



General Assembly

January Session, 2003

Raised Bill No. 6692

LCO No. 4548

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT ADOPTING THE RECOMMENDATIONS OF THE PRISON AND
JAIL OVERCROWDING COMMISSION.***

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

1 Section 1. Section 18-86b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Notwithstanding the provisions of sections 18-105 to 18-107,
4 inclusive, the Commissioner of Correction is authorized to improve the
5 operation of the state's correctional facilities by entering into contracts
6 with any governmental or private vendor for supervision of not [more]
7 less than [five hundred] one thousand inmates outside the state. Any
8 such governmental or private vendor shall agree to be bound by the
9 provisions of the Interstate Corrections Compact, and any
10 governmental or privately-operated facility to which state inmates are
11 transferred pursuant to a contract under this section shall be located in
12 a state which has enacted and entered into the Interstate Corrections
13 Compact.

14 (b) A state inmate confined in any governmental or privately-
15 operated facility pursuant to the terms of any contract with the state

16 shall at all times be subject to the authority of the Commissioner of
17 Correction who may at any time remove the inmate for transfer to a
18 state correctional facility or other institution, for transfer to another
19 governmental or privately-operated facility, for release on probation or
20 parole, for discharge or for any other purpose permitted by the laws of
21 this state.

22 Sec. 2. (*Effective October 1, 2003*) (a) For the purposes described in
23 subsection (b) of this section, the State Bond Commission shall have
24 the power, from time to time to authorize the issuance of bonds of the
25 state in one or more series and in principal amounts not exceeding in
26 the aggregate ____ million dollars.

27 (b) The proceeds of the sale of said bonds, to the extent of the
28 amount stated in subsection (a) of this section, shall be used by the
29 Department of Correction for the purpose of (1) the construction of
30 additional housing units between the Osborn and Northern
31 correctional facilities in Somers, and (2) the replacement of temporary
32 dormitory housing units with permanent celled living units.

33 (c) All provisions of section 3-20 of the general statutes, or the
34 exercise of any right or power granted thereby, which are not
35 inconsistent with the provisions of this section are hereby adopted and
36 shall apply to all bonds authorized by the State Bond Commission
37 pursuant to this section, and temporary notes in anticipation of the
38 money to be derived from the sale of any such bonds so authorized
39 may be issued in accordance with said section 3-20 and from time to
40 time renewed. Such bonds shall mature at such time or times not
41 exceeding twenty years from their respective dates as may be provided
42 in or pursuant to the resolution or resolutions of the State Bond
43 Commission authorizing such bonds. None of said bonds shall be
44 authorized except upon a finding by the State Bond Commission that
45 there has been filed with it a request for such authorization which is
46 signed by or on behalf of the Secretary of the Office of Policy and
47 Management and states such terms and conditions as said commission,

48 in its discretion, may require. Said bonds issued pursuant to this
49 section shall be general obligations of the state and the full faith and
50 credit of the state of Connecticut are pledged for the payment of the
51 principal of and interest on said bonds as the same become due, and
52 accordingly and as part of the contract of the state with the holders of
53 said bonds, appropriation of all amounts necessary for punctual
54 payment of such principal and interest is hereby made, and the State
55 Treasurer shall pay such principal and interest as the same become
56 due.

57 Sec. 3. (*Effective October 1, 2003*) The sum of ____ dollars is
58 appropriated, from the General Fund, to the Department of Correction,
59 for the fiscal year ending June 30, 2004, for purposes of the operational
60 funding of the Community Justice Center at the York Correctional
61 Institution in Niantic.

62 Sec. 4. (NEW) (*Effective from passage*) (a) The joint standing
63 committee of the General Assembly having cognizance of matters
64 relating to criminal law and procedure shall review alternatives to
65 incarceration for pretrial and convicted nonviolent drug offenders who
66 do not present a substantial risk to the community.

67 (b) The committee shall consider: (1) Revising the current sentencing
68 laws, including mandatory minimum sentences, that apply to drug
69 offenders and establishing or expanding alternatives to such sentences
70 of incarceration that would provide appropriate community-based
71 responses, including treatment in lieu of incarceration, (2) structuring
72 the sentencing system to permit a graduated response, as appropriate,
73 to violations of the conditions of probation, parole or other community
74 release options, and (3) adopting, expanding and refining pretrial
75 service programs to reduce unnecessary detention and reserve jail
76 space for persons in need of secure confinement.

77 (c) The committee shall report its findings and recommendations to
78 the General Assembly, in accordance with section 11-4a of the general
79 statutes, not later than February 4, 2004.

80 Sec. 5. (NEW) (*Effective October 1, 2003*) The Department of
81 Correction, Board of Parole, Department of Mental Health and
82 Addiction Services and Judicial Department shall collaborate with
83 local mental health professionals and community providers of mental
84 health services to ensure that reintegration and supervision programs
85 for persons with psychiatric disabilities who are being released from
86 incarceration into the community provide the necessary services and
87 resources for a positive and successful reintegration into the
88 community.

89 Sec. 6. Section 18-87j of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2003*):

91 There is established a Commission on Prison and Jail Overcrowding
92 which shall be within the Office of Policy and Management for
93 administrative purposes only. The commission shall consist of the
94 Chief Court Administrator, [or his designee,] the Commissioner of
95 Correction, the Commissioner of Public Safety, the Chief State's
96 Attorney, [or his designee,] the Chief Public Defender, [or his
97 designee] the Commissioner of Mental Health and Addiction Services,
98 the Secretary of the Office of Policy and Management and the
99 chairperson of the Board of Parole, or their designees, the executive
100 director of the Court Support Services Division or other designee of the
101 Chief Court Administrator and the following members, each of whom
102 shall be appointed by the Governor: Three government officials, a
103 police chief, two persons representing offender and victim services
104 within the private community and two public members. The Governor
105 shall appoint a chairperson from among the members of the
106 commission. The commission shall meet at such times as it deems
107 necessary.

108 Sec. 7. (*Effective October 1, 2003*) The sum of ____ dollars is
109 appropriated, from the General Fund, to the Judicial Department, for
110 the fiscal year ending June 30, 2004, for purposes of expanding the jail
111 reinterview program in which probation officers assess defendants

112 who have not made bail and are being detained pretrial in correctional
113 facilities and determine if alternatives to incarceration are available
114 that would permit such defendants to be released to the community
115 under the supervision of probation officers.

116 Sec. 8. (NEW) (*Effective October 1, 2003*) Any person convicted of an
117 offense and sentenced to a term of imprisonment, with the execution of
118 such sentence suspended after a period set by the court, to be followed
119 by a period of probation, shall be assessed by a probation officer not later
120 than ninety days prior to the date such person is scheduled to be
121 released from confinement. The probation officer shall assess such
122 person's needs upon release from confinement including, but not
123 limited to, such person's needs in obtaining proper identification,
124 housing, employment, education, substance abuse treatment and job
125 counseling. The probation officer shall identify and prioritize such
126 person's most significant needs and shall develop a coordinated case
127 plan to assist such person in receiving the necessary services upon
128 release.

129 Sec. 9. (NEW) (*Effective October 1, 2003*) The chairperson of the Board
130 of Parole shall establish and maintain parole officer to parolee caseload
131 ratios that enable parole officers to provide effective community
132 supervision of parolees by ensuring such officers have sufficient time
133 to adequately counsel parolees, consult with service providers, directly
134 monitor the parolee's behavior in the community and evaluate the
135 parolee's progress in reintegrating into the community.

136 Sec. 10. (NEW) (*Effective October 1, 2003*) The Commissioner of
137 Correction may enter into an agreement with an agency or agencies of
138 the federal government for the construction of a facility or facilities for
139 the confinement and supervision of persons under the jurisdiction of
140 either the commissioner or such agency or agencies.

141 Sec. 11. (NEW) (*Effective October 1, 2003*) A person who received a
142 definite sentence or aggregate sentence of more than two years shall be
143 released pursuant to subsection (e) of section 18-100 of the general

144 statutes or to any other community correction program approved by
145 the Commissioner of Correction after having served ninety-five per
146 cent of the sentence imposed by the court, less such time as may have
147 been earned under the provisions of section 18-7, 18-7a, 18-98a, 18-98b
148 or 18-98d of the general statutes, unless: (1) Such person has been
149 given a level five security or chronic disciplinary status classification
150 by the Department of Correction, (2) such person has been given a
151 level three or four security group rating by the Department of
152 Correction, (3) such person is the subject of a class A disciplinary
153 report by the Department of Correction for assault on staff or another
154 inmate, rioting or escape during such person's period of incarceration,
155 or (4) such person has a pending criminal charge for the alleged
156 commission of a felony during such person's period of incarceration.

157 Sec. 12. (NEW) (*Effective October 1, 2003*) Unless otherwise ordered
158 by the court, whenever an arrested person charged with the commission
159 of no crime other than a class D felony or a misdemeanor, except a
160 violation of section 53a-60a, 53a-60b, 53a-60c, 53a-60d, 53a-72a, 53a-73a
161 or 53a-181c of the general statutes, is committed by the court to the
162 custody of the Commissioner of Correction pursuant to section 54-64a of
163 the general statutes, the commissioner may release such person to a
164 residence approved by the Department of Correction subject to such
165 conditions as the commissioner may impose including, but not limited
166 to, participation in a substance abuse treatment program and being
167 subject to electronic monitoring. Any person released pursuant to this
168 section shall be supervised by the department and remain under the
169 jurisdiction of the commissioner during the period of such release. Upon
170 the violation by such person of any condition of such release, the
171 commissioner may revoke such release and return such person to
172 confinement in a correctional facility.

173 Sec. 13. (NEW) (*Effective October 1, 2003*) Notwithstanding any
174 provision of the general statutes, a court may sentence a person who is
175 convicted of a misdemeanor or a class D felony, except a violation of
176 section 53a-60a, 53a-60b, 53a-60c, 53a-60d, 53a-72a, 53a-73a or 53a-181c

177 of the general statutes, and was, at the time of the offense, a drug-
178 dependent person, to the custody of the Commissioner of Correction
179 for an indeterminate term not to exceed the maximum term of
180 imprisonment specified for the offense. At any time during such
181 indeterminate term and notwithstanding any provision of the general
182 statutes regarding minimum term of confinement, the Commissioner
183 of Correction may release such person subject to such conditions as the
184 commissioner may impose including, but not limited to, supervision
185 by a suitable authority. At any time during such indeterminate term,
186 the Commissioner of Correction may revoke any such conditional
187 release in the commissioner's discretion for violation of the conditions
188 imposed and return such person to confinement in a correctional
189 institution.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>

Statement of Purpose:

To adopt the recommendations of the Commission on Prison and Jail Overcrowding as contained in the commission's 2003 annual report.

[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.]