general statutes is repealed and the
565 following is substituted in lieu thereof:

566 (a) The Chief Court Administrator may establish in any
567 geographical area court location or juvenile matters court location a
568 docket separate from other criminal or juvenile matters for the hearing
569 of criminal or juvenile matters in which a defendant is a drug-
570 dependent person, as defined in section 21a-240, and is charged with a

571 violation of any provision of chapter 420b. The docket in a
572 geographical area court location shall be available to, but not be
573 limited to, offenders who are sixteen to twenty-one years of age and
574 who could benefit from placement in a substance abuse treatment
575 program.

576 (b) Not later than January 2, 2002, each docket established under
577 subsection (a) of this section shall, with the cooperation of the
578 Department of Mental Health and Addiction Services, offer
579 appropriate substance abuse treatment programs including federally-
580 approved opiate-substitution or alternative therapies and
581 detoxification to all offenders assigned to such docket who have been
582 determined by said department to be opiate-dependent and in need of
583 such therapies, detoxification or other treatment. The Department of
584 Mental Health and Addiction Services shall contract with federally-
585 approved opiate-substitution or alternative therapy treatment
586 programs to provide such therapies, detoxification or other treatment.

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

589 (a) The provisions of this section shall not apply to any person
590 charged with a violation of section 14-227a or 53a-60d or with a class
591 A, B or C felony. [or to any person who was previously ordered treated
592 under this section, subsection (i) of section 17-155y, section 19a-386 or
593 section 21a-284 of the general statutes revised to 1989.] The court may
594 waive the ineligibility provisions of this subsection for any person.

595 Sec. 18. Subsection (a) of section 17a-699 of the general statutes is
596 repealed and the following is substituted in lieu thereof:

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

603 Sec. 19. Section 53a-39c of the general statutes is repealed and the
604 following is substituted in lieu thereof:

605 (a) There is established, within available appropriations, a
606 community service labor program for persons charged with a violation
607 of section 21a-267 or 21a-279, [who have not previously been convicted
608 of a violation of section 21a-267, 21a-277, 21a-278 or 21a-279.] Upon
609 application by any such person for participation in such program the
610 court may grant such application and (1) if such person has not
611 previously been placed in the community service labor program, the
612 court may either suspend prosecution and place such person in such
613 program or, upon a plea of guilty without trial where a term of
614 imprisonment is part of a stated plea agreement, suspend any sentence
615 of imprisonment and make participation in such program a condition
616 of probation or conditional discharge in accordance with section
617 53a-30; or (2) if such person has previously been placed in such
618 program, the court may, upon a plea of guilty without trial where a
619 term of imprisonment is part of a stated plea agreement, suspend any
620 sentence of imprisonment and make participation in such program a
621 condition of probation or conditional discharge in accordance with
622 said section 53a-30. No person may be placed in such program who
623 has twice previously been placed in such program.

624 (b) Any person for whom prosecution is suspended and who is
625 placed in the community service labor program pursuant to subsection
626 (a) of this section shall agree to the tolling of the statute of limitations
627 with respect to such crime and to a waiver of such person's right to a
628 speedy trial. A pretrial community service labor program established
629 under this section for persons for whom prosecution is suspended
630 shall include a drug education component. If such person satisfactorily
631 completes the program of community service labor to which such
632 person was assigned, such person may apply for dismissal of the
633 charges against such person and the court, on reviewing the record of
634 such person's participation in such program and on finding such
635 satisfactory completion, shall dismiss the charges. If the program
636 provider certifies to the court that such person did not successfully

637 complete the program of community service labor to which such
638 person was assigned or is no longer amenable to participation in such
639 program, the court shall enter a plea of not guilty for such person and
640 immediately place the case on the trial list.

641 (c) The period of participation in a community service labor
642 program shall be: [a minimum of fourteen days for a first violation and
643 thirty days for a second violation involving a plea of guilty and
644 conviction] (1) For a violation of section 21a-267 or subsection (c) of
645 section 21a-279, not less than two days nor more than ten days for a
646 first violation and not less than ten days nor more than twenty days for
647 a second violation; (2) for a violation of subsection (b) of section 21a-
648 279, not less than ten days nor more than twenty days for a first
649 violation and not less than twenty days nor more than thirty days for a
650 second violation; and (3) for a violation of subsection (a) of section 21a-
651 279, not less than fourteen days nor more than thirty days for a first
652 violation and not less than thirty days nor more than forty days for a
653 second violation.

654 Sec. 20. Section 54-56i of the general statutes is repealed and the
655 following is substituted in lieu thereof:

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

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

662 (b) Upon application by any such person for participation in such
663 program, the court shall, but only as to the public, order the court file
664 sealed, [provided such person states under oath, in open court or
665 before any person designated by the clerk and duly authorized to
666 administer oaths, under penalties of perjury, that such person has
667 never had such program invoked in such person's behalf. A person
668 shall be ineligible for participation in such pretrial drug education

669 program if such person has previously participated in the drug
670 education program established under this section or the pretrial
671 community service labor program established under section 53a-39c.]

672 (c) The court, after consideration of the recommendation of the
673 state's attorney, assistant state's attorney or deputy assistant state's
674 attorney in charge of the case, may, in its discretion, grant such
675 application. If the court grants such application, it shall refer such
676 person to the Bail Commission for confirmation of the eligibility of the
677 applicant.

678 (d) Upon confirmation of eligibility, such person shall be referred to
679 the Department of Mental Health and Addiction Services by the Bail
680 Commission for placement in the drug education program. Any
681 person who enters the program shall agree: (1) To the tolling of the
682 statute of limitations with respect to such crime; (2) to a waiver of such
683 person's right to a speedy trial; (3) to any conditions that may be
684 established by the department concerning participation in the drug
685 education program including conditions concerning participation in
686 meetings or sessions of the program; and (4) to accept placement in a
687 treatment program upon the recommendation of a provider under
688 contract with the Department of Mental Health and Addiction Services
689 or placement in a treatment program that has standards substantially
690 similar to, or higher than, a program of a provider under contract with
691 the Department of Mental Health and Addiction Services if the Bail
692 Commission deems it appropriate. The department shall require, as a
693 condition of the assigned program, that such person participate in, and
694 successfully complete, a community service labor program established
695 under section 53a-39c, as amended by this act, for a period of four
696 days.

697 (e) If the Bail Commission informs the court that such person is
698 ineligible for the program and the court makes a determination of
699 ineligibility or if the program provider certifies to the court that such
700 person did not successfully complete the assigned program, the court
701 shall order the court file to be unsealed, enter a plea of not guilty for

702 such person and immediately place the case on the trial list.

703 (f) If such person satisfactorily completes the assigned program,
704 such person may apply for dismissal of the charges against such
705 person and the court, on reviewing the record of such person's
706 participation in such program submitted by the Bail Commission and
707 on finding such satisfactory completion, shall dismiss the charges. If
708 such person does not apply for dismissal of the charges against such
709 person after satisfactorily completing the assigned program, the court,
710 upon receipt of the record of such person's participation in such
711 program submitted by the Bail Commission, may on its own motion
712 make a finding of such satisfactory completion and dismiss the
713 charges. Upon motion of such person and a showing of good cause,
714 the court may extend the placement period for a reasonable period for
715 such person to complete the assigned program. A record of
716 participation in such program shall be retained by the Bail
717 Commission for a period of seven years from the date of application.

718 (g) At the time the court grants the application for participation in
719 the pretrial drug education program, such person shall pay to the court
720 a nonrefundable program fee of three hundred fifty dollars, except that
721 no person may be excluded from such program for inability to pay
722 such fee, provided (1) such person files with the court an affidavit of
723 indigency or inability to pay, (2) such indigency or inability to pay is
724 confirmed by the Bail Commission, and (3) the court enters a finding
725 thereof. The court may waive all or any portion of such fee depending
726 on such person's ability to pay. If the court denies the application, such
727 person shall not be required to pay the program fee. If the court grants
728 the application, and such person is later determined to be ineligible for
729 participation in such pretrial drug education program or fails to
730 complete the assigned program, the three-hundred-fifty-dollar
731 program fee shall not be refunded. All such program fees shall be
732 credited to the General Fund.

733 (h) The Department of Mental Health and Addiction Services shall
734 develop standards and oversee appropriate drug education programs

735 to meet the requirements of this section and may contract with service
736 providers to provide such programs. The department shall adopt
737 regulations, in accordance with chapter 54, to establish standards for
738 such drug education programs.

739 (i) Any person whose employment or residence or schooling makes
740 it unreasonable to attend a drug program in this state may attend a
741 program in another state that has standards similar to, or higher than,
742 those of this state, subject to the approval of the court and payment of
743 the program fee as provided in this section.

744 Sec. 21. (NEW) The superior court (1) on and after January 1, 2002,
745 in the judicial district of New Haven, (2) on and after January 1, 2003,
746 in the judicial district of Hartford, and (3) on and after January 1, 2004,
747 in all judicial districts, on its own motion or on motion of the state's
748 attorney or a person charged with a crime or convicted of a crime but
749 not yet sentenced, may order, if the interests of justice will be served,
750 that such person be examined, pursuant to the provisions of section 22
751 of this act, to determine if the person is a person with psychiatric
752 disabilities, as defined in subsection (c) of section 17a-495 of the
753 general statutes, and eligible for treatment under section 24 or 27 of
754 this act. A probation officer may order that such an examination be
755 conducted as part of a presentence investigation conducted pursuant
756 to the provisions of section 54-91a of the general statutes.

757 Sec. 22. (NEW) (a) The Commissioner of Mental Health and
758 Addiction Services or the commissioner's designee shall appoint one or
759 more clinical examiners to conduct examinations for psychiatric
760 disabilities ordered pursuant to the provisions of section 21 of this act.
761 Each examiner shall be authorized by the department to conduct
762 independent evaluations.

763 (b) The examiner shall determine whether the person being
764 examined was a person with psychiatric disabilities at the time of the
765 crime. If such person is determined to have been a person with
766 psychiatric disabilities, the examiner shall further determine (1) the

767 history and pattern of the disability, and (2) whether the person
768 presently needs and is likely to benefit from treatment for the
769 psychiatric disability.

770 (c) The examiner shall prepare and sign, without notarization, a
771 written examination report and deliver it to the court, the Court
772 Support Services Division, the state's attorney and defense counsel no
773 later than thirty days after the examination was ordered. An
774 examination report ordered pursuant to section 21 of this act shall
775 otherwise be confidential and not open to public inspection or subject
776 to disclosure.

777 (d) No statement made by the person in the course of an
778 examination under the provisions of this section may be admitted in
779 evidence on the issue of guilt in a criminal proceeding concerning the
780 person.

781 Sec. 23. (NEW) After receipt by the court of the examination report,
782 the accused person may make a motion for suspension of prosecution
783 and an order of treatment for psychiatric disabilities pursuant to the
784 provisions of section 24 of this act. Unless the opportunity for a
785 hearing is waived by both the accused person and the state's attorney,
786 the court shall hear the motion. The clinical examiner shall not be
787 required to be present to testify on the report unless the presence of the
788 clinical examiner is requested by the court, the accused person or the
789 state's attorney.

790 Sec. 24. (NEW) (a) The provisions of this section shall not apply to
791 any person charged with a class A or B felony. The court may waive
792 the ineligibility provisions of this subsection for any person.

793 (b) The court may order suspension of prosecution and order such
794 person be referred to the Court Support Services Division for
795 placement in an alternative incarceration center as provided in section
796 30 of this act for treatment of such person's psychiatric disabilities if it,
797 after considering information before it concerning the psychiatric
798 disabilities of the person, including the examination report made

799 pursuant to the provisions of section 22 of this act, finds that (1) the
800 accused person was a person with psychiatric disabilities at the time of
801 the crime, (2) the accused person is not dangerous to himself or herself
802 or others or gravely disabled, (3) the accused person is not in need of
803 care and treatment in a hospital for psychiatric disabilities, (4) the
804 accused person presently needs and is likely to benefit from treatment
805 for psychiatric disabilities, (5) there is no less restrictive alternative
806 than placement in the alternative incarceration center, and (6)
807 suspension of prosecution will advance the interests of justice.

808 (c) The court may order suspension of prosecution and order such
809 person be referred to the Court Support Services Division for
810 placement in a hospital for psychiatric disabilities for treatment of such
811 person's psychiatric disabilities if it, after considering information
812 before it concerning the psychiatric disabilities of the person, including
813 the examination report made pursuant to the provisions of section 22
814 of this act, finds that (1) the accused person was a person with
815 psychiatric disabilities at the time of the crime, (2) the accused person
816 is dangerous to himself or herself or others or gravely disabled, (3) the
817 accused person is in need of care and treatment in a hospital for
818 psychiatric disabilities, (4) the accused person presently needs and is
819 likely to benefit from treatment for psychiatric disabilities, (5) there is
820 no less restrictive alternative than placement in a hospital for
821 psychiatric disabilities, and (6) suspension of prosecution will advance
822 the interests of justice.

823 (d) A suspension of prosecution ordered under the provisions of
824 subsection (b) or (c) of this section may be for a period not exceeding
825 two years. During the period of suspension, an accused person shall be
826 placed in the custody of the Court Support Services Division for
827 placement in an alternative incarceration center as provided in section
828 30 of this act or placement in a hospital for psychiatric disabilities, and
829 treatment for such person's psychiatric disabilities. The court or the
830 Court Support Services Division may require that the person (1)
831 comply with any of the conditions specified in subsections (a) and (b)
832 of section 53a-30 of the general statutes, and (2) be tested for use of

833 alcohol or drugs during the period of suspension. The accused person
834 shall, unless indigent, pay the cost of treatment ordered under this
835 section.

836 (e) If prosecution is suspended under the provisions of subsection
837 (b) or (c) of this section, (1) the statute of limitations applicable to the
838 crime charged shall be tolled during the period of suspension, and (2)
839 the accused person shall be deemed to have waived such person's right
840 to a speedy trial for the crime charged.

841 (f) The court shall not suspend prosecution under subsection (b) or
842 (c) of this section unless (1) the accused person has acknowledged that
843 such person understands the consequences of the suspension of
844 prosecution, (2) the accused person has given notice, by registered or
845 certified mail on a form prescribed by the Chief Court Administrator,
846 to the victim, if any, of the crime of which the person is accused and of
847 the pending motion for suspension of prosecution, (3) such victim, if
848 any, has been given an opportunity to be heard on the motion for
849 suspension of prosecution, and (4) the accused person, unless such
850 person is indigent, has paid to the clerk of the court an administration
851 fee of twenty-five dollars.

852 (g) If the prosecution is suspended, the person shall be released on a
853 written promise to appear or on a bond and any other bond posted in
854 any criminal proceeding concerning such person shall be terminated.

855 (h) If the court denies the motion for suspension of prosecution, the
856 state's attorney may proceed with prosecution of the crime.

857 (i) A person shall be deemed to be indigent for the purposes of this
858 section if the court determines the person has an estate insufficient to
859 provide for such person's support or there is no person legally liable or
860 able to support such person.

861 Sec. 25. (NEW) (a) The director of the treatment program shall
862 discharge from treatment any person being treated pursuant to the
863 provisions of section 24 of this act who completes the treatment

864 program. The director of the program shall notify the Court Support
865 Services Division of the director's intent to discharge such person at
866 least seven days before the date the person is to be discharged.

867 (b) At any time before the end of the period of suspension of
868 prosecution, the Court Support Services Division may recommend to
869 the court that the charge be dismissed if the person has (1) completed
870 the treatment program, and (2) complied with all conditions set under
871 subsection (d) of section 24 of this act.

872 (c) Not later than one month before the end of the period of
873 suspension of prosecution, the Court Support Services Division shall
874 notify the court of the impending conclusion of the suspension and
875 submit a report on whether the person has completed the treatment
876 program and has complied with all conditions set under subsection (d)
877 of section 24 of this act and on whether the division recommends
878 dismissal of the charge.

879 (d) If the court, on motion by the person discharged from treatment,
880 or on its own motion, finds that the person (1) is responding favorably
881 to treatment at the expiration of the period of suspension of
882 prosecution or has completed the treatment program, and (2) has
883 complied with all other conditions of suspension, it may dismiss the
884 charge for which prosecution had been suspended under the
885 provisions of section 24 of this act. If the court denies the motion and
886 terminates the suspension of prosecution, the state's attorney may
887 proceed with prosecution of the crime.

888 Sec. 26. (NEW) (a) The court shall conduct a hearing to determine
889 whether the conditions of the suspension of prosecution should be
890 modified or the suspension terminated, if the Court Support Services
891 Division, after receipt of a report from the director of the treatment
892 program, notifies the clerk of the court that a person treated pursuant
893 to section 24 of this act (1) has committed a violent act against another
894 person at the alternative incarceration center or the hospital for
895 psychiatric disabilities or a violent act that damages property at the

896 alternative incarceration center or the hospital for psychiatric
897 disabilities, (2) has threatened to commit such a violent act, (3) has
898 committed a serious violation of rules of the alternative incarceration
899 center or the hospital for psychiatric disabilities, (4) has repeatedly
900 committed violations of program rules that inhibit the person's ability
901 to function in the program, (5) has continually refused to participate in
902 the program, (6) has asked to be removed from the program, or (7) is
903 unable to participate in the treatment program because of a medical or
904 psychosocial condition that is not appropriately treated by the
905 program operated by the alternative incarceration center or the
906 hospital for psychiatric disabilities. The director of the treatment
907 program shall have the burden of establishing facts to support the
908 director's report. If the court terminates the suspension, the state's
909 attorney may proceed with prosecution of the crime.

910 (b) If a person being treated has not complied with conditions set
911 pursuant to subsection (d) of section 24 of this act, the Court Support
912 Services Division shall notify the clerk of the court. The court may
913 terminate the suspension of prosecution and the state's attorney may
914 proceed with prosecution of the crime if the court, after a hearing,
915 finds the person has not complied with such conditions.

916 (c) A person who has not completed treatment may not be
917 discharged sooner than four days after the Court Support Services
918 Division is notified of the proposed discharge, except that if immediate
919 discharge from treatment is necessary to protect the health or safety of
920 persons in, or the staff of, the alternative incarceration center or the
921 hospital for psychiatric disabilities, the person may be discharged less
922 than four days after notification with the agreement of the Court
923 Support Services Division.

924 Sec. 27. (NEW) (a) The provisions of this section shall not apply to
925 any person convicted of a class A or B felony. The court may waive the
926 ineligibility provisions of this subsection for any person.

927 (b) Before sentencing a convicted person, the court may consider

928 any information before it concerning the psychiatric disabilities of the
929 person, including an examination report made pursuant to section 22
930 of this act.

931 (c) The court may impose a sentence and order the person be
932 referred to the Court Support Services Division for placement in an
933 alternative incarceration center as provided in section 30 of this act for
934 treatment of such person's psychiatric disabilities, as provided in
935 subsection (e) of this section if the court finds that (1) the convicted
936 person was a person with psychiatric disabilities at the time of the
937 crime for which the person was convicted, (2) the convicted person is
938 not dangerous to himself or herself or others or gravely disabled, (3)
939 the convicted person does not need care and treatment in a hospital for
940 psychiatric disabilities, (4) the convicted person presently needs and is
941 likely to benefit from treatment for psychiatric disabilities, (5) there is
942 no less restrictive alternative than placement in the alternative
943 incarceration center, (6) the person is not ineligible under subsection
944 (a) of this section, and (7) the person meets the criteria for probation
945 under subsection (a) of section 53a-29 of the general statutes.

946 (d) The court may impose a sentence and order the person be
947 referred to the Court Support Services Division for placement in a
948 hospital for psychiatric disabilities for treatment of such person's
949 psychiatric disabilities, as provided in subsection (e) of this section if
950 the court finds that (1) the convicted person was a person with
951 psychiatric disabilities at the time of the crime for which the person
952 was convicted, (2) the convicted person is dangerous to himself or
953 herself or others or gravely disabled, (3) the convicted person is in
954 need of care and treatment in a hospital for psychiatric disabilities, (4)
955 the convicted person presently needs and is likely to benefit from
956 treatment for psychiatric disabilities, (5) there is no less restrictive
957 alternative than placement in a hospital for psychiatric disabilities, (6)
958 the person is not ineligible under subsection (a) of this section, and (7)
959 the person meets the criteria for probation under subsection (a) of
960 section 53a-29 of the general statutes.

961 (e) The court may, after imposing sentence, (1) suspend execution of
962 a sentence of imprisonment, either entirely or after a period set by the
963 court, (2) impose a period of probation as provided in this section and
964 subsections (b) and (c) of section 53a-28 of the general statutes, and (3)
965 as a condition of probation, order the Court Support Services Division
966 to place the person in an alternative incarceration center as provided in
967 section 30 of this act or a hospital for psychiatric disabilities for
968 treatment of such person's psychiatric disabilities. The court may
969 require that a probation officer have at least one contact per week with
970 the treatment program in which the person is participating and at least
971 one contact per week with the person when such person is not
972 participating in an inpatient program. Placement in a treatment
973 program shall be no earlier than the date that space is available in a
974 treatment program as reported by the clinical examiner under section
975 22 of this act.

976 (f) The court may order that the person be transferred immediately
977 to an alternative incarceration center as provided in section 30 of this
978 act or a hospital for psychiatric disabilities provided space is available
979 as provided in subsection (e) of this section. If the court orders an
980 immediate transfer, it shall issue a mittimus directing the judicial
981 marshal to convey the person to the alternative incarceration center or
982 the hospital for psychiatric disabilities.

983 (g) Time spent in an alternative incarceration center or a hospital for
984 psychiatric disabilities by a person pursuant to the provisions of this
985 section shall not be credited against any sentence, the execution of
986 which was suspended because of such treatment.

987 (h) Any violation of conditions set under this section shall be a
988 violation of probation under section 53a-32 of the general statutes.

989 (i) The provisions of this section shall not be construed to limit the
990 application of any provision of the general statutes requiring
991 mandatory minimum sentences and prohibiting probation for certain
992 offenses.

993 Sec. 28. (NEW) (a) The director of the treatment program shall
994 submit a report to the Court Support Services Division whenever a
995 person treated pursuant to section 27 of this act has completed the
996 treatment program. Such report shall recommend whether the person
997 should receive further treatment for psychiatric disabilities.

998 (b) The Court Support Services Division shall notify the clerk of the
999 court when a person (1) has completed the treatment program, and (2)
1000 has complied with all the conditions set under section 27 of this act.
1001 Upon receipt of such notification, the clerk shall set a hearing. The
1002 Court Support Services Division may advise the court of any
1003 recommendation it may make, including if it recommends a
1004 modification of sentence or terms of probation or a termination of
1005 probation and release of the person. After a hearing, the court may
1006 modify the sentence or terms of probation or terminate the probation
1007 and release the person.

1008 Sec. 29. (NEW) (a) The court shall conduct a hearing to determine if
1009 the sentence or terms of probation should be modified if the Court
1010 Support Services Division, after a report from the director of the
1011 treatment program, notifies the clerk of the court that a person being
1012 treated pursuant to section 27 of this act (1) has committed a violent act
1013 against another person at the alternative incarceration center or
1014 hospital for psychiatric disabilities or a violent act that damages
1015 property at the alternative incarceration center or hospital for
1016 psychiatric disabilities, (2) has threatened to commit such a violent act,
1017 (3) has committed a serious violation of rules of the treatment
1018 program, (4) has repeatedly committed violations of program rules
1019 that inhibit the person's ability to function in the program, (5) has
1020 continually refused to participate in the program, (6) has asked to be
1021 removed from the program, or (7) is unable to participate in the
1022 treatment program because of a medical or psychosocial condition that
1023 is not appropriately treated by the program operated by the alternative
1024 incarceration center or the hospital for psychiatric disabilities. The
1025 director of the treatment program has the burden of establishing facts
1026 to support the director's report to the Court Support Services Division.

1027 (b) A person who has not completed treatment may not be
1028 discharged sooner than four days after the Court Support Services
1029 Division is notified by the director of the treatment program of the
1030 proposed discharge, except that if immediate discharge from treatment
1031 is necessary to protect the health or safety of persons in, or the staff of,
1032 the alternative incarceration center or hospital for psychiatric
1033 disabilities, the person may be discharged less than four days after
1034 notification with the agreement of the Court Support Services Division.

1035 Sec. 30. (NEW) (a) The Court Support Services Division shall
1036 establish (1) on and after January 1, 2002, in the judicial district of New
1037 Haven, (2) on and after January 1, 2003, in the judicial district of
1038 Hartford, and (3) on and after January 1, 2004, in all judicial districts a
1039 fifteen-bed alternative incarceration center that, in addition to the
1040 programs and services offered by an alternative incarceration center,
1041 provides a residential and day reporting program for accused and
1042 convicted persons with psychiatric disabilities.

1043 (b) The program director shall hold a clinical license, and the center
1044 shall be staffed by licensed clinical social workers and residential
1045 counselors who are trained to work with persons with psychiatric
1046 disabilities who are accused or convicted of criminal offenses.

1047 (c) The program shall develop a memorandum of agreement with
1048 the Department of Mental Health and Addiction Services to provide a
1049 full range of psychiatric treatment services to the program participants.
1050 The department shall assign a clinical coordinator to work with the
1051 director of the alternative incarceration center in facilitating timely
1052 access to appropriate services and to develop a network of community,
1053 social and vocational rehabilitation supports that will enhance
1054 successful program participation and long-term community
1055 integration.

1056 (d) Any person referred to the center pursuant to section 24 or 27 of
1057 this act shall be screened to determine such person's eligibility for the
1058 program. Such person shall (1) consent to such screening and

1059 participation in the program, (2) sign releases authorizing the
1060 disclosure of past and current psychiatric information, (3) agree to
1061 abide by program rules, and (4) be clinically stable and not dangerous
1062 to himself or herself or others. Any person determined to be eligible
1063 for the program shall be accepted into the program based on
1064 availability of space.

1065 (e) The program director and the clinical coordinator shall develop
1066 an integrated individualized alternative incarceration program and
1067 treatment plan for each person that will include a schedule of daily
1068 activities. The alternate incarceration center shall provide supervision,
1069 community service, meals, transportation, assistance in applying for
1070 any entitlements for which the program participant may be eligible
1071 and, if required by the court or Court Support Services Division, drug
1072 screening. The Department of Mental Health and Addiction Services
1073 shall provide clinical assessment, emergency intervention, outpatient
1074 treatment, medication assistance when needed, social supports, case
1075 management and community reintegration planning.

1076 Sec. 31. (NEW) The Board of Parole shall, in consultation with the
1077 Department of Mental Health and Addiction Services, develop a
1078 specialized screening program for the performance of a risk
1079 assessment of persons eligible for parole.

1080 Sec. 32. (NEW) The Department of Correction shall review the
1081 mental health of all persons incarcerated in correctional facilities and
1082 identify those persons who have psychiatric disabilities. The
1083 department may release from incarceration for the purpose of
1084 receiving mental health services or treatment those persons with
1085 psychiatric disabilities who do not pose a risk to public safety and who
1086 would benefit from such services or treatment.

1087 Sec. 33. Section 54-63f of the general statutes is repealed and the
1088 following is substituted in lieu thereof:

1089 (a) A person who has been convicted of any offense, except a
1090 violation of section 53a-54a, 53a-54b, 53a-54c or 53a-54d, [or any

1091 offense involving the use, attempted use or threatened use of physical
1092 force against another person,] and is either awaiting sentence or has
1093 given oral or written notice of such person's intention to appeal or file
1094 a petition for certification or a writ of certiorari may be released
1095 pending final disposition of the case, unless the court finds custody to
1096 be necessary to provide reasonable assurance of such person's
1097 appearance in court, upon the first of the following conditions of
1098 release found sufficient by the court to provide such assurance: (1)
1099 Upon such person's execution of a written promise to appear, (2) upon
1100 such person's execution of a bond without surety in no greater amount
1101 than necessary, (3) upon such person's execution of a bond with surety
1102 in no greater amount than necessary, (4) upon such person's deposit,
1103 with the clerk of the court having jurisdiction of the offense with which
1104 such person stands convicted or any assistant clerk of such court who
1105 is bonded in the same manner as the clerk or any person or officer
1106 authorized to accept bail, a sum of money equal to the amount called
1107 for by the bond required by the court, or (5) upon such person's pledge
1108 of real property, the equity of which is equal to the amount called for
1109 by the bond required by the court, provided the person pledging such
1110 property is the owner of such property. When cash bail is offered, such
1111 bond shall be executed and the money shall be received in lieu of a
1112 surety or sureties upon such bond. Such cash bail shall be retained by
1113 the clerk of such court until a final order of the court disposing of the
1114 same is passed, provided, if such bond is forfeited, the clerk of such
1115 court shall pay the money to the payee named therein, according to the
1116 terms and conditions of the bond.

1117 (b) There shall be a presumption that a person convicted of any
1118 felony involving the use or attempted use of physical force against
1119 another person shall not be released under subsection (a) of this
1120 section. The court may release a person convicted of any such offense,
1121 other than a violation of section 53a-54a, 53a-54b, 53a-54c or 53a-54d,
1122 provided the court, in addition to the findings required under
1123 subsection (a) of this section concerning conditions of release, makes
1124 the following findings and specifically states such findings in writing

1125 for the record: (1) That the conditions imposed on such person's release
1126 will reasonably protect any victim of the offense from such person
1127 during such person's release, (2) that the conditions imposed on such
1128 person's release will reasonably assure such person's appearance in
1129 court when called, (3) that the victim of the offense has been notified,
1130 or reasonable efforts have been made to locate and notify the victim,
1131 and the victim has been given an opportunity to make or submit a
1132 statement concerning whether the person should be released, and the
1133 court has considered any such statement made by the victim, and (4)
1134 that it is in the interests of justice that such person should be released.

1135 Sec. 34. Subsection (b) of section 53a-30 of the general statutes is
1136 repealed and the following is substituted in lieu thereof:

1137 (b) When a defendant has been sentenced to a period of probation,
1138 the Office of Adult Probation may require that the defendant comply
1139 with any or all conditions which the court could have imposed under
1140 subsection (a) of this section which are not inconsistent with any
1141 condition actually imposed by the court, except that said office shall
1142 apply to the court prior to requiring the defendant to comply with a
1143 condition not previously imposed by the court if the condition would
1144 require the defendant to undergo sexual offender evaluation or
1145 treatment and the defendant has not been sentenced to a period of
1146 probation as a result of a conviction for a violation of subdivision (2) of
1147 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
1148 53a-72a or 53a-72b.

1149 Sec. 35. Subsection (a) of section 54-56g of the general statutes is
1150 repealed and the following is substituted in lieu thereof:

1151 (a) There shall be a pretrial alcohol education system for persons
1152 charged with a violation of section 14-227a. Upon application by any
1153 such person for participation in such system and payment to the court
1154 of an application fee of fifty dollars, the court shall, but only as to the
1155 public, order the court file sealed, provided such person states under
1156 oath, in open court or before any person designated by the clerk and

1157 duly authorized to administer oaths, under penalties of perjury that
1158 such person has [never] not had such system invoked in such person's
1159 behalf within the preceding ten years and that such person has not
1160 been convicted of a violation of section 53a-56b or 53a-60d, a violation
1161 of subsection (a) of section 14-227a before or after October 1, 1981, or a
1162 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
1163 or after October 1, 1985, and that such person has not been convicted in
1164 any other state at any time of an offense the essential elements of
1165 which are substantially the same as section 53a-56b or 53a-60d or
1166 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
1167 cause is shown, a person shall be ineligible for participation in such
1168 pretrial alcohol education system if such person's alleged violation of
1169 section 14-227a caused the serious physical injury, as defined in section
1170 53a-3, of another person. The fee imposed by this subsection shall be
1171 credited to the Criminal Injuries Compensation Fund established by
1172 section 54-215.

1173 Sec. 36. Subsection (h) of section 14-227a of the general statutes is
1174 repealed and the following is substituted in lieu thereof:

1175 (h) Any person who violates any provision of subsection (a) of this
1176 section shall: (1) For conviction of a first violation, (A) be fined not less
1177 than five hundred dollars nor more than one thousand dollars and (B)
1178 be (i) imprisoned not more than six months, forty-eight consecutive
1179 hours of which may not be suspended or reduced in any manner or (ii)
1180 imprisoned not more than six months, with the execution of such
1181 sentence of imprisonment suspended entirely and a period of
1182 probation imposed requiring as a condition of such probation that
1183 such person perform one hundred hours of community service, as
1184 defined in section 14-227e, and (C) have such person's motor vehicle
1185 operator's license or nonresident operating privilege suspended for
1186 one year; (2) for conviction of a second violation within ten years after
1187 a prior conviction for the same offense, (A) be fined not less than one
1188 thousand dollars nor more than four thousand dollars, (B) be
1189 imprisoned not more than two years, [one hundred] twenty
1190 consecutive days of which may not be suspended or reduced in any

1191 manner, and sentenced to a period of probation requiring as a
1192 condition of such probation that such person perform one hundred
1193 hours of community service, as defined in section 14-227e, and (C)
1194 have such person's motor vehicle operator's license or nonresident
1195 operating privilege suspended for three years or until the date of such
1196 person's twenty-first birthday, whichever is longer; and (3) for
1197 conviction of a third and subsequent violation within ten years after a
1198 prior conviction for the same offense, (A) be fined not less than two
1199 thousand dollars nor more than eight thousand dollars, (B) be
1200 imprisoned not more than three years, one year of which may not be
1201 suspended or reduced in any manner, and sentenced to a period of
1202 probation requiring as a condition of such probation that such person
1203 perform one hundred hours of community service, as defined in
1204 section 14-227e, and (C) have such person's motor vehicle operator's
1205 license or nonresident operating privilege permanently revoked upon
1206 such third offense. For purposes of the imposition of penalties for a
1207 second or third and subsequent offense pursuant to this subsection, a
1208 conviction under the provisions of subsection (a) of section 14-227a in
1209 effect on October 1, 1981, or as amended thereafter, a conviction under
1210 the provisions of either subdivision (1) or (2) of subsection (a) of this
1211 section, a conviction under the provisions of section 53a-56b or 53a-60d
1212 or a conviction in any other state of any offense the essential elements
1213 of which are determined by the court to be substantially the same as
1214 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
1215 or 53a-60d, shall constitute a prior conviction for the same offense.

1216 Sec. 37. Section 53a-39 of the general statutes is repealed and the
1217 following is substituted in lieu thereof:

1218 (a) [At] Except as provided in subsection (b) of this section, at any
1219 time during the period of a definite sentence, [of three years or less,]
1220 the sentencing court or judge may, after hearing and for good cause
1221 shown, reduce the sentence, order the defendant discharged, or order
1222 the defendant discharged on probation or conditional discharge for a
1223 period not to exceed that to which the defendant could have been
1224 originally sentenced.

1225 (b) At any time during the period of a definite sentence of more than
1226 three years imposed for an offense involving the use or attempted use
1227 of physical force against another person, upon agreement of the
1228 defendant and the state's attorney to seek review of the sentence, the
1229 sentencing court or judge may, after hearing and for good cause
1230 shown, reduce the sentence, order the defendant discharged, or order
1231 the defendant discharged on probation or conditional discharge for a
1232 period not to exceed that to which the defendant could have been
1233 originally sentenced.

1234 (c) The provisions of this section shall not apply to any portion of a
1235 sentence imposed that is a mandatory minimum sentence for an
1236 offense which may not be suspended or reduced by the court.

1237 (d) At a hearing held by the sentencing court or judge under this
1238 section, such court or judge shall permit any victim of the crime to
1239 appear before the court or judge for the purpose of making a statement
1240 for the record concerning whether or not the sentence of the defendant
1241 should be reduced, the defendant discharged or the defendant
1242 discharged on probation or conditional discharge pursuant to
1243 subsection (a) or (b) of this section. In lieu of such appearance, the
1244 victim may submit a written statement to the court or judge and the
1245 court or judge shall make such statement a part of the record at the
1246 hearing. For the purposes of this subsection, "victim" means the victim,
1247 the legal representative of the victim or a member of the deceased
1248 victim's immediate family.

1249 Sec. 38. (NEW) For the purposes of sections 39 to 42, inclusive, of
1250 this act, "eligible offender" means a person who has been convicted of
1251 an offense, but who has not been convicted more than once of a felony.

1252 Sec. 39. (NEW) (a) A certificate of relief from disabilities may be
1253 granted as provided in sections 39 to 42, inclusive, of this act to relieve
1254 an eligible offender of any forfeiture or disability, or to remove any bar
1255 to such offender's employment, automatically imposed by law by
1256 reason of such offender's conviction of the offense specified therein.

1257 Such certificate may be limited to one or more enumerated forfeitures,
1258 disabilities or bars, or may relieve the eligible offender of all
1259 forfeitures, disabilities and bars, except that such certificate shall not
1260 apply to the right of such offender to retain or be eligible for public
1261 office.

1262 (b) A conviction of an offense specified in a certificate of relief from
1263 disabilities shall not cause automatic forfeiture of any license, permit,
1264 employment or franchise, including the right to register for or vote at
1265 an election, or automatic forfeiture of any other right or privilege held
1266 by the eligible offender and covered by the certificate. A conviction of
1267 an offense specified in a certificate of relief from disabilities shall not
1268 be deemed to be a conviction within the meaning of any provision of
1269 the general statutes that imposes, by reason of a conviction, a bar to
1270 any employment, a disability to exercise any right or a disability to
1271 apply for or to receive any license, permit or other authority or
1272 privilege, covered by the certificate.

1273 (c) A certificate of relief from disabilities shall not prevent any
1274 judicial, administrative, licensing or other board or commission from
1275 relying on the conviction specified therein as the basis for the exercise
1276 of its discretionary power to suspend, revoke, refuse to issue or refuse
1277 to renew any license, permit or other authority or privilege.

1278 Sec. 40. (NEW) (a) Any superior court may, in its discretion, issue a
1279 certificate of relief from disabilities to an eligible offender for a
1280 conviction that occurred in such court if the court imposed a sentence
1281 other than a sentence of imprisonment involving commitment to the
1282 custody of the Commissioner of Correction. Such certificate may be
1283 issued (1) at the time of sentencing, in which case it may grant relief
1284 from forfeitures as well as from disabilities, or (2) at any time after
1285 sentencing, in which case it shall apply only to disabilities.

1286 (b) The court shall not grant a certificate of relief from disabilities
1287 unless the court is satisfied that: (1) The person to whom the certificate
1288 is to be granted is an eligible offender, (2) the relief to be granted by

1289 the certificate is consistent with the rehabilitation of the eligible
1290 offender, and (3) the relief to be granted by the certificate is consistent
1291 with the public interest.

1292 (c) If a certificate of relief from disabilities is not issued at the time of
1293 sentencing, such certificate shall only be issued thereafter upon
1294 verified application to the court. The court may, for the purpose of
1295 determining whether such certificate should be issued, request the
1296 Office of Adult Probation to conduct an investigation of the applicant.
1297 Any probation officer requested to make an investigation pursuant to
1298 this subsection shall prepare and submit to the court a written report
1299 in accordance with such request.

1300 (d) If the court has imposed a sentence of a term of imprisonment,
1301 with the execution of such sentence of imprisonment suspended
1302 entirely, and a period of probation or conditional discharge, and a
1303 certificate of relief from disabilities is issued prior to the completion of
1304 such period of probation or conditional discharge, the certificate shall
1305 be deemed to be a temporary certificate until the person completes
1306 such person's period of probation or conditional discharge. During the
1307 period that such certificate is temporary, the court (1) may revoke such
1308 certificate for violation of the conditions of such person's probation or
1309 conditional discharge, and (2) shall revoke such certificate if the court
1310 revokes such person's probation or conditional discharge and commits
1311 the person to the custody of the Commissioner of Correction. Prior to
1312 any such revocation, the court shall give such person notice and an
1313 opportunity to be heard. If the certificate is not revoked, it shall
1314 become a permanent certificate upon completion of such person's
1315 period of probation or conditional discharge.

1316 (e) Any court that has issued a certificate of relief from disabilities
1317 may at any time issue a new certificate to enlarge the relief previously
1318 granted, and the provisions of subsections (a) to (d), inclusive, of this
1319 section shall apply to the issuance of any new certificate.

1320 (f) Any written report submitted to the court pursuant to this

1321 section shall be confidential and not disclosed except where required
1322 or permitted by any provision of the general statutes or upon specific
1323 authorization of the court. The court may make such report available
1324 for examination by the applicant or the applicant's attorney.

1325 Sec. 41. (NEW) (a) The Board of Parole may, in its discretion, issue a
1326 certificate of relief from disabilities to an eligible offender who (1) has
1327 been committed to the custody of the Commissioner of Correction or,
1328 (2) resides in this state and whose judgment of conviction was
1329 rendered by a court in another jurisdiction. The board may issue such
1330 certificate at the time the board releases such person on parole or at
1331 any time thereafter.

1332 (b) The Board of Parole shall not grant a certificate of relief from
1333 disabilities unless the board is satisfied that: (1) The person to whom
1334 the certificate is to be granted is an eligible offender, (2) the relief to be
1335 granted by the certificate is consistent with the rehabilitation of the
1336 eligible offender, and (3) the relief to be granted by the certificate is
1337 consistent with the public interest.

1338 (c) If a certificate of relief from disabilities is issued by the Board of
1339 Parole while an eligible offender is under the board's supervision, the
1340 certificate shall be deemed to be a temporary certificate until the
1341 person completes such person's period of parole and is discharged
1342 from the board's supervision. During the period that such certificate is
1343 temporary, the board may revoke such certificate for violation of the
1344 conditions of such person's parole. Prior to any such revocation, the
1345 board shall give such person notice and an opportunity to be heard. If
1346 the certificate is not revoked, it shall become a permanent certificate
1347 upon completion of such person's period of parole and discharge from
1348 the board's supervision.

1349 (d) The board may at any time issue a new certificate to enlarge the
1350 relief previously granted, and the provisions of subsections (a) to (c),
1351 inclusive, of this section shall apply to the issuance of any new
1352 certificate.

1353 Sec. 42. (NEW) (a) If a temporary certificate is revoked by the court
1354 as provided in subsection (d) of section 40 of this act or by the Board of
1355 Parole as provided in subsection (c) of section 41 of this act, disabilities
1356 and forfeitures thereby relieved shall be reinstated as of the date upon
1357 which the person to whom the certificate was issued receives written
1358 notice of such revocation. Any such person shall upon receipt of such
1359 notice surrender the certificate to the issuing court or board.

1360 (b) Any person who knowingly uses or attempts to use a revoked
1361 certificate of relief from disabilities in order to obtain or exercise any
1362 right or privilege which such person would not be entitled to obtain or
1363 exercise without a valid certificate shall be fined not more than five
1364 hundred dollars or imprisoned not more than three months, or both.

1365 Sec. 43. Section 53a-167c of the general statutes is repealed and the
1366 following is substituted in lieu thereof:

1367 (a) A person is guilty of assault of public safety or emergency
1368 medical personnel when, with intent to prevent a reasonably
1369 identifiable peace officer, fireman or employee of an emergency
1370 medical service organization, as defined in section 53a-3, emergency
1371 room physician or nurse, employee of the Department of Correction,
1372 employee or member of the Board of Parole, probation officer,
1373 employee of the judicial branch assigned to provide pretrial secure
1374 detention and programming services to juveniles accused of the
1375 commission of a delinquent act, [or] employee of the Department of
1376 Children and Families assigned to provide direct services to children
1377 and youth in the care or custody of the department, or employee of a
1378 municipal police department assigned to provide security at the police
1379 department's lockup and holding facility from performing his or her
1380 duties, and while such peace officer, fireman, employee, physician,
1381 nurse, member or probation officer is acting in the performance of his
1382 or her duties, (1) such person causes physical injury to such peace
1383 officer, fireman, employee, physician, nurse, member or probation
1384 officer, or (2) such person throws or hurls, or causes to be thrown or
1385 hurled, any rock, bottle, can or other article, object or missile of any

1386 kind capable of causing physical harm, damage or injury, at such peace
1387 officer, fireman, employee, physician, nurse, member or probation
1388 officer, or (3) such person uses or causes to be used any mace, tear gas
1389 or any like or similar deleterious agent against such peace officer,
1390 fireman, employee, physician, nurse, member or probation officer, or
1391 (4) such person throws or hurls, or causes to be thrown or hurled, any
1392 paint, dye or other like or similar staining, discoloring or coloring
1393 agent or any type of offensive or noxious liquid, agent or substance at
1394 such peace officer, fireman, employee, physician, nurse, member or
1395 probation officer, or (5) such person throws or hurls, or causes to be
1396 thrown or hurled, any bodily fluid including, but not limited to, urine,
1397 feces, blood or saliva at such peace officer, fireman, employee,
1398 physician, nurse, member or probation officer.

1399 (b) Assault of public safety or emergency medical personnel is a
1400 class C felony. If any person who is confined in an institution or facility
1401 of the Department of Correction is sentenced to a term of
1402 imprisonment for assault of an employee of the Department of
1403 Correction under this section, such term shall run consecutively to the
1404 term for which the person was serving at the time of the assault.

1405 Sec. 44. (NEW) (a) For the purposes of this section, "ombudsman
1406 services" includes (1) the receipt of complaints by the ombudsman
1407 from inmates in the custody of the Department of Correction including
1408 inmates housed in other states, regarding decisions, actions and
1409 omissions, policies, procedures, rules and regulations of the
1410 department, (2) investigating such complaints, rendering a decision on
1411 the merits of each complaint and communicating the decision to the
1412 complainant, (3) recommending to the Commissioner of Correction a
1413 resolution of any complaint found to have merit, (4) recommending
1414 policy revisions to the department, and (5) publishing a quarterly
1415 report of all ombudsman services activities.

1416 (b) The Connecticut Correctional Ombudsman Services existing on
1417 the effective date of this act, for administrative purposes only, within
1418 the Department of Correction, shall provide independent ombudsman

1419 services to the Department of Correction.

1420 (c) Any person in the custody of the Commissioner of Correction
1421 shall have access to the ombudsman. Prior to such access, such person
1422 shall have reasonably pursued a resolution of the complaint through
1423 any existing internal grievance or appellate procedures of the
1424 Department of Correction.

1425 (d) All oral and written communications, and records relating
1426 thereto, between an inmate and the ombudsman or a member of the
1427 ombudsman's staff, including, but not limited to, the identity of a
1428 complainant, the details of a complaint and the investigative findings
1429 and conclusions of the ombudsman shall be confidential and shall not
1430 be disclosed without the consent of the inmate, except that the
1431 ombudsman may disclose without the consent of the inmate (1) such
1432 communications or records as may be necessary in order for the
1433 ombudsman to conduct an investigation and support any
1434 recommendations the ombudsman may make, or (2) the formal
1435 disposition of an inmate's complaint when requested in writing by a
1436 court hearing such inmate's application for a writ of habeas corpus that
1437 was filed subsequent to an adverse finding by the ombudsman on such
1438 inmate's complaint.

1439 (e) Notwithstanding the provisions of subsection (d) of this section,
1440 whenever in the course of providing ombudsman services, the
1441 ombudsman or a member of the ombudsman's staff becomes aware of
1442 the commission or planned commission of a criminal act or a threat to
1443 the health and safety of any individual or the security of a correctional
1444 facility, the ombudsman shall notify the Commissioner of Correction
1445 or a facility administrator of such act or threat.

1446 Sec. 45. Section 18-81p of the general statutes is repealed.

1447 Sec. 46. This act shall take effect January 1, 2002."