



# House of Representatives

General Assembly

**File No. 501**

February Session, 2004

Substitute House Bill No. 5668

*House of Representatives, April 6, 2004*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE MERGER OF THE DEPARTMENT OF CORRECTION AND THE BOARD OF PAROLE AND THE CARRYING OF HANDGUNS BY EMPLOYEES OF THE DEPARTMENT OF CORRECTION.***

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

- 1 Section 1. (NEW) (*Effective from passage*) (a) The functions, powers  
2 and duties of the Board of Parole are assigned and transferred to the  
3 Department of Correction.
- 4 (b) All officers and employees of the Board of Parole, including the  
5 chairperson of the board, are assigned and transferred to the  
6 Department of Correction and shall have such authority and perform  
7 such duties as the Commissioner of Correction and the general statutes  
8 may prescribe.
- 9 (c) All persons on parole are transferred to the custody of the  
10 Commissioner of Correction.

11 Sec. 2. Section 54-124a of the general statutes, as amended by section  
12 161 of public act 03-6 of the June 30 special session, is repealed and the  
13 following is substituted in lieu thereof (*Effective from passage*):

14 (a) There shall be a Board of Parole within the Department of  
15 Correction which shall consist of fifteen members, including a  
16 chairman and two vice-chairmen who shall be appointed by the  
17 Governor with the advice and consent of either house of the General  
18 Assembly. The chairman and vice-chairmen shall be qualified by  
19 training, experience or education in law, criminal justice, parole  
20 matters or other related fields for the consideration of the matters  
21 before them and the other members shall be qualified by training and  
22 experience for the consideration of matters before them. In the  
23 appointment of the members, the Governor shall endeavor to reflect  
24 the racial diversity of the state.

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

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

44 in all decisions thereof.

45 [(d) The Commissioner of Correction shall have the authority and  
46 responsibility for (1) directing and supervising all administrative  
47 affairs of the board, (2) preparing the budget and annual operation  
48 plan in consultation with the board, (3) assigning staff to parole panels,  
49 regions and supervision offices, (4) organizing parole hearing  
50 calendars to facilitate the timely and efficient processing of cases, (5)  
51 implementing a uniform case filing and processing system, (6)  
52 establishing policy in all areas of parole including, but not limited to,  
53 decision making, release criteria and supervision standards, (7)  
54 establishing specialized parole units as deemed necessary, (8) entering  
55 into contracts, in consultation with the board, with service providers,  
56 community programs and consultants for the proper function of parole  
57 and community supervision, (9) creating programs for staff and board  
58 member development, training and education, (10) establishing,  
59 developing and maintaining noninstitutional, community-based  
60 service programs, and (11) signing and issuing subpoenas to compel  
61 the attendance and testimony of witnesses at parole proceedings. Any  
62 such subpoena shall be enforceable to the same extent as subpoenas  
63 issued pursuant to section 52-143.

64 (e) The chairman shall have the authority and responsibility for  
65 assigning members to panels, each to be composed of two members  
66 and the chairman or a member designated to serve temporarily as  
67 chairman, for each correctional institution. Such panels shall be the  
68 paroling authority for the institutions to which they are assigned and  
69 not less than two members shall be present at each parole hearing.]

70 [(f)] (d) In the event of the temporary inability of any member other  
71 than the chairman to perform his or her duties, the Governor, at the  
72 request of the board, may appoint a qualified person to serve as a  
73 temporary member during such period of inability.

74 [(g) The Board of Parole shall: (1) Adopt an annual budget and plan  
75 of operation, (2) adopt such rules as deemed necessary for the internal  
76 affairs of the board, (3) develop policy for and administer the

77 operation of the Interstate Parole Compact, and (4) submit an annual  
78 report to the Governor and General Assembly.]

79 Sec. 3. Section 29-35 of the general statutes, as amended by section  
80 68 of public act 03-19, is repealed and the following is substituted in  
81 lieu thereof (*Effective October 1, 2004*):

82 (a) No person shall carry any pistol or revolver upon his or her  
83 person, except when such person is within the dwelling house or place  
84 of business of such person, without a permit to carry the same issued  
85 as provided in section 29-28.

86 (b) The provisions of [this] subsection (a) of this section shall not  
87 apply to (1) the carrying of any pistol or revolver by (A) any [parole  
88 officer or] peace officer of this state, or parole officer or peace officer of  
89 any other state while engaged in the pursuit of official duties, [or] (B)  
90 any federal marshal or federal law enforcement agent, [or to] (C) any  
91 member of the armed forces of the United States, as defined in section  
92 27-103, as amended, or of this state, as defined in section 27-2, when on  
93 duty or going to or from duty, [or to] (D) any member of any military  
94 organization when on parade or when going to or from any place of  
95 assembly, [or to the transportation of] or (E) any employee of the  
96 Department of Correction while engaged in community supervision of  
97 inmates, transportation of inmates, perimeter patrol of a correctional  
98 facility or activation or training of emergency response personnel, (2)  
99 any person transporting pistols or revolvers as merchandise, [or to] (3)  
100 any person transporting any pistol or revolver while contained in the  
101 package in which it was originally wrapped at the time of sale and  
102 while transporting the same from the place of sale to the purchaser's  
103 residence or place of business, [or to] (4) any person removing such  
104 person's household goods or effects from one place to another, [or to]  
105 (5) any person while transporting any such pistol or revolver from  
106 such person's place of residence or business to a place or individual  
107 where or by whom such pistol or revolver is to be repaired or while  
108 returning to such person's place of residence or business after the same  
109 has been repaired, [or to] (6) any person transporting a pistol or

110 revolver in or through the state for the purpose of taking part in  
111 competitions, taking part in formal pistol or revolver training,  
112 repairing such pistol or revolver or attending any meeting or  
113 exhibition of an organized collectors' group if such person is a bona  
114 fide resident of the United States and is permitted to possess and carry  
115 a pistol or revolver in the state or subdivision of the United States in  
116 which such person resides, [or to] (7) any person transporting a pistol  
117 or revolver to and from a testing range at the request of the issuing  
118 authority, or [to] (8) any person transporting an antique pistol or  
119 revolver, as defined in section 29-33. For the purposes of this  
120 subsection, "formal pistol or revolver training" means pistol or  
121 revolver training at a locally approved or permitted firing range or  
122 training facility, and "transporting a pistol or revolver" means  
123 transporting a pistol or revolver that is unloaded and, if such pistol or  
124 revolver is being transported in a motor vehicle, is not readily  
125 accessible or directly accessible from the passenger compartment of the  
126 vehicle or, if such pistol or revolver is being transported in a motor  
127 vehicle that does not have a compartment separate from the passenger  
128 compartment, such pistol or revolver shall be contained in a locked  
129 container other than the glove compartment or console. Nothing in this  
130 section shall be construed to prohibit the carrying of a pistol or  
131 revolver during formal pistol or revolver training or repair.

132 [(b)] (c) The holder of a permit issued pursuant to section 29-28 shall  
133 carry such permit upon one's person while carrying such pistol or  
134 revolver.

135 Sec. 4. (NEW) (*Effective October 1, 2004*) Not later than July 1, 2005,  
136 and annually thereafter, the Commissioner of Correction shall certify  
137 to the Commissioner of Public Safety that any employee of the  
138 Department of Correction who carries a pistol or revolver without a  
139 permit as authorized by subparagraph (E) of subdivision (1) of  
140 subsection (b) of section 29-35 of the general statutes, as amended by  
141 this act, has satisfied annual firearm certification requirements of the  
142 department.

143 Sec. 5. Subsection (c) of section 29-37 of the general statutes is  
144 repealed and the following is substituted in lieu thereof (*Effective*  
145 *October 1, 2004*):

146 (c) Any person violating any provision of subsection [(b)] (c) of  
147 section 29-35, as amended by this act, shall have committed an  
148 infraction and shall be fined thirty-five dollars.

|  |                        |
|--|------------------------|
| This act shall take effect as follows: |                        |
| Section 1                              | <i>from passage</i>    |
| Sec. 2                                 | <i>from passage</i>    |
| Sec. 3                                 | <i>October 1, 2004</i> |
| Sec. 4                                 | <i>October 1, 2004</i> |
| Sec. 5                                 | <i>October 1, 2004</i> |

**Statement of Legislative Commissioners:**

Section 5 was added to correct a statutory reference.

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

| Agency Affected   | Fund-Effect | FY 05 \$ | FY 06 \$ |
|-------------------|-------------|----------|----------|
| Correction, Dept. | GF - None   | None     | None     |

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes technical changes completing the merger of the Department of Correction (DOC) and the Board of Parole.<sup>1</sup> In addition, the bill clarifies that certain correction officers are exempt from permit requirements to carry firearms and that DOC must annually certify that those employees have met the department’s firearms standards. Passage of the bill is not anticipated to result in any fiscal impact.

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<sup>1</sup> PA 03-6 of the June Special Session placed the Board of Parole within DOC.

**OLR Bill Analysis**

sHB 5668

**AN ACT CONCERNING THE MERGER OF THE DEPARTMENT OF CORRECTION AND THE BOARD OF PAROLE AND THE CARRYING OF HANDGUNS BY EMPLOYEES OF THE DEPARTMENT OF CORRECTION****SUMMARY:**

PA 03-6, June 30 Special Session, placed the Board of Parole within the Department of Correction (DOC). This bill assigns and transfers to DOC the board's functions, powers, and duties and deletes certain responsibilities of the board. It also deletes certain responsibilities of the DOC commissioner related to the board. The bill transfers and assigns board employees and officers, including the chairman, to DOC and gives them the authority and responsibility to perform duties prescribed by the statutes or DOC commissioner. The bill transfers all parolees to DOC custody.

The law exempts certain people from the permit requirement for carrying a handgun. The bill adds an exception for DOC employees engaged in (1) community supervision of inmates, (2) perimeter patrol of correctional facilities, or (3) activation or training of emergency response personnel. The bill also removes the exception for parole officers engaged in their official duties. But the officers appear to be covered by the bill's new exception since the bill transfers and assigns the officers to DOC.

The bill also requires the DOC commissioner annually to certify to the public safety commissioner, beginning July 1, 2005, that DOC employees who carry handguns without a permit have satisfied DOC's annual firearm certification requirements.

It also makes a related technical change.

**EFFECTIVE DATE:** Upon passage, except for the provisions on handgun permits and training, which are effective October 1, 2004.

**PAROLE BOARD RESPONSIBILITIES REMOVED**

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The bill deletes requirements that the board:

1. adopt an annual budget and operating plan,
2. adopt rules necessary for its internal affairs,
3. develop policy for and administer the Interstate Parole Compact, and
4. submit an annual report to the governor and General Assembly.

It also deletes the board chairman's power and responsibility to assign members to panels for each correctional institution as the institution's paroling authority. It removes requirements that (1) the panels consist of two members and the chairman, or a member serving temporarily as chairman, and (2) at least two members be present at each parole hearing.

### **DOC RESPONSIBILITIES REMOVED**

The bill deletes specific provisions giving the DOC commissioner authority and responsibility for:

1. directing and supervising the board's administrative affairs;
2. preparing the board's budget and annual operation plan, in consultation with the board;
3. assigning staff to parole panels, regions, and supervision offices;
4. organizing parole hearing calendars;
5. implementing a uniform case filing and processing system;
6. setting policy in all areas of parole, including decision making, release criteria, and supervision standards;
7. creating specialized parole units as needed;
8. entering contracts, in consultation with the board, with service providers, community programs, and consultants;
9. creating programs for staff and board member development, training, and education;
10. creating, developing, and maintaining non-institutional, community-based service programs; and
11. signing and issuing subpoenas to compel witnesses to attend and testify at parole hearings.

### **BACKGROUND**

#### ***Related Bill***

sHB 5211, reported favorably by the Judiciary and Appropriations committees as substitutes, combines the Board of Pardons and Board of Parole into the Board of Pardons and Paroles and makes it part of DOC. It also makes the chairman, instead of the DOC commissioner, the new board's executive and administrative head. Among other things, the bill includes provisions on hearings and board members. It contains a number of other provisions addressing prison overcrowding.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32    Nay 10