



General Assembly

Amendment

June 30 Special Session, 2003

LCO No. 8064

HB0680608064HDO

Offered by:

REP. LAWLOR, 99th Dist.

REP. DYSON, 94th Dist.

To: House Bill No. 6806

File No.

Cal. No.

**"AN ACT CONCERNING GENERAL BUDGET AND REVENUE
IMPLEMENTATION PROVISIONS."**

1 Strike sections 160 and 161 in their entirety and substitute the
2 following in lieu thereof:

3 "Sec. 160. Section 54-124a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective January 1, 2004*):

5 (a) There shall be a Board of [Parole] Pardons and Paroles which
6 shall be within the Department of Correction for administrative
7 purposes only and which, on and after [July 1, 1998] January 1, 2004,
8 shall consist of [fifteen] eight members [, including a chairman and two
9 vice-chairmen who shall be] appointed by the Governor with the
10 advice and consent of either house of the General Assembly. [The
11 chairman and vice-chairmen shall be qualified by training, experience
12 or education in law, criminal justice, parole matters or other related
13 fields for the consideration of the matters before them and the other
14 members shall be qualified by training and experience for the

15 consideration of matters before them.] In the appointment of the
16 members, the Governor shall endeavor to reflect the racial diversity of
17 the state. The Governor shall appoint a chairperson from among the
18 membership. The chairperson of the board shall be qualified by
19 education, experience and training in the administration of community
20 corrections, probation or parole.

21 (b) The term of each appointed member of the board serving on
22 December 31, 2003, shall expire on said date. The term of [the chairman
23 and the term of each vice-chairman] each member of the board
24 beginning on or after January 1, 2004, shall be coterminous with the
25 term of the Governor or until a successor is chosen, whichever is later.
26 [The terms of all members, except the chairman, shall expire on July 1,
27 1994, and on or after July 1, 1994, members shall be appointed in
28 accordance with subsection (a) of this section as follows: Six members
29 shall be appointed for a term of two years; and six members shall be
30 appointed for a term of four years. Thereafter, all members shall serve
31 for terms of four years.] Any vacancy in the membership of the board
32 shall be filled for the unexpired portion of the term by the Governor.

33 (c) The [chairman and vice-chairmen] chairperson shall devote
34 [their] his or her entire time to the performance of [their] his or her
35 duties [hereunder] under this section and shall be compensated
36 therefor in such amount as the Commissioner of Administrative
37 Services determines, subject to the provisions of section 4-40. The other
38 members of said board shall receive one hundred ten dollars for each
39 day spent in the performance of their duties and shall be reimbursed
40 for necessary expenses incurred in the performance of such duties. The
41 [chairman] chairperson or, in [his] the chairperson's absence or
42 inability to act, a member designated by [him] the chairperson to serve
43 temporarily as [chairman] chairperson, shall be present at all meetings
44 of said board and participate in all decisions thereof.

45 (d) [Said chairman] The chairperson shall be the executive and
46 administrative head of said board and shall have the authority and
47 responsibility for (1) [directing and supervising] overseeing all

48 administrative affairs of the board, [(2) preparing the budget and
49 annual operation plan in consultation with the board, (3) assigning
50 staff to parole panels, regions and supervision offices, (4) organizing
51 parole hearing calendars to facilitate the timely and efficient
52 processing of cases, (5) implementing a uniform case filing and
53 processing system, (6) establishing policy] (2) adopting regulations, in
54 accordance with chapter 54, concerning procedures in all areas of
55 [parole] pardons and paroles including, but not limited to, granting
56 pardons, commutations of punishments or releases, conditioned or
57 absolute, in the case of any person convicted of any offense against the
58 state and commutations from the penalty of death, structured decision
59 making [,] and release criteria, [and supervision standards, (7)
60 establishing specialized parole units as deemed necessary, (8) entering
61 into contracts, in consultation with the board, with service providers,
62 community programs and consultants for the proper function of parole
63 and community supervision, (9) creating programs for staff and board
64 member development, training and education, (10) establishing,
65 developing and maintaining noninstitutional, community-based
66 service programs, (11)] (3) consulting with the Department of
67 Correction on shared issues including, but not limited to, prison
68 overcrowding, (4) consulting with the Judicial Department on shared
69 issues of community supervision, and [(12)] (5) signing and issuing
70 subpoenas to compel the attendance and testimony of witnesses at
71 parole proceedings. Any such subpoena shall be enforceable to the
72 same extent as subpoenas issued pursuant to section 52-143.

73 (e) The [chairman] chairperson may serve on both pardons panels
74 and parole release panels and shall have the authority and
75 responsibility for assigning members to such panels. [, each to] The
76 chairperson shall assign four members exclusively to parole release
77 hearings and shall assign three members exclusively to pardons
78 hearings. Except for the chairperson, no member assigned to parole
79 release hearings may be assigned subsequently to pardons hearings
80 and no member assigned to pardons hearings may be assigned
81 subsequently to parole release hearings. Each parole release panel shall

82 be composed of two members and the [chairman] chairperson or a
83 member designated to serve temporarily as [chairman] chairperson,
84 for each correctional institution. Such parole release panels shall be the
85 paroling authority for the institutions to which they are assigned and
86 not less than two members shall be present at each parole hearing.
87 Each pardons panel shall be composed of three members, one of whom
88 may be the chairperson, except that for hearings on commutations
89 from the penalty of death, one member of the panel shall be the
90 chairperson.

91 (f) The chairperson, or the chairperson's designee, and two members
92 of the board shall conduct all parole release hearings and shall approve
93 or deny all parole releases recommended by an employee of the board
94 pursuant to section 54-125b, as amended by this act, and all parole
95 revocations and parole rescissions recommended by an employee of
96 the board pursuant to section 9 of this act.

97 (g) The chairperson of the board shall appoint an executive director.
98 The executive director shall oversee the administration of the agency
99 and, at the discretion of the chairperson, shall: (1) Direct and supervise
100 all administrative affairs of the board, (2) prepare the budget and
101 annual operation plan, (3) assign staff to administrative review,
102 regions and supervision offices, (4) organize pardons and parole
103 release hearing calendars, (5) implement a uniform case filing and
104 processing system, (6) establish specialized parole units, (7) review and
105 establish parole officer to parolee caseload ratios, (8) enter into
106 contracts with service providers, community programs and
107 consultants, (9) create programs for staff and board member
108 development, training and education, and (10) establish, develop and
109 maintain noninstitutional, community-based service programs.

110 (h) The chairperson, in consultation with the executive director,
111 shall adopt regulations, in accordance with chapter 54, concerning:

112 (1) Parole revocation and rescission hearings that include
113 implementing due process requirements;

114 (2) An administrative pardons process that allows applicants
115 convicted of misdemeanors to be granted a pardon without a hearing
116 if such applicants were:

117 (A) Convicted for conduct that no longer constitutes a crime;

118 (B) Under the age of twenty-one years at the time of conviction and
119 have not been convicted of a crime during the ten years preceding the
120 date on which the pardon is granted; or

121 (C) Convicted prior to the effective date of the establishment of a
122 program under sections 17a-692 to 17a-701, inclusive, 46b-38c, 53a-39a,
123 53a-39b, 53a-39c, 54-56e, 54-56g, 54-56i or 54-56j for which the
124 applicant would have been eligible had such program existed at the
125 time of conviction, provided the chairperson determines the applicant
126 would likely have been granted entry into such program; and

127 (3) Requiring board members assigned to pardons hearings to issue
128 written statements containing the reasons for rejecting any pardons
129 application.

130 (i) The Board of Pardons and Paroles shall hold a pardons hearing at
131 least once every three months and shall hold such hearings in various
132 geographical areas of the state. The board shall not hold a pardons
133 hearing within or on the grounds of a correctional facility except when
134 solely for the benefit of applicants who are incarcerated at the time of
135 such hearing.

136 (j) The chairperson and executive director shall establish:

137 (1) A parole orientation program for all parole-eligible inmates upon
138 their transfer to the custody of the Commissioner of Correction that
139 will provide general information on the laws and policies regarding
140 parole release, calculation of time-served standards, general conditions
141 of release, supervision practices, revocation and rescission policies,
142 and procedures for administrative review and panel hearings, and any
143 other information that the board deems relevant for preparing inmates

144 for parole;

145 (2) An incremental sanctions system for parole violations including,
146 but not limited to, reincarceration based on the type, severity and
147 frequency of the violation and specific periods of incarceration for
148 certain types of violations; and

149 (3) Supervision standards.

150 [(f)] (k) In the event of the temporary inability of any member other
151 than the [chairman] chairperson to perform his or her duties, the
152 Governor, at the request of the board, may appoint a qualified person
153 to serve as a temporary member during such period of inability.

154 [(g)] (l) The chairperson of the Board of [Parole] Pardons and
155 Paroles shall: (1) Adopt an annual budget and plan of operation, (2)
156 adopt such rules as deemed necessary for the internal affairs of the
157 board, (3) [develop policy for and administer the operation] adopt
158 regulations, in accordance with chapter 54, for the administration of
159 the Interstate Parole Compact, and (4) submit an annual report to the
160 Governor and General Assembly.

161 Sec. 161. (NEW) (*Effective January 1, 2004*) (a) The Board of Pardons
162 and Paroles shall be a successor department to the Board of Pardons
163 and the Board of Parole in accordance with the provisions of sections
164 4-38d and 4-39 of the general statutes.

165 (b) Wherever the words "Board of Pardons" or "Board of Parole" are
166 used in the general statutes or the public acts of 2003, the words "Board
167 of Pardons and Paroles" shall be substituted in lieu thereof.

168 (c) The Legislative Commissioners' Office shall, in codifying the
169 provisions of this section, make such technical, grammatical and
170 punctuation changes as are necessary to carry out the purposes of this
171 section."