



General Assembly

**Amendment**

January Session, 2001

LCO No. 8945

Offered by:

REP. FARR, 19<sup>th</sup> Dist.

REP. NYSTROM, 46<sup>th</sup> Dist.

To: Subst. House Bill No. 6802

File No. 814

Cal. No. 408

**(As Amended)**

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

1 Strike out section 1 in its entirety and substitute the following in lieu  
2 thereof:

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

7 (b) The Office of Policy and Management shall, within available  
8 appropriations: (1) Monitor the impact of laws and policies on  
9 community-based sentencing and sanction options; (2) assist the  
10 Commission on Prison and Jail Overcrowding in the preparation of the  
11 annual comprehensive state criminal justice plan for preventing prison

12 and jail overcrowding that includes pretrial and post-sentencing  
13 options, and community-based sentencing and sanction options, that  
14 minimize the number of offenders in prisons and jails; (3) coordinate  
15 community-based sentencing and sanction options among criminal  
16 justice agencies and the Department of Mental Health and Addiction  
17 Services; and (4) research and analyze data with respect to the impact  
18 of community correction efforts on reducing crime and recidivism and  
19 the resulting impact on prison and jail overcrowding."

20 Strike subdivision (2) of section 5 in its entirety and substitute the  
21 following in lieu thereof:

22 "(2) undergo medical or psychiatric treatment and remain in a  
23 specified institution, as available and appropriate as part of a  
24 treatment plan;"

25 Strike section 6 in its entirety and substitute the following in lieu  
26 thereof:

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 Section 54-97 of the general statutes is repealed and the  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

29 No person may be committed to [the Connecticut Correctional  
30 Institution, Somers,] a correctional institution or a community  
31 correctional center without a mittimus signed by the judge or clerk of  
32 the court which committed [him] such person or, with respect to a  
33 person sentenced to a period of special parole, signed by the  
34 chairperson of the Board of Parole or the chairperson's designee,  
35 declaring the cause of commitment and requiring the warden or  
36 community correctional center administrator to receive and keep [him]  
37 such person in the [Correctional Institution, Somers,] correctional  
38 institution or the community correctional center, as the case may be,  
39 for the period fixed by the judgment of said court or said board or  
40 until [he] such person is legally discharged; and such mittimus shall be  
41 sufficient authority to the officer to commit such person, and to the  
42 warden or community correctional center administrator to receive and  
43 hold [him] such person in custody, except that any community

44 correctional center may receive any person as provided in section 7-135  
45 without such mittimus."

46 Strike subsection (f) of section 8 in its entirety and substitute the  
47 following in lieu thereof:

48 "(f) In the event of the temporary inability of any member [other  
49 than the chairman] to perform his or her duties, the Governor, at the  
50 request of the chairperson of the board, may appoint a qualified  
51 person to serve as a temporary member during such period of  
52 inability."

53 Strike section 9 in its entirety and renumber the remaining sections  
54 accordingly

55 Strike subdivision (4) of subsection (a) of section 10 in its entirety  
56 and substitute the following in lieu thereof:

57 "(4) classification and institutional records of the Department of  
58 Correction including records available pursuant to state or federal law  
59 concerning substance abuse treatment and service needs, medical and  
60 mental health treatment and service needs, and educational or  
61 vocational deficiencies and service needs, and"

62 Strike subsection (c) of section 11 in its entirety and substitute the  
63 following in lieu thereof:

64 "(c) Failure to comply with such pre-parole plan may jeopardize a  
65 person's eligibility for parole. Nothing in this section shall create any  
66 expectation of parole or establish the right to appeal a decision of the  
67 board."

68 Strike section 13 in its entirety and substitute the following in lieu  
69 thereof:

70 "Sec. 13. Subsection (b) of section 54-125e of the general statutes is  
71 repealed and the following is substituted in lieu thereof:

72 (b) Any person sentenced to a period of special parole shall be  
73 subject to such rules and conditions as may be established by the  
74 Board of Parole or its chairman pursuant to section 54-126. The Board  
75 of Parole shall monitor and enforce compliance by a person sentenced  
76 to a period of special parole with the conditions ordered by the court  
77 pursuant to section 5 of this act. The board may require the person to  
78 comply with any or all conditions which the court could have imposed  
79 under said section which are not inconsistent with any conditions  
80 actually imposed by the court or are consistent with prevailing  
81 supervision policies and procedures of the board. The board may,  
82 without a court hearing, modify, delete or add any condition necessary  
83 to comply with the order of the court or for the supervision of such  
84 person."

85 Strike subsections (b) and (c) of section 15 in their entirety and  
86 substitute the following in lieu thereof:

87 "(b) The Department of Correction shall, within available  
88 appropriations, after consideration of the recommendations offered by  
89 the interagency committee pursuant to subsection (a) of this section,  
90 provide treatment services to incarcerated offenders and community-  
91 supervised offenders to meet the service needs of the population of  
92 such incarcerated and community-supervised offenders, ensure public  
93 safety, and reduce prison overcrowding and criminal recidivism. The  
94 treatment services provided by the department pursuant to this section  
95 shall include training, rehabilitation, treatment and other programs  
96 devoted to substance abuse, mental health and anger management.  
97 Such treatment services shall also include necessary and appropriate  
98 federally-approved opiate-substitution or alternative therapies for  
99 opiate-dependent individuals and detoxification to any incarcerated  
100 offender or community-supervised offender whom the department has  
101 determined would benefit from such therapies or treatment. Offenders  
102 incarcerated for a period likely to exceed one year are not eligible for  
103 such opiate-substitution or alternative therapies pursuant to this  
104 section."

105 Strike subsection (b) of section 16 in its entirety and substitute the  
106 following in lieu thereof:

107 "(b) Not later than January 2, 2002, the court for each docket  
108 established under subsection (a) of this section shall, within available  
109 appropriations, with the cooperation of the Department of Mental  
110 Health and Addiction Services, offer appropriate substance abuse  
111 treatment programs including federally-approved opiate-substitution  
112 or alternative therapies and detoxification to all offenders assigned to  
113 such docket who have been determined by said department to be  
114 opiate-dependent and in need of such therapies, detoxification or other  
115 treatment. The Department of Mental Health and Addiction Services  
116 shall contract with federally-approved opiate-substitution or  
117 alternative therapy treatment programs to provide such therapies,  
118 detoxification or other treatment."

119 Strike subsection (c) of section 19 in its entirety and substitute the  
120 following in lieu thereof:

121 "(c) The period of participation in a community service labor  
122 program shall be: [a minimum of fourteen days for a first violation and  
123 thirty days for a second violation involving a plea of guilty and  
124 conviction] (1) For a violation of section 21a-267 or subsection (c) of  
125 section 21a-279, not less than two days for a first violation and not less  
126 than ten days for a second violation; (2) for a violation of subsection (b)  
127 of section 21a-279, not less than ten days for a first violation and not  
128 less than twenty days for a second violation; and (3) for a violation of  
129 subsection (a) of section 21a-279, not less than fourteen days for a first  
130 violation and not less than thirty days for a second violation."

131 Strike sections 21 to 29, inclusive, in their entirety and renumber the  
132 remaining sections accordingly

133 Strike subsection (a) of section 30 in its entirety and substitute the  
134 following in lieu thereof:

135 "(a) The Court Support Services Division shall, within available

136 appropriations, establish (1) on and after January 1, 2002, in the judicial  
137 district of New Haven, (2) on and after January 1, 2003, in the judicial  
138 district of Hartford, and (3) on and after January 1, 2004, in all judicial  
139 districts a fifteen-bed alternative incarceration center that, in addition  
140 to the programs and services offered by an alternative incarceration  
141 center, provides a residential and day reporting program for accused  
142 and convicted persons with psychiatric disabilities."

143 Strike subsection (d) of section 30 in its entirety and substitute the  
144 following in lieu thereof:

145 "(d) Any person referred to the center shall be screened to determine  
146 such person's eligibility for the program. Such person shall (1) consent  
147 to such screening and participation in the program, (2) sign releases  
148 authorizing the disclosure of past and current psychiatric information,  
149 (3) agree to abide by program rules, and (4) be clinically stable and not  
150 dangerous to himself or herself or others. Any person determined to be  
151 eligible for the program shall be accepted into the program based on  
152 availability of space."

153 Strike sections 31 and 32 in their entirety and renumber the  
154 remaining sections accordingly

155 Strike sections 37 to 42, inclusive, in their entirety and renumber the  
156 remaining sections accordingly

157 Strike section 44 in its entirety and substitute the following in lieu  
158 thereof:

159 "Sec. 44. (NEW) The Chairperson of the Board of Parole may, at said  
160 chairperson's discretion, vacate any warrant or request for  
161 reimprisonment issued under section 54-126 or 54-127 of the general  
162 statutes. Any parolee confined in a correctional facility under a  
163 warrant vacated under this section shall be released and returned to  
164 the supervision of the Board of Parole and receive credit for any time  
165 spent in actual custody. The Chairperson of the Board of Parole may  
166 elect to restore sentence time credit lost as a result of the issuance of a

167 parole warrant to any prisoner or parolee not confined in a correctional  
168 facility."