



General Assembly

February Session, 2002

Raised Bill No. 5690

LCO No. 2327

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PRISON AND JAIL OVERCROWDING.

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

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) The Justice Planning
2 Division existing within the Office of Policy and Management shall
3 provide interagency leadership and coordination of criminal justice
4 agencies and evaluate and develop criminal justice policy based on a
5 comprehensive analysis of data and information.

6 (b) The Justice Planning Division shall, within available
7 appropriations: (1) Make recommendations to develop and implement
8 community-based sentencing and sanction options; (2) coordinate the
9 efforts of all criminal justice agencies in accordance with such
10 recommended sentencing policy; (3) examine the impact of laws and
11 policies on community-based sentencing and sanction options; (4)
12 examine the impact of community-based sentencing and sanction
13 options on prison and jail overcrowding; (5) assist the Commission on
14 Prison and Jail Overcrowding in the preparation of the annual
15 comprehensive state criminal justice plan for preventing prison and jail
16 overcrowding that includes pretrial and post-sentencing options that
17 minimize the number of offenders in prisons and jails; (6) coordinate

18 community-based sentencing and sanction options with state mental
19 health and substance abuse plans; (7) develop strategies to assist in the
20 siting of community-based programs and services; (8) research and
21 analyze data with respect to the impact of community correction
22 efforts on reducing crime and recidivism and the resulting impact on
23 prison and jail overcrowding; and (9) submit an annual plan for
24 community-based sentencing and sanction options, with
25 recommendations, to the Commission on Prison and Jail
26 Overcrowding for inclusion in the commission's annual
27 comprehensive state criminal justice plan for preventing prison and jail
28 overcrowding.

29 Sec. 2. Section 18-87j of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2002*):

31 There is established a Commission on Prison and Jail Overcrowding
32 which shall be within the Office of Policy and Management for
33 administrative purposes only. Said commission shall consist of the
34 Chief Court Administrator or [his] the Chief Court Administrator's
35 designee, the Commissioner of Correction, the chairperson of the
36 Board of Parole, the Commissioner of Public Safety, the Chief State's
37 Attorney or [his] the Chief State's Attorney's designee, the Chief Public
38 Defender or [his] the Chief Public Defender's designee, [and] the Chief
39 Bail Commissioner or other designee of the Chief Court Administrator,
40 the Secretary of the Office of Policy and Management or the secretary's
41 designee, the Commissioner of Mental Health and Addiction Services
42 or the commissioner's designee and [the Governor shall appoint the
43 following members] eight members appointed by the Governor as
44 follows: Three government officials, a police chief, two persons
45 representing offender and victim services within the private
46 community and two public members. The Governor shall appoint a
47 chairperson from among the members of the commission. The
48 commission shall meet at [such times as it deems necessary] least
49 quarterly each year.

50 Sec. 3. Subsection (b) of section 53a-28 of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective*
52 *October 1, 2002*):

53 (b) Except as provided in section 53a-46a, as amended, when a
54 person is convicted of an offense, the court shall impose one of the
55 following sentences: (1) A term of imprisonment; or (2) a sentence
56 authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of
57 imprisonment and a fine; or (5) a term of imprisonment, with the
58 execution of such sentence of imprisonment suspended [] entirely, [or
59 after a period set by the court,] and a period of probation or a period of
60 conditional discharge; or (6) a term of imprisonment, with the
61 execution of such sentence of imprisonment suspended [] entirely, [or
62 after a period set by the court,] and a fine and a period of probation or
63 a period of conditional discharge; or (7) a term of imprisonment, with
64 the execution of such sentence of imprisonment suspended after a
65 period set by the court of not more than two years, and a period of
66 probation or a period of conditional discharge; or (8) a term of
67 imprisonment, with the execution of such sentence of imprisonment
68 suspended after a period set by the court of not more than two years,
69 and a fine and a period of probation or a period of conditional
70 discharge; or [(7)] (9) a fine and a sentence authorized by section 18-
71 65a or 18-73; or [(8)] (10) a sentence of unconditional discharge; or [(9)]
72 (11) a term of imprisonment of more than two years and a period of
73 special parole as provided in section 54-125e, as amended by this act;
74 or (12) a term of imprisonment of more than two years, and a fine and
75 a period of special parole as provided in section 54-125e, as amended
76 by this act. Notwithstanding the provisions of subdivision (7) or (8) of
77 this subsection, whenever the court deems it appropriate or when a
78 person is convicted of a violation of subdivision (2) of subsection (a) of
79 section 53-21 or section 14-227a, as amended, 53a-70, 53a-70a, 53a-70b,
80 53a-71, 53a-72a or 53a-72b, the court may impose a sentence of a term
81 of imprisonment, with the execution of such sentence of imprisonment
82 suspended after a period set by the court, and (A) a period of
83 probation or conditional discharge, or (B) a fine and a period of

84 probation or conditional discharge.

85 Sec. 4. (NEW) (*Effective October 1, 2002*) When imposing a sentence
86 of a period of special parole in accordance with subdivision (11) or (12)
87 of subsection (b) of section 53a-28 of the general statutes, as amended
88 by this act, the court shall establish the conditions of a defendant's
89 release on special parole and may, as a condition of the sentence, order
90 the defendant to: (1) Make reasonable efforts to obtain and maintain
91 suitable employment or to pursue a course of study or of vocational
92 training that will equip the defendant for suitable employment; (2)
93 undergo medical or psychiatric treatment and remain in a specified
94 institution, when required for that purpose; (3) support the defendant's
95 dependents and meet other family obligations according to the
96 defendant's ability to do so; (4) make restitution of the fruits of the
97 defendant's offense or make restitution, in an amount the defendant
98 can afford to pay or provide in a suitable manner, for the loss or
99 damage caused thereby and the court may fix the amount thereof and
100 the manner of performance; (5) refrain from violating any criminal law
101 of the United States, this state or any other state; (6) reside in a
102 residential community center or halfway house approved by the
103 chairperson of the Board of Parole; (7) participate in a program of
104 community service in accordance with section 51-181c of the general
105 statutes; (8) if convicted of a violation of subdivision (2) of subsection
106 (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or
107 53a-72b of the general statutes, undergo specialized sexual offender
108 treatment; and (9) satisfy any other conditions reasonably related to
109 the defendant's rehabilitation. The court shall cause a copy of any such
110 order to be delivered to the defendant and to the Board of Parole.

111 Sec. 5. Section 54-97 of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2002*):

113 No person may be committed to [the Connecticut Correctional
114 Institution, Somers,] a correctional institution or a community
115 correctional center without a mittimus signed by the judge or clerk of

116 the court which committed [him] such person, or with respect to a
117 person sentenced to a period of special parole, signed by the
118 chairperson of the Board of Parole or the chairperson's designee,
119 declaring the cause of commitment and requiring the warden or
120 community correctional center administrator to receive and keep [him]
121 such person in the [Correctional Institution, Somers,] correctional
122 institution or the community correctional center, as the case may be,
123 for the period fixed by the judgment of said court or said board or
124 until [he] such person is legally discharged; and such mittimus shall be
125 sufficient authority to the officer to commit such person, and to the
126 warden or community correctional center administrator to receive and
127 hold [him] such person in custody, except that any community
128 correctional center may receive any person as provided in section 7-135
129 without such mittimus.

130 Sec. 6. Subsection (d) of section 54-105 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective*
132 *October 1, 2002*):

133 (d) The Director of Probation shall [establish within the Office of
134 Adult Probation a program wherein eighty-four probation officers
135 shall have a caseload of not more than thirty-five probationers per
136 officer for the purpose of providing high level supervision. This
137 program shall be implemented with funds appropriated pursuant to
138 section 48 of public act 90-213*, provided such caseload may be
139 increased at the discretion of the Director of Probation if funding for
140 the current service level for the Office of Adult Probation is reduced]
141 annually determine probation officer caseloads sufficient to meet the
142 needs of community-supervised offenders.

143 Sec. 7. Section 54-125a of the general statutes, as amended by section
144 74 of public act 01-9 of the June special session, is repealed and the
145 following is substituted in lieu thereof (*Effective October 1, 2002*):

146 (a) A person convicted of one or more crimes who is incarcerated on
147 or after October 1, 1990, who received a definite sentence or aggregate

148 sentence of more than two years, and who has been confined under
149 such sentence or sentences for not less than one-half of the aggregate
150 sentence or one-half of the most recent sentence imposed by the court,
151 whichever is greater, may be allowed to go at large on parole in the
152 discretion of the panel of the Board of Parole for the institution in
153 which the person is confined, if (1) it appears from all available
154 information, including any reports from the Commissioner of
155 Correction that the panel may require, that there is reasonable
156 probability that such inmate will live and remain at liberty without
157 violating the law, and (2) such release is not incompatible with the
158 welfare of society. At the discretion of the panel, and under the terms
159 and conditions as may be prescribed by the panel including requiring
160 the parolee to submit personal reports, the parolee shall be allowed to
161 return to the parolee's home or to reside in a residential community
162 center, or to go elsewhere. The parolee shall, while on parole, remain
163 in the legal custody and control of the board until the expiration of the
164 maximum term or terms for which the parolee was sentenced. Any
165 parolee released on the condition that the parolee reside in a
166 residential community center may be required to contribute to the cost
167 incidental to such residence. Each order of parole shall fix the limits of
168 the parolee's residence, which may be changed in the discretion of
169 such panel. Within three weeks after the commitment of each person
170 sentenced to more than one year, the state's attorney for the judicial
171 district shall send to the Board of Parole the record, if any, of such
172 person.

173 (b) (1) No person convicted of any of the following offenses, which
174 was committed on or after July 1, 1981, shall be eligible for parole
175 under subsection (a) of this section: Capital felony, as defined in
176 section 53a-54b, as amended, felony murder, as defined in section 53a-
177 54c, arson murder, as defined in section 53a-54d, murder, as defined in
178 section 53a-54a, or any offense committed with a firearm, as defined in
179 section 53a-3, as amended, in or on, or within one thousand five
180 hundred feet of, the real property comprising a public or private
181 elementary or secondary school. (2) A person convicted of an offense,

182 other than an offense specified in subdivision (1) of this subsection,
183 where the underlying facts and circumstances of the offense involve
184 the use, attempted use or threatened use of physical force against
185 another person shall be ineligible for parole under subsection (a) of
186 this section until such person has served not less than eighty-five per
187 cent of the definite sentence imposed.

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

197 (d) Not later than January 15, 2002, the Board of Parole shall submit
198 a report to the Secretary of the Office of Policy and Management and,
199 in accordance with the provisions of section 11-4a, to the joint standing
200 committees of the General Assembly having cognizance of matters
201 relating to the Board of Parole, public safety and appropriations and
202 the budgets of state agencies setting forth the number of all persons
203 whose eligibility for parole release is subject to subsection (a) of this
204 section who, as of January 1, 2002, have completed seventy-five per
205 cent of their definite sentence and have not been approved for parole
206 release. Not later than February 15, 2002, and not later than the
207 fifteenth day of each month thereafter, the Board of Parole shall submit
208 a report to the Secretary of the Office of Policy and Management and,
209 in accordance with the provisions of section 11-4a, to the joint standing
210 committees of the General Assembly having cognizance of matters
211 relating to the Board of Parole, public safety and appropriations and
212 the budgets of state agencies setting forth the number of all such
213 persons who have completed seventy-five per cent of their definite
214 sentence in the preceding month and were not approved for parole

215 release.

216 (e) Notwithstanding the provisions of subsection (a) of this section,
217 any person whose eligibility for parole release is subject to said
218 subsection and who has not been released on parole by the board in its
219 discretion, shall be placed on parole supervision upon completion by
220 such person of seventy-five per cent of such person's definite sentence
221 unless: (1) Such person has been given a level five security or chronic
222 disciplinary status classification by the Department of Correction, (2)
223 such person is the subject of a class A disciplinary report by the
224 Department of Correction for assault on staff or another inmate, rioting
225 or escape during such person's period of incarceration, (3) such person
226 has a pending criminal charge for the alleged commission of a felony
227 during such person's period of incarceration, or (4) such person has
228 failed to cooperate in his or her own rehabilitation.

229 (f) The Board of Parole shall assess the suitability for parole release
230 of any person whose eligibility for parole release is subject to
231 subdivision (2) of subsection (b) of this section upon completion by
232 such person of eighty-five per cent of the definite sentence imposed.
233 The Board of Parole may allow such person to be released on parole if
234 (1) there is reasonable probability that such person will live and
235 remain at liberty without violating the law, and (2) the benefits to such
236 person and society that would result from such person's release to
237 community supervision and transition substantially outweighs the
238 benefits to such person and society that would result from such
239 person's continued confinement. If the board determines after such
240 assessment that the continued confinement of such person is
241 necessary, it shall articulate for the record the specific reasons why
242 such person and society would not benefit from such person receiving
243 a period of community supervision.

244 Sec. 8. (NEW) *(Effective October 1, 2002)* (a) The Board of Parole shall
245 conduct an initial assessment of a convicted person whose eligibility
246 for parole release is subject to subsection (a) or subdivision (2) of

247 subsection (b) of section 54-125a of the general statutes, as amended by
248 this act, within six months of such person's admission to the custody of
249 the Department of Correction. The initial assessment shall establish
250 and confirm such person's eligibility for parole. In conducting the
251 initial assessment, the board shall review information concerning such
252 person including, but not limited to: (1) The current offense
253 information, (2) prior criminal history information, (3) any information
254 submitted to the board by a prosecutorial official, defense attorney, the
255 court or a victim, (4) classification and institutional records of the
256 Department of Correction including records concerning substance
257 abuse treatment and service needs, medical and mental health
258 treatment and service needs, and educational or vocational deficiencies
259 and service needs, and (5) any presentence investigation report and
260 probation records.

261 (b) During the initial assessment, the board shall provide such
262 person with general information on the laws and policies regarding
263 parole release, calculation of time-served standards, general conditions
264 of release, supervision practices, revocation and rescission policies,
265 and procedures for administrative review and panel hearings, and any
266 other information that the board deems relevant for preparing such
267 person for parole. The initial assessment shall be conducted by an
268 employee of the board.

269 Sec. 9. (NEW) (*Effective October 1, 2002*) (a) An employee of the
270 Board of Parole shall prepare a preparole plan for a convicted person
271 that will serve to increase such person's suitability for parole release in
272 accordance with subsection (a) or subdivision (2) of subsection (b) of
273 section 54-125a of the general statutes, as amended by this act. The
274 preparole plan shall be based on the information acquired during the
275 initial assessment conducted by the Board of Parole in accordance with
276 section 8 of this act and the prevailing release and supervision policies
277 and procedures established by the chairperson of said board. The
278 preparole plan shall establish such factors considered favorable by the
279 board in its decision to grant parole including, but not limited to, such

280 person's participation in treatment, educational or vocational
281 programs and reasonable compliance with the rules and regulations of
282 the Department of Correction during such person's period of
283 incarceration or community release. An employee of the board shall
284 provide such person with a copy of the preparole plan and explain the
285 provisions of the plan to such person.

286 (b) Any preparole plan shall be based on available prison-based
287 resources and programs administered by the Department of
288 Correction. The department shall consider the interests and needs of
289 the Board of Parole in such resources and programs to increase the
290 parole suitability of the inmate population and assist in the successful
291 transition of such persons to the community.

292 (c) No person shall be required to comply with such preparole plan,
293 but substantial compliance by such person shall create a presumption
294 that the board will grant parole. Nothing in this section shall create
295 any expectation of parole or establish the right to appeal a decision of
296 the board.

297 Sec. 10. Section 54-125b of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2002*):

299 (a) A person whose eligibility for parole release is subject to
300 subsection (a) of section 54-125a, as amended by this act, may be
301 allowed to go on parole in accordance with section 54-125a, as
302 amended by this act, or 54-125g without a parole hearing being
303 conducted by a panel of the Board of Parole if (1) an employee of the
304 Board of Parole has reviewed the inmate's case and recommended
305 parole be granted to such person, and (2) such recommendation has
306 been approved by at least two members of a panel of the board. A
307 parole hearing shall be conducted by a panel of the Board of Parole if
308 the chairperson of the board deems such a hearing to be necessary or a
309 victim, as defined in sections 54-201 and 54-226, requests such a
310 hearing.

311 [(b) No inmate may be released pursuant to the provisions of
312 subsection (a) of this section if he or she has been convicted of a
313 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
314 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-
315 134 or 53a-196a or has more than three years remaining on his or her
316 sentence.]

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

321 Sec. 11. Section 54-125e of the general statutes, as amended by
322 section 21 of public act 01-84, is repealed and the following is
323 substituted in lieu thereof (*Effective October 1, 2002*):

324 (a) Any person convicted of a crime committed on or after October
325 1, 1998, who received a definite sentence of more than two years
326 followed by a period of special parole shall, at the expiration of the
327 maximum term or terms of imprisonment imposed by the court, be
328 automatically transferred from the custody of the Commissioner of
329 Correction to the jurisdiction of the [chairman] chairperson of the
330 Board of Parole or, if such person has previously been released on
331 parole pursuant to subsection (a) of section 54-125a, as amended by
332 this act, or section 54-131a, remain under the jurisdiction of said
333 [chairman] chairperson until the expiration of the period of special
334 parole imposed by the court.

335 (b) Any person sentenced to a period of special parole shall be
336 subject to such rules and conditions as may be established by the
337 Board of Parole or its [chairman] chairperson pursuant to section
338 54-126.

339 (c) The Board of Parole shall monitor and enforce compliance by a
340 person sentenced to a period of special parole with the conditions
341 ordered by the court pursuant to section 4 of this act.

342 [(c)] (d) The period of special parole shall be not less than one year
343 nor more than ten years except that such period may be for more than
344 ten years for a person convicted of a violation of subdivision (2) of
345 section 53-21 of the general statutes in effect prior to October 1, 2000,
346 subdivision (2) of subsection (a) of section 53-21, section 53a-70,
347 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a
348 persistent dangerous felony offender pursuant to subsection (h) of
349 section 53a-40 or as a persistent serious felony offender pursuant to
350 subsection (j) of section 53a-40.

351 (e) At any time during the period of special parole, a parole officer
352 may seek a warrant for the arrest of a parolee for violation of any of
353 the conditions of special parole, or may issue a notice to appear before
354 the Board of Parole to answer to a charge of such violation, which
355 notice shall be personally served upon the parolee. Any such warrant
356 shall authorize all officers named therein to return the parolee to the
357 custody of the Commissioner of Correction. After making an arrest, the
358 parole officer shall present to the detaining authorities a statement of
359 the circumstances of the violation. Upon such arrest and detention, the
360 parole officer shall immediately so notify the Board of Parole.
361 Thereupon, or upon an arrest by warrant as herein provided, the board
362 shall cause the parolee to be brought before it without unnecessary
363 delay for a hearing on the violation charges. At such hearing, the
364 parolee shall be informed of the manner in which such parolee is
365 alleged to have violated the conditions of such parolee's special parole,
366 shall be advised by the board that such parolee has the right to retain
367 counsel and, if indigent, shall be entitled to the services of the public
368 defender, and shall have the right to cross-examine witnesses and to
369 present evidence in such parolee's own behalf. The chairperson of the
370 Board of Parole shall develop policies and procedures for revocation
371 and rescission hearings.

372 (f) If such violation is established, the board may: (1) Continue the
373 sentence of special parole; (2) modify or enlarge the conditions of
374 special parole; or (3) revoke the sentence of special parole. No such

375 revocation shall be ordered, except upon consideration of the incident
376 and unless such violation is established by the introduction of reliable
377 and probative evidence and by a preponderance of the evidence.

378 (g) If the board revokes special parole for a parolee, the chairperson
379 or the chairperson's designee may issue a mittimus for the
380 commitment of such parolee to the custody of the Commissioner of
381 Correction for any period not to exceed the unexpired portion of the
382 period of special parole.

383 (h) Any person who, during the service of a period of special parole,
384 has been returned to the custody of the Commissioner of Correction or
385 any institution of the Department of Correction for violation of such
386 person's special parole, may be retained in a correctional institution for
387 a period not to exceed the unexpired portion of the period of special
388 parole. The total length of the term of incarceration and term of special
389 parole combined shall not exceed the maximum sentence of
390 incarceration authorized for the offense for which the person was
391 convicted.

392 (i) Whenever special parole has been revoked for a parolee, the
393 board may, at any time during the unexpired portion of the period of
394 special parole, allow the parolee to be released again on special parole
395 without court order.

396 Sec. 12. Section 54-128 of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective October 1, 2002*):

398 (a) The Board of Parole may, after a hearing, revoke parole for any
399 paroled inmate if it finds that the parolee has committed a criminal
400 offense or violated a condition of parole imposed by the court or the
401 board and that such offense or violation makes the parolee's continued
402 release on parole incompatible with the welfare of society. If the board
403 revokes parole, it shall return the parolee to the custody of the
404 Commissioner of Correction or any institution of the Department of
405 Correction pursuant to subsection (b) of this section.

406 [(a)] (b) Any paroled [convict or] inmate who has been returned to
407 the custody of the Commissioner of Correction or any institution of the
408 Department of Correction for violation of [his] such inmate's parole
409 may be retained in the institution from which [he] such inmate was
410 paroled for a period equal to the unexpired portion of the term of [his]
411 such inmate's sentence at the date of the request or order for [his] such
412 inmate's return less any commutation or diminution of [his] such
413 inmate's sentence earned except that the Board of Parole may, in its
414 discretion, determine that [he] such inmate shall forfeit any or all of
415 such earned time, or may be again paroled by said board.

416 [(b)] (c) Each parolee or inmate, subject to the provisions of section
417 18-7, shall be subject to loss of all or any portion of time earned.

418 [(c)] (d) Any person who, during the service of a period of special
419 parole imposed in accordance with subdivision [(9)] (11) or (12) of
420 section 53a-28, as amended by this act, has been returned to the
421 custody of the Commissioner of Correction or any institution of the
422 Department of Correction for violation of [his] such person's parole,
423 may be retained in [the institution from which he was paroled] a
424 correctional institution for a period equal to the unexpired portion of
425 the period of special parole. The total length of the term of
426 incarceration and term of special parole combined shall not exceed the
427 maximum sentence of incarceration authorized for the offense for
428 which the person was convicted.

429 Sec. 13. Subsection (a) of section 17a-696 of the general statutes is
430 repealed and the following is substituted in lieu thereof (*Effective*
431 *October 1, 2002*):

432 (a) The provisions of this section shall not apply to any person
433 charged with a violation of section 14-227a, as amended, or 53a-60d or
434 with a class A, B or C felony. [or to any person who was previously
435 ordered treated under this section, subsection (i) of section 17-155y,
436 section 19a-386 or section 21a-284 of the general statutes revised to
437 1989.] The court may waive the ineligibility provisions of this

438 subsection for any person.

439 Sec. 14. Subsection (a) of section 17a-699 of the general statutes is
440 repealed and the following is substituted in lieu thereof (*Effective*
441 *October 1, 2002*):

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

448 Sec. 15. Section 53a-39c of the general statutes is repealed and the
449 following is substituted in lieu thereof (*Effective October 1, 2002*):

450 (a) There is established, within available appropriations, a
451 community service labor program for persons charged with a violation
452 of section 21a-267 or 21a-279. [who have not previously been convicted
453 of a violation of section 21a-267, 21a-277, 21a-278 or 21a-279.] Upon
454 application by any such person for participation in such program the
455 court may grant such application and (1) if such person has not
456 previously been placed in the community service labor program, the
457 court may either suspend prosecution and place such person in such
458 program or, upon a plea of guilty without trial where a term of
459 imprisonment is part of a stated plea agreement, suspend any sentence
460 of imprisonment and make participation in such program a condition
461 of probation or conditional discharge in accordance with section
462 53a-30, as amended; or (2) if such person has previously been placed in
463 such program, the court may, upon a plea of guilty without trial where
464 a term of imprisonment is part of a stated plea agreement, suspend any
465 sentence of imprisonment and make participation in such program a
466 condition of probation or conditional discharge in accordance with
467 said section 53a-30. No person may be placed in such program who
468 has twice previously been placed in such program.

469 (b) Any person for whom prosecution is suspended and who is
470 placed in the community service labor program pursuant to subsection
471 (a) of this section shall agree to the tolling of the statute of limitations
472 with respect to such crime and to a waiver of such person's right to a
473 speedy trial. A pretrial community service labor program established
474 under this section for persons for whom prosecution is suspended
475 shall include a drug education component. If such person satisfactorily
476 completes the program of community service labor to which such
477 person was assigned, such person may apply for dismissal of the
478 charges against such person and the court, on reviewing the record of
479 such person's participation in such program and on finding such
480 satisfactory completion, shall dismiss the charges. If the program
481 provider certifies to the court that such person did not successfully
482 complete the program of community service labor to which such
483 person was assigned or is no longer amenable to participation in such
484 program, the court shall enter a plea of not guilty for such person and
485 immediately place the case on the trial list.

486 (c) The period of participation in a community service labor
487 program shall be: [a minimum of fourteen days for a first violation and
488 thirty days for a second violation involving a plea of guilty and
489 conviction] (1) For a violation of section 21a-267 or subsection (c) of
490 section 21a-279, not less than two days nor more than ten days for a
491 first violation and not less than ten days nor more than twenty days for
492 a second violation; (2) for a violation of subsection (b) of section 21a-
493 279, not less than ten days nor more than twenty days for a first
494 violation and not less than twenty days nor more than thirty days for a
495 second violation; and (3) for a violation of subsection (a) of section 21a-
496 279, not less than fourteen days nor more than thirty days for a first
497 violation and not less than thirty days nor more than forty days for a
498 second violation.

499 Sec. 16. Subsections (a) and (b) of section 54-56i of the general
500 statutes are repealed and the following is substituted in lieu thereof
501 (*Effective October 1, 2002*):

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

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

508 (b) Upon application by any such person for participation in such
509 program, the court shall, but only as to the public, order the court file
510 sealed, [provided such person states under oath, in open court or
511 before any person designated by the clerk and duly authorized to
512 administer oaths, under penalties of perjury, that such person has
513 never had such program invoked in such person's behalf. A person
514 shall be ineligible for participation in such pretrial drug education
515 program if such person has previously participated in the drug
516 education program established under this section or the pretrial
517 community service labor program established under section 53a-39c.]

518 Sec. 17. Section 54-63f of the general statutes is repealed and the
519 following is substituted in lieu thereof (*Effective October 1, 2002*):

520 (a) A person who has been convicted of any offense, except a
521 violation of section 53a-54a, 53a-54b, as amended, 53a-54c or 53a-54d,
522 [or any offense involving the use, attempted use or threatened use of
523 physical force against another person,] and is either awaiting sentence
524 or has given oral or written notice of such person's intention to appeal
525 or file a petition for certification or a writ of certiorari may be released
526 pending final disposition of the case, unless the court finds custody to
527 be necessary to provide reasonable assurance of such person's
528 appearance in court, upon the first of the following conditions of
529 release found sufficient by the court to provide such assurance: (1)
530 Upon such person's execution of a written promise to appear, (2) upon
531 such person's execution of a bond without surety in no greater amount
532 than necessary, (3) upon such person's execution of a bond with surety
533 in no greater amount than necessary, (4) upon such person's deposit,

534 with the clerk of the court having jurisdiction of the offense with which
535 such person stands convicted or any assistant clerk of such court who
536 is bonded in the same manner as the clerk or any person or officer
537 authorized to accept bail, a sum of money equal to the amount called
538 for by the bond required by the court, or (5) upon such person's pledge
539 of real property, the equity of which is equal to the amount called for
540 by the bond required by the court, provided the person pledging such
541 property is the owner of such property. When cash bail is offered, such
542 bond shall be executed and the money shall be received in lieu of a
543 surety or sureties upon such bond. Such cash bail shall be retained by
544 the clerk of such court until a final order of the court disposing of the
545 same is passed, provided, if such bond is forfeited, the clerk of such
546 court shall pay the money to the payee named therein, according to the
547 terms and conditions of the bond.

548 (b) There shall be a presumption that a person convicted of any
549 offense involving the use, attempted use or threatened use of physical
550 force against another person shall not be released under subsection (a)
551 of this section. The court may release a person convicted of any such
552 offense, other than a violation of section 53a-54a, 53a-54b, as amended,
553 53a-54c or 53a-54d, provided the court, in addition to the findings
554 required under subsection (a) of this section concerning conditions of
555 release, makes the following findings and specifically states such
556 findings in writing for the record: (1) That the conditions imposed on
557 such person's release will reasonably protect any victim of the offense
558 from such person during such person's release, (2) that the conditions
559 imposed on such person's release will reasonably assure such person's
560 appearance in court when called, (3) that the victim of the offense has
561 been notified, or reasonable efforts have been made to locate and
562 notify the victim, and the victim has been given an opportunity to
563 make or submit a statement concerning whether the person should be
564 released, and the court has considered any such statement made by the
565 victim, and (4) that it is in the interests of justice that such person
566 should be released.

567 Sec. 18. Subsection (b) of section 53a-30 of the general statutes is
568 repealed and the following is substituted in lieu thereof (*Effective*
569 *October 1, 2002*):

570 (b) When a defendant has been sentenced to a period of probation,
571 the Office of Adult Probation may require that the defendant comply
572 with any or all conditions which the court could have imposed under
573 subsection (a) of this section which are not inconsistent with any
574 condition actually imposed by the court, except that said office shall
575 apply to the court prior to requiring the defendant to comply with a
576 condition not previously imposed by the court if the condition would
577 require the defendant to undergo sexual offender evaluation or
578 treatment and the defendant has not been sentenced to a period of
579 probation as a result of a conviction for a violation of subdivision (2) of
580 subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-
581 71, 53a-72a or 53a-72b.

582 Sec. 19. Section 53a-39 of the general statutes is repealed and the
583 following is substituted in lieu thereof (*Effective October 1, 2002*):

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

591 (b) At any time during the period of a definite sentence of more than
592 three years imposed for an offense involving the use or attempted use
593 of physical force against another person, upon agreement of the
594 defendant and the state's attorney to seek review of the sentence, the
595 sentencing court or judge may, after hearing and for good cause
596 shown, reduce the sentence, order the defendant discharged, or order
597 the defendant discharged on probation or conditional discharge for a
598 period not to exceed that to which the defendant could have been

599 originally sentenced.

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

603 (d) At a hearing held by the sentencing court or judge under this
604 section, such court or judge shall permit any victim of the crime to
605 appear before the court or judge for the purpose of making a statement
606 for the record concerning whether or not the sentence of the defendant
607 should be reduced, the defendant discharged or the defendant
608 discharged on probation or conditional discharge pursuant to
609 subsection (a) or (b) of this section. In lieu of such appearance, the
610 victim may submit a written statement to the court or judge and the
611 court or judge shall make such statement a part of the record at the
612 hearing. For the purposes of this subsection, "victim" means the victim,
613 the legal representative of the victim or a member of the deceased
614 victim's immediate family.

615 Sec. 20. (*Effective from passage*) (a) The Department of Correction
616 shall conduct a study of the cost to establish a separate correctional
617 facility having not less than five hundred beds for the incarceration of
618 persons convicted of a violation of section 14-227a, as amended, 53a-
619 56b or 53a-60d of the general statutes.

620 (b) Not later than January 8, 2003, the department shall submit a
621 report on its findings and recommendations to the joint standing
622 committee of the General Assembly having cognizance of matters
623 relating to the Department of Correction, in accordance with the
624 provisions of section 11-4a of the general statutes.

625 Sec. 21. Subdivision (9) of section 53a-3 of the general statutes is
626 repealed and the following is substituted in lieu thereof (*Effective*
627 *October 1, 2002*):

628 (9) "Peace officer" means a member of the Division of State Police

629 within the Department of Public Safety or an organized local police
 630 department, a chief inspector or inspector in the Division of Criminal
 631 Justice, a state marshal while exercising authority granted under any
 632 provision of the general statutes, a judicial marshal in the performance
 633 of the duties of a judicial marshal, a conservation officer or special
 634 conservation officer, as defined in section 26-5, a constable who
 635 performs criminal law enforcement duties, a special policeman
 636 appointed under section 29-18, 29-18a or 29-19, an adult probation
 637 officer, appointed under section 54-104, [an official of the Department
 638 of Correction authorized by the Commissioner of Correction to make
 639 arrests in a correctional institution or facility] an officer of the
 640 Department of Correction while in the performance of such officer's
 641 duties pertaining to the supervision, custody and control of inmates
 642 and the buildings, grounds and programs of the department, any
 643 investigator in the investigations unit of the office of the State
 644 Treasurer or any special agent of the federal government authorized to
 645 enforce the provisions of Title 21 of the United States Code.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>

Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>October 1, 2002</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>October 1, 2002</i>

Statement of Purpose:

To implement various strategies to address the overcrowding of correctional facilities in this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]