



General Assembly

January Session, 2003

**Amendment**

LCO No. 7049

\*HB0668707049HR0\*

Offered by:

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

To: Subst. House Bill No. 6687

File No. 733

Cal. No. 517

**"AN ACT CONCERNING PRISON OVERCROWDING."**

1 Strike sections 1 to 8, inclusive, and sections 14 and 15 in their  
2 entirety and renumber the remaining sections accordingly

3 In line 544, strike "two" and insert in lieu thereof "one thousand five  
4 hundred"

5 In line 545, strike "hundred fifty"

6 Strike section 17 in its entirety

7 After the last section, add the following and renumber sections and  
8 internal references accordingly:

9 "Sec. 501. Section 18-24a of the general statutes is repealed and the  
10 following is substituted in lieu thereof (*Effective July 1, 2003*):

11 The Board of Pardons shall be [an autonomous body] within the  
12 Department of Correction. [for administrative purposes only.] Said  
13 board shall consist of five members, residents of this state. Biennially, a

14 member or members shall be appointed by the Governor, with the  
15 advice and consent of either house of the General Assembly, to take  
16 office the first Monday in June in the year of their appointment for a  
17 term of six years to replace those whose terms expire. Three members  
18 shall be attorneys, one shall be skilled in one of the social sciences and  
19 one shall be a physician. Not more than three of such members holding  
20 office at any one time shall be members of any one political party. The  
21 board shall, biennially, elect its chairperson. The members of the board  
22 shall be paid a per diem fee fixed by the Commissioner of  
23 Administrative Services for attendance at each session of the board in  
24 lieu of expenses. If any member has formed an opinion in any matter  
25 that comes before it, said member shall not act concerning the same,  
26 but no member shall be disqualified by reason of having formed an  
27 opinion thereon at any former application for pardon by the same  
28 applicant. When at any session any member is absent or disqualified,  
29 the Governor may appoint a qualified person to fill the vacancy, and  
30 the person so appointed shall have the same power as any other  
31 member during such absence or disqualification. The person  
32 appointed by the Governor to fill a temporary vacancy need not  
33 necessarily possess the particular occupational or political  
34 qualifications of the member whose place such person is temporarily  
35 taking.

36 Sec. 502. Section 54-124a of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective July 1, 2003*):

38 (a) There shall be a Board of Parole [which, on and after July 1,  
39 1998,] within the Department of Correction which shall consist of  
40 fifteen members, including a chairman and two vice-chairmen who  
41 shall be appointed by the Governor with the advice and consent of  
42 either house of the General Assembly. The chairman and vice-  
43 chairmen shall be qualified by training, experience or education in law,  
44 criminal justice, parole matters or other related fields for the  
45 consideration of the matters before them and the other members shall  
46 be qualified by training and experience for the consideration of matters  
47 before them. In the appointment of the members, the Governor shall

48 endeavor to reflect the racial diversity of the state.

49 (b) The term of the chairman and the term of each vice-chairman of  
50 the board shall be coterminous with the term of the Governor or until a  
51 successor is chosen, whichever is later. The terms of all members,  
52 except the chairman, shall expire on July 1, 1994, and on or after July 1,  
53 1994, members shall be appointed in accordance with subsection (a) of  
54 this section as follows: Six members shall be appointed for a term of  
55 two years; and six members shall be appointed for a term of four years.  
56 Thereafter, all members shall serve for terms of four years. Any  
57 vacancy in the membership of the board shall be filled for the  
58 unexpired portion of the term by the Governor.

59 (c) The chairman [and vice-chairmen] shall devote [their entire] full  
60 time to the performance of [their] the chairman's duties [hereunder]  
61 under this section and shall be compensated therefor in such amount  
62 as the Commissioner of Administrative Services determines, subject to  
63 the provisions of section 4-40. The other members of said board shall  
64 receive one hundred ten dollars for each day spent in the performance  
65 of their duties and shall be reimbursed for necessary expenses incurred  
66 in the performance of such duties. The chairman or, in his absence or  
67 inability to act, a member designated by him to serve temporarily as  
68 chairman, shall be present at all meetings of said board and participate  
69 in all decisions thereof.

70 (d) [Said chairman shall be the executive and administrative head of  
71 said board and] The Commissioner of Correction shall have the  
72 authority and responsibility for (1) directing and supervising all  
73 administrative affairs of the board, (2) preparing the budget and  
74 annual operation plan in consultation with the board, (3) assigning  
75 staff to parole panels, regions and supervision offices, (4) organizing  
76 parole hearing calendars to facilitate the timely and efficient  
77 processing of cases, (5) implementing a uniform case filing and  
78 processing system, (6) establishing policy in all areas of parole  
79 including, but not limited to, decision making, release criteria and  
80 supervision standards, (7) establishing specialized parole units as

81 deemed necessary, (8) entering into contracts, in consultation with the  
82 board, with service providers, community programs and consultants  
83 for the proper function of parole and community supervision, (9)  
84 creating programs for staff and board member development, training  
85 and education, (10) establishing, developing and maintaining  
86 noninstitutional, community-based service programs, and (11)  
87 [consulting with the Department of Correction on shared issues  
88 including, but not limited to, prison overcrowding, and (12)] signing  
89 and issuing subpoenas to compel the attendance and testimony of  
90 witnesses at parole proceedings. Any such subpoena shall be  
91 enforceable to the same extent as subpoenas issued pursuant to section  
92 52-143.

93 (e) The chairman shall have the authority and responsibility for  
94 assigning members to panels, each to be composed of two members  
95 and the chairman or a member designated to serve temporarily as  
96 chairman, for each correctional institution. Such panels shall be the  
97 paroling authority for the institutions to which they are assigned and  
98 not less than two members shall be present at each parole hearing.

99 (f) In the event of the temporary inability of any member other than  
100 the chairman to perform his or her duties, the Governor, at the request  
101 of the board, may appoint a qualified person to serve as a temporary  
102 member during such period of inability.

103 (g) The Board of Parole shall: (1) Adopt an annual budget and plan  
104 of operation, (2) adopt such rules as deemed necessary for the internal  
105 affairs of the board, (3) develop policy for and administer the  
106 operation of the Interstate Parole Compact, and (4) submit an annual  
107 report to the Governor and General Assembly.

108 Sec. 503. Subsection (a) of section 18-100e of the general statutes is  
109 repealed and the following is substituted in lieu thereof (*Effective July*  
110 *1, 2003*):

111 (a) [Not later than October 1, 1998, the] The Commissioner of  
112 Correction shall establish a [pilot] zero-tolerance drug supervision

113 program. Eligibility for participation in the program shall be limited to  
114 individuals who are eligible for participation in a community release  
115 program pursuant to section 18-100c and shall be based upon criteria,  
116 including a limit on the maximum number of eligible participants,  
117 established by the Commissioner of Correction.

118 Sec. 504. Subsection (a) of section 53a-39d of the general statutes is  
119 repealed and the following is substituted in lieu thereof (*Effective July*  
120 *1, 2003*):

121 (a) [Not later than October 1, 1998, the] The Chief Court  
122 Administrator shall establish a [pilot] zero-tolerance drug supervision  
123 program. Eligibility for participation in the program shall be limited to  
124 (1) individuals who are eligible to be sentenced by the court to a period  
125 of probation, pursuant to section 53a-29, and have been ordered by the  
126 court, as a condition of such probation, to participate in the program,  
127 (2) individuals who are eligible to be released on bail under section 54-  
128 63d or 54-64a and have been required by the bail commissioner or the  
129 court, as a condition of release, to participate in the program, (3)  
130 individuals who have been sentenced to a period of probation and, in  
131 the judgment of their probation officers, have violated the conditions  
132 of such probation and been referred to the program by their probation  
133 officers pursuant to subsection (a) of section 53a-32, and (4) individuals  
134 who have been ordered by the court, as a condition of probation, to  
135 participate in the program pursuant to subsection (d) of section 54-56e  
136 or subsection (b) of section 54-76j and shall be based upon criteria,  
137 including a limit on the maximum number of eligible participants,  
138 established by the Chief Court Administrator.

139 Sec. 505. Subsection (a) of section 54-125f of the general statutes is  
140 repealed and the following is substituted in lieu thereof (*Effective July*  
141 *1, 2003*):

142 (a) [Not later than October 1, 1998, the] The chairman of the Board  
143 of Parole, shall establish a [pilot] zero-tolerance drug supervision  
144 program. Eligibility for participation in the program shall be limited to

145 individuals who are eligible for release on parole and shall be based  
146 upon criteria, including a limit on the maximum number of eligible  
147 participants, established by the chairman of the Board of Parole.

148 Sec. 506. (NEW) (*Effective July 1, 2003*) The Commissioner of  
149 Correction shall enter into contracts with private, nonprofit  
150 organizations that provide noninstitutional, community-based  
151 residential programs for the housing of not more than one thousand  
152 inmates during the period in which they transition from incarceration  
153 to residing in the community."