



General Assembly

February Session, 2004

**Raised Bill No. 5211**

LCO No. 641

\*00641\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

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

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

1 Section 1. Section 54-124a of the general statutes, as amended by  
2 section 161 of public act 03-6 of the June 30 special session, is repealed  
3 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

4 (a) There shall be a Board of [Parole] Pardons and Paroles within the  
5 Department of Correction [which] for administrative purposes only.  
6 On and after July 1, 2004, the board shall consist of [fifteen] eight  
7 members [, including a chairman and two vice-chairmen who shall be]  
8 appointed by the Governor with the advice and consent of either  
9 house of the General Assembly. [The chairman and vice-chairmen  
10 shall be qualified by training, experience or education in law, criminal  
11 justice, parole matters or other related fields for the consideration of  
12 the matters before them and the other members shall be qualified by  
13 training and experience for the consideration of matters before them.]  
14 In the appointment of the members, the Governor shall endeavor to  
15 reflect the racial diversity of the state. The Governor shall appoint a  
16 chairperson from among the membership. The chairperson of the  
17 board shall be qualified by education, experience and training in the

18 administration of community corrections, probation or parole.

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

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

43 (d) The [Commissioner of Correction] chairperson shall be the  
44 executive and administrative head of said board and shall have the  
45 authority and responsibility for (1) [directing and supervising]  
46 overseeing all administrative affairs of the board, [(2) preparing the  
47 budget and annual operation plan in consultation with the board, (3)  
48 assigning staff to parole panels, regions and supervision offices, (4)  
49 organizing parole hearing calendars to facilitate the timely and

50 efficient processing of cases, (5) implementing a uniform case filing  
51 and processing system, (6) establishing policy] (2) adopting  
52 regulations, in accordance with chapter 54, concerning procedures in  
53 all areas of [parole] pardons and paroles including, but not limited to,  
54 granting pardons, commutations of punishments or releases,  
55 conditioned or absolute, in the case of any person convicted of any  
56 offense against the state and commutations from the penalty of death,  
57 structured decision making [,] and release criteria, [and supervision  
58 standards, (7) establishing specialized parole units as deemed  
59 necessary, (8) entering into contracts, in consultation with the board,  
60 with service providers, community programs and consultants for the  
61 proper function of parole and community supervision, (9) creating  
62 programs for staff and board member development, training and  
63 education, (10) establishing, developing and maintaining  
64 noninstitutional, community-based service programs, and (11)] (3)

65 consulting with the Department of Correction on shared issues  
66 including, but not limited to, prison overcrowding, (4) consulting with  
67 the Judicial Department on shared issues of community supervision,  
68 and (5) signing and issuing subpoenas to compel the attendance and  
69 testimony of witnesses at parole proceedings. Any such subpoena shall  
70 be enforceable to the same extent as subpoenas issued pursuant to  
71 section 52-143, as amended.

72 (e) The [chairman] chairperson may serve on both pardons panels  
73 and parole release panels and shall have the authority and  
74 responsibility for assigning members to such panels. [, each to] The  
75 chairperson shall assign four members exclusively to parole release  
76 hearings and shall assign three members exclusively to pardons  
77 hearings. Except for the chairperson, no member assigned to parole  
78 release hearings may be assigned subsequently to pardons hearings  
79 and no member assigned to pardons hearings may be assigned  
80 subsequently to parole release hearings. Each parole release panel shall  
81 be composed of two members and the [chairman] chairperson or a  
82 member designated to serve temporarily as [chairman] chairperson,  
83 for each correctional institution. Such parole release panels shall be the

84 paroling authority for the institutions to which they are assigned and  
85 not less than two members shall be present at each parole hearing.  
86 Each pardons panel shall be composed of three members, one of whom  
87 may be the chairperson, except that for hearings on commutations  
88 from the penalty of death, one member of the panel shall be the  
89 chairperson.

90 (f) The chairperson, or the chairperson's designee, and two members  
91 of the board shall conduct all parole release hearings and shall approve  
92 or deny all parole releases recommended by an employee of the board  
93 pursuant to section 54-125b, as amended by this act, and all parole  
94 revocations and parole rescissions recommended by an employee of  
95 the board pursuant to section 6 of this act.

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

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

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

113 (2) An administrative pardons process that allows an applicant  
114 convicted of a misdemeanor to be granted a pardon with respect to

115 such crime without a hearing if such applicants was:

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

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

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

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. 2. (NEW) (*Effective July 1, 2004*) (a) The Board of Pardons and  
162 Paroles shall be a successor department to the Board of Pardons and  
163 the Board of Parole in accordance with the provisions of sections 4-38d  
164 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 and 2004, the  
167 words "Board of Pardons and Paroles" shall be substituted in lieu  
168 thereof.

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

173       Sec. 3. Section 54-125a of the general statutes is repealed and the  
174 following is substituted in lieu thereof (*Effective from passage*):

175 (a) A person convicted of one or more crimes who is incarcerated on  
176 or after October 1, 1990, who received a definite sentence or aggregate  
177 sentence of more than two years, and who has been confined under  
178 such sentence or sentences for not less than one-half of the aggregate  
179 sentence or one-half of the most recent sentence imposed by the court,  
180 whichever is greater, may be allowed to go at large on parole in the  
181 discretion of the panel of the Board of Parole for the institution in  
182 which the person is confined, if (1) it appears from all available  
183 information, including any reports from the Commissioner of  
184 Correction that the panel may require, that there is reasonable  
185 probability that such inmate will live and remain at liberty without  
186 violating the law, and (2) such release is not incompatible with the  
187 welfare of society. At the discretion of the panel, and under the terms  
188 and conditions as may be prescribed by the panel including requiring  
189 the parolee to submit personal reports, the parolee shall be allowed to  
190 return to the parolee's home or to reside in a residential community  
191 center, or to go elsewhere. The parolee shall, while on parole, remain  
192 in the legal custody and control of the board until the expiration of the  
193 maximum term or terms for which the parolee was sentenced. Any  
194 parolee released on the condition that the parolee reside in a  
195 residential community center may be required to contribute to the cost  
196 incidental to such residence. Each order of parole shall fix the limits of  
197 the parolee's residence, which may be changed in the discretion of  
198 such panel. Within three weeks after the commitment of each person  
199 sentenced to more than one year, the state's attorney for the judicial  
200 district shall send to the Board of Parole the record, if any, of such  
201 person.

202 (b) (1) No person convicted of any of the following offenses, which  
203 was committed on or after July 1, 1981, shall be eligible for parole  
204 under subsection (a) of this section: Capital felony, as [defined]  
205 provided in section 53a-54b, felony murder, as [defined] provided in  
206 section 53a-54c, arson murder, as [defined] provided in section 53a-  
207 54d, murder, as [defined] provided in section 53a-54a, or [any offense  
208 committed with a firearm, as defined in section 53a-3, in or on, or

209 within one thousand five hundred feet of, the real property comprising  
210 a public or private elementary or secondary school] aggravated sexual  
211 assault in the first degree, as provided in section 53a-70a. (2) A person  
212 convicted of an offense, other than an offense specified in subdivision  
213 (1) of this subsection, where the underlying facts and circumstances of  
214 the offense involve the use, attempted use or threatened use of  
215 physical force against another person shall be ineligible for parole  
216 under subsection (a) of this section until such person has served not  
217 less than eighty-five per cent of the definite sentence imposed.

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

227 [(d) Not later than January 15, 2002, the Board of Parole shall submit  
228 a report to the Secretary of the Office of Policy and Management and,  
229 in accordance with the provisions of section 11-4a, to the joint standing  
230 committees of the General Assembly having cognizance of matters  
231 relating to the Board of Parole, public safety and appropriations and  
232 the budgets of state agencies setting forth the number of all persons  
233 whose eligibility for parole release is subject to subsection (a) of this  
234 section who, as of January 1, 2002, have completed seventy-five per  
235 cent of their definite sentence and have not been approved for parole  
236 release. Not later than February 15, 2002, and not later than the  
237 fifteenth day of each month thereafter, the Board of Parole shall submit  
238 a report to the Secretary of the Office of Policy and Management and,  
239 in accordance with the provisions of section 11-4a, to the joint standing  
240 committees of the General Assembly having cognizance of matters  
241 relating to the Board of Parole, public safety and appropriations and

242 the budgets of state agencies setting forth the number of all such  
243 persons who have completed seventy-five per cent of their definite  
244 sentence in the preceding month and were not approved for parole  
245 release.]

246 (d) Notwithstanding the provisions of subsection (a) of this section,  
247 any person whose eligibility for parole release is not subject to the  
248 provisions of subsection (b) of this section and who has not been  
249 released on parole by the board in its discretion, shall be released on  
250 parole supervision upon completion by such person of seventy-five  
251 per cent of such person's definite sentence or aggregate sentence  
252 unless: (1) Such person has been given a level five security or chronic  
253 disciplinary status classification by the Department of Correction, (2)  
254 such person has been given a level three or four security group rating  
255 by the Department of Correction, (3) such person has been the subject  
256 of a class A disciplinary report by the Department of Correction for  
257 assault on staff or another inmate, rioting or escape within the  
258 preceding twelve months, (4) such person has a pending criminal  
259 charge for the alleged commission of a felony during such person's  
260 period of incarceration, or (5) a detainer has been lodged against such  
261 person.

262 (e) Notwithstanding the provisions of subsection (a) of this section,  
263 any person whose eligibility for parole release is subject to the  
264 provisions of subdivision (2) of subsection (b) of this section shall be  
265 released on parole supervision upon completion by such person of  
266 eighty-five per cent of such person's definite sentence or aggregate  
267 sentence unless: (1) Such person has been given a level five security or  
268 chronic disciplinary status classification by the Department of  
269 Correction, (2) such person has been given a level three or four security  
270 group rating by the Department of Correction, (3) such person has  
271 been the subject of a class A disciplinary report by the Department of  
272 Correction for assault on staff or another inmate, rioting or escape  
273 within the preceding twelve months, (4) such person has a pending  
274 criminal charge for the alleged commission of a felony during such

275 person's period of incarceration, or (5) a detainer has been lodged  
276 against such person.

277 Sec. 4. Section 54-125b of the general statutes is repealed and the  
278 following is substituted in lieu thereof (*Effective from passage*):

279 (a) A person whose eligibility for parole release is not subject to the  
280 provisions of subsection (b) of section 54-125a, as amended by this act,  
281 may be allowed to go on parole in accordance with section 54-125a, as  
282 amended by this act, or 54-125g without a parole hearing being  
283 conducted by a panel of the Board of Parole if (1) an employee of the  
284 Board of Parole has reviewed the inmate's case and recommended  
285 parole be granted to such person, and (2) such recommendation has  
286 been approved by at least two members of a panel of the board. A  
287 parole hearing shall be conducted by a panel of the Board of Parole if  
288 the chairperson of the board deems such a hearing to be necessary or if  
289 a victim, as defined in sections 54-201, as amended, and 54-226,  
290 requests such a hearing.

291 [(b) No inmate may be released pursuant to the provisions of  
292 subsection (a) of this section if he or she has been convicted of a  
293 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,  
294 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-  
295 134 or 53a-196a or has more than three years remaining on his or her  
296 sentence.]

297 [(c)] (b) The chairperson of the Board of Parole shall adopt  
298 regulations, in accordance with chapter 54, to establish criteria and  
299 procedures for the administrative review and release of inmates  
300 without a parole hearing as provided in this section.

301 Sec. 5. Section 54-125e of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective from passage*):

303 (a) Any person convicted of a crime committed on or after October  
304 1, 1998, who received a definite sentence of more than two years

305 followed by a period of special parole shall, at the expiration of the  
306 maximum term or terms of imprisonment imposed by the court, be  
307 automatically transferred from the custody of the Commissioner of  
308 Correction to the jurisdiction of the [chairman] chairperson of the  
309 Board of Parole or, if such person has previously been released on  
310 parole pursuant to subsection (a) of section 54-125a, as amended by  
311 this act, or section 54-131a, remain under the jurisdiction of said  
312 [chairman] chairperson until the expiration of the period of special  
313 parole imposed by the court.

314 (b) Any person sentenced to a period of special parole shall be  
315 subject to such rules and conditions as may be established by the  
316 Board of Parole or its [chairman] chairperson pursuant to section  
317 54-126.

318 (c) The period of special parole shall be not less than one year nor  
319 more than ten years except that such period may be for more than ten  
320 years for a person convicted of a violation of subdivision (2) of section  
321 53-21 of the general statutes in effect prior to October 1, 2000,  
322 subdivision (2) of subsection (a) of section 53-21, section 53a-70,  
323 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a  
324 persistent dangerous felony offender pursuant to subsection (h) of  
325 section 53a-40 or as a persistent serious felony offender pursuant to  
326 subsection (j) of section 53a-40.

327 (d) Whenever a parolee has, in the judgment of such parolee's  
328 parole officer, violated the conditions of his or her special parole, the  
329 board shall cause the parolee to be brought before it without  
330 unnecessary delay for a hearing on the violation charges. At such  
331 hearing, the parolee shall be informed of the manner in which such  
332 parolee is alleged to have violated the conditions of such parolee's  
333 special parole and shall be advised by the employee of the board  
334 conducting the hearing of such parolee's due process rights.

335 (e) If such violation is established, the board may: (1) Continue the  
336 sentence of special parole; (2) modify or enlarge the conditions of

337 special parole; or (3) revoke the sentence of special parole.

338 (f) If the board revokes special parole for a parolee, the chairperson  
339 may issue a mittimus for the commitment of such parolee to the  
340 custody of the Commissioner of Correction for any period not to  
341 exceed the unexpired portion of the period of special parole.

342 (g) Whenever special parole has been revoked for a parolee, the  
343 board may, at any time during the unexpired portion of the period of  
344 special parole, allow the parolee to be released again on special parole  
345 without court order.

346 Sec. 6. (NEW) (*Effective from passage*) All parole revocation and  
347 rescission hearings shall be conducted by an employee of the Board of  
348 Parole. The parole of a person who has been allowed to go on parole in  
349 accordance with subsection (a) of section 54-125a of the general  
350 statutes, as amended by this act, or section 54-125g of the general  
351 statutes, who has been sentenced to a period of special parole in  
352 accordance with subdivision (9) of subsection (b) of section 53a-28 of  
353 the general statutes, or who has been released on parole in accordance  
354 with subsection (d) or (e) of section 54-125a of the general statutes, as  
355 amended by this act, shall be revoked or rescinded if, after such  
356 hearing, the employee recommends such revocation or rescission and  
357 such recommendation is approved by at least two members of a panel  
358 of the board.

359 Sec. 7. Section 54-97 of the general statutes is repealed and the  
360 following is substituted in lieu thereof (*Effective from passage*):

361 No person may be committed to [the Connecticut Correctional  
362 Institution, Somers,] a correctional institution or a community  
363 correctional center without a mittimus signed by the judge or clerk of  
364 the court which committed [him] such person or, with respect to a  
365 person sentenced to a period of special parole, signed by the  
366 chairperson of the Board of Parole, declaring the cause of commitment  
367 and requiring the warden or Community Correctional Center

368 Administrator to receive and keep [him] such person in the  
369 [Correctional Institution, Somers,] correctional institution or the  
370 community correctional center, as the case may be, for the period fixed  
371 by the judgment of said court or said board or until [he] such person is  
372 legally discharged; and such mittimus shall be sufficient authority to  
373 the officer to commit such person, and to the warden or Community  
374 Correctional Center Administrator to receive and hold [him] such  
375 person in custody, except that any community correctional center may  
376 receive any person as provided in section 7-135 without such mittimus.

377 Sec. 8. Section 54-128 of the general statutes is repealed and the  
378 following is substituted in lieu thereof (*Effective from passage*):

379 (a) Any paroled [convict or] inmate who has been returned to the  
380 custody of the Commissioner of Correction or any institution of the  
381 Department of Correction for violation of [his] such inmate's parole  
382 may be retained in [the institution from which he was paroled] a  
383 correctional institution for a period equal to the unexpired portion of  
384 the term of [his] such inmate's sentence at the date of the request or  
385 order for [his] such inmate's return less any commutation or  
386 diminution of [his] such inmate's sentence earned, except that the  
387 Board of Parole may, in its discretion, determine that [he] such inmate  
388 shall forfeit any or all of such earned time, or may be again paroled by  
389 said board.

390 (b) Each parolee or inmate, subject to the provisions of section 18-7,  
391 shall be subject to loss of all or any portion of time earned.

392 (c) Any person who, during the service of a period of special parole  
393 imposed in accordance with subdivision (9) of subsection (b) of section  
394 53a-28, has been returned to the custody of the Commissioner of  
395 Correction or any institution of the Department of Correction for  
396 violation of [his] such person's parole, may be retained in [the  
397 institution from which he was paroled] a correctional institution for a  
398 period equal to the unexpired portion of the period of special parole.  
399 The total length of the term of incarceration and term of special parole

400 combined shall not exceed the maximum sentence of incarceration  
401 authorized for the offense for which the person was convicted.

402       Sec. 9. (NEW) (*Effective from passage*) Notwithstanding the provisions  
403 of section 54-125a of the general statutes, as amended by this act, the  
404 chairperson of the Board of Parole may transfer to any public or  
405 private nonprofit halfway house, group home or mental health facility  
406 or to an approved community or private residence any person  
407 confined in a correctional institution or facility who (1) has been  
408 granted parole release and is within eighteen months of the parole  
409 release date established by the board, or (2) is within eighteen months  
410 of such person's conditional parole release date under subsection (d) or  
411 (e) of section 54-125a of the general statutes, as amended by this act.  
412 Any person released from confinement pursuant to this section shall  
413 be transferred from the custody of the Commissioner of Correction to  
414 the jurisdiction of the chairperson of the Board of Parole. Such person  
415 may, at any time, be returned to the custody of the Commissioner of  
416 Correction.

417       Sec. 10. (NEW) (*Effective from passage*) Unless otherwise ordered by  
418 the court, whenever an arrested person charged with the commission of  
419 no crime other than a class D felony or a misdemeanor, except a violation  
420 of section 53a-60a, 53a-60b, 53a-60c, 53a-60d, 53a-72a, 53a-73a or 53a-  
421 181c of the general statutes, is committed by the court to the custody of  
422 the Commissioner of Correction pursuant to section 54-64a of the general  
423 statutes, as amended, the commissioner may release such person to a  
424 residence approved by the Department of Correction subject to such  
425 conditions as the commissioner may impose including, but not limited  
426 to, participation in a substance abuse treatment program and being  
427 subject to electronic monitoring. Any person released pursuant to this  
428 section shall be supervised by the department and remain under the  
429 jurisdiction of the commissioner during the period of such release. Upon  
430 the violation by such person of any condition of such release, the  
431 commissioner may revoke such release and return such person to  
432 confinement in a correctional facility.

433 Sec. 11. Section 18-86b of the general statutes, as amended by section  
434 156 of public act 03-6 of the June 30 special session, is repealed and the  
435 following is substituted in lieu thereof (*Effective from passage*):

436 (a) Notwithstanding the provisions of sections 18-105 to 18-107,  
437 inclusive, the Commissioner of Correction is authorized to improve the  
438 operation of the state's correctional facilities by entering into contracts  
439 with any governmental or private vendor for supervision of not more  
440 than five hundred inmates outside the state. Any such governmental  
441 or private vendor shall agree to be bound by the provisions of the  
442 Interstate Corrections Compact, and any governmental or privately-  
443 operated facility to which state inmates are transferred pursuant to a  
444 contract under this subsection shall be located in a state which has  
445 enacted and entered into the Interstate Corrections Compact.

446 (b) (1) Notwithstanding the provisions of sections 18-105 to 18-107,  
447 inclusive, during the fiscal years ending June 30, 2004, and June 30,  
448 2005, the Commissioner of Correction is authorized to improve the  
449 operation of the state's correctional facilities by entering into contracts  
450 in accordance with this subsection with any governmental or private  
451 vendor for the supervision of not more than an additional two  
452 thousand inmates outside the state.

453 (2) If the governmental vendor with which the commissioner has a  
454 contract under subsection (a) of this section on August 20, 2003, for the  
455 supervision of inmates outside this state is willing to accept additional  
456 inmates for supervision, the Commissioner of Correction may,  
457 notwithstanding the provisions of section 4a-57, enter into a contract  
458 with such governmental vendor for the supervision of such number of  
459 additional inmates as such governmental vendor is willing to accept.  
460 If the commissioner does not enter into such a contract with such  
461 governmental vendor or if, after contracting for the supervision of  
462 additional inmates by such governmental vendor, the number of  
463 inmates authorized to be supervised outside this state under  
464 subdivision (1) of this subsection has not been attained, the

465 commissioner may enter into contracts with any governmental or  
466 private vendor for the supervision of all or part of the remaining  
467 number of inmates authorized to be supervised outside this state  
468 under said subdivision (1).

469 (3) Any such governmental or private vendor shall agree to be  
470 bound by the provisions of the Interstate Corrections Compact, and  
471 any governmental or privately-operated facility to which state inmates  
472 are transferred pursuant to a contract under this subsection shall be  
473 located in a state which has enacted and entered into the Interstate  
474 Corrections Compact.

475 (4) Prior to entering into any contract under this subsection, the  
476 commissioner shall submit such proposed contract to the joint  
477 standing committees of the General Assembly having cognizance of  
478 matters relating to appropriations and the budgets of state agencies  
479 and to the judiciary for their review and comment.

480 (c) A state inmate confined in any governmental or privately-  
481 operated facility pursuant to the terms of any contract with the state  
482 shall at all times be subject to the authority of the Commissioner of  
483 Correction who may at any time remove the inmate for transfer to a  
484 state correctional facility or other institution, for transfer to another  
485 governmental or privately-operated facility, for release on probation or  
486 parole, for discharge or for any other purpose permitted by the laws of  
487 this state.

488 Sec. 12. Subdivision (1) of subsection (a) of section 18-50 of the  
489 general statutes is repealed and the following is substituted in lieu  
490 thereof (*Effective from passage*):

491 (a) (1) Except as provided in subdivision (2) of this subsection, each  
492 person committed to any community correctional center upon  
493 conviction of any criminal offense, and held therein only for the  
494 payment of a fine, shall be discharged from confinement when the  
495 time served by such person at [the rate of fifty dollars a day] a per

496 diem rate equal to the average daily cost of incarceration as  
497 determined by the Commissioner of Correction amounts to such fine  
498 or the balance thereof remaining unpaid. Such person shall earn an  
499 additional credit of fifty dollars toward such fine or balance thereof  
500 remaining unpaid for each day such person is employed at productive  
501 or maintenance work and has established a satisfactory work record.  
502 In computing the number of days to be served, credit shall be given for  
503 Sundays, holidays and the day of admission. Each person so  
504 committed shall be released during the day following that which  
505 completes the time to be served when computed in accordance with  
506 this subdivision, or immediately upon payment of the fine in full.

507 Sec. 13. Subdivision (1) of subsection (a) of section 18-98d of the  
508 general statutes is repealed and the following is substituted in lieu  
509 thereof (*Effective from passage*):

510 (a) (1) Any person who is confined to a community correctional  
511 center or a correctional institution for an offense committed on or after  
512 July 1, 1981, under a mittimus or because such person is unable to  
513 obtain bail or is denied bail shall, if subsequently imprisoned, earn a  
514 reduction of such person's sentence equal to the number of days which  
515 such person spent in such facility from the time such person was  
516 placed in presentence confinement to the time such person began  
517 serving the term of imprisonment imposed; provided (A) each day of  
518 presentence confinement shall be counted only once for the purpose of  
519 reducing all sentences imposed after such presentence confinement;  
520 and (B) the provisions of this section shall only apply to a person for  
521 whom the existence of a mittimus, an inability to obtain bail or the  
522 denial of bail is the sole reason for such person's presentence  
523 confinement, except that if a person is serving a term of imprisonment  
524 at the same time such person is in presentence confinement on another  
525 charge and the conviction for such imprisonment is reversed on  
526 appeal, such person shall be entitled, in any sentence subsequently  
527 imposed, to a reduction based on such presentence confinement in  
528 accordance with the provisions of this section. In the case of a fine,

529 each day spent in such confinement prior to sentencing shall be  
530 credited against the sentence at [the rate of fifty dollars] a per diem  
531 rate equal to the average daily cost of incarceration as determined by  
532 the Commissioner of Correction.

533 Sec. 14. Section 18-87j of the general statutes is repealed and the  
534 following is substituted in lieu thereof (*Effective from passage*):

535 There is established a Commission on Prison and Jail Overcrowding  
536 which shall be within the Office of Policy and Management for  
537 administrative purposes only. The commission shall consist of the  
538 Chief Court Administrator, [or his designee,] the Commissioner of  
539 Correction, the Commissioner of Public Safety, the Chief State's  
540 Attorney, [or his designee,] the Chief Public Defender, [or his  
541 designee] the Commissioner of Mental Health and Addiction Services  
542 and the chairperson of the Board of Parole, or their designees, the  
543 executive director of the Court Support Services Division or other  
544 designee of the Chief Court Administrator and the following members,  
545 each of whom shall be appointed by the Governor: Three government  
546 officials, a police chief, two persons representing offender and victim  
547 services within the private community and two public members. The  
548 Governor shall appoint a chairperson from among the members of the  
549 commission. The commission shall meet at such times as it deems  
550 necessary.

551 Sec. 15. Subsection (b) of section 17b-94 of the general statutes is  
552 repealed and the following is substituted in lieu thereof (*Effective from*  
553 *passage*):

554 (b) In the case of an inheritance of an estate by a beneficiary of aid  
555 under the state supplement program, medical assistance program, aid  
556 to families with dependent children program, temporary family  
557 assistance program or state-administered general assistance program,  
558 subject to subsections (b) and (c) of section 17b-93, fifty per cent of the  
559 assets of the estate payable to the beneficiary or the amount of such  
560 assets equal to the amount of assistance paid, whichever is less, shall

561 be assignable to the state for payment of the amount due under said  
562 section 17b-93. The state shall have a lien against such assets in the  
563 applicable amount specified in this subsection. The Court of Probate  
564 shall accept any such assignment executed by the beneficiary [and] or  
565 any such lien notice if such assignment or lien notice is filed by the  
566 Commissioner of Administrative Services with the court prior to the  
567 distribution of such inheritance, and to the extent of such inheritance  
568 not already distributed, the court shall order distribution in accordance  
569 therewith. If the Commissioner of Administrative Services receives any  
570 assets of an estate pursuant to any such assignment, the commissioner  
571 shall be subject to the same duties and liabilities concerning such  
572 assigned assets as the beneficiary.

573 Sec. 16. Section 18-85 of the general statutes is repealed and the  
574 following is substituted in lieu thereof (*Effective from passage*):

575 The commissioner, after consultation with the Commissioner of  
576 Administrative Services and the Secretary of the Office of Policy and  
577 Management, shall establish a schedule of compensation for services  
578 performed on behalf of the state by inmates of any institution or  
579 facility of the department. Such schedule shall recognize degrees of  
580 merit, diligence and skill in order to encourage inmate incentive and  
581 industry. Sums so earned shall be deposited, under the direction of the  
582 administrative head of such institution or facility, in a savings bank or  
583 state bank and trust company in this state, and shall be paid to the  
584 inmate on his discharge; but the warden or Community Correctional  
585 Center Administrator may, while the inmate is in custody, disburse  
586 any compensation earned by such [person] inmate in accordance with  
587 the following priorities: (1) Federal taxes due; (2) restitution or  
588 payment of compensation to a crime victim ordered by any court of  
589 competent jurisdiction; (3) payment of a civil judgment rendered in  
590 favor of a crime victim by any court of competent jurisdiction; (4)  
591 victims compensation through the criminal injuries account  
592 administered by the Office of Victim Services; (5) state taxes due; (6)  
593 support of his dependents, if any; (7) his necessary travel expense to

594 and from work and other incidental expenses; (8) costs of [his board as  
595 determined by the commissioner] such inmate's incarceration under  
596 section 18-85a, as amended by this act, and regulations adopted in  
597 accordance with said section; and (9) payment to the clerk of the court  
598 in which an inmate of a community correctional center, held only for  
599 payment of a fine, was convicted, such portion of such compensation  
600 as is necessary to pay such fine. Any interest that accrues shall be  
601 credited to any institutional fund established for the welfare of  
602 inmates. Compensation under this section shall be in addition to any  
603 compensation received or credited under section 18-50, as amended by  
604 this act.

605 Sec. 17. Section 18-85a of the general statutes is repealed and the  
606 following is substituted in lieu thereof (*Effective from passage and*  
607 *applicable to actions or proceedings pending or commenced on or after said*  
608 *date*):

609 (a) The Commissioner of Correction shall adopt regulations, in  
610 accordance with the provisions of chapter 54, concerning the  
611 assessment of inmates of correctional institutions or facilities for the  
612 costs of their incarceration.

613 (b) The state shall have a claim against each inmate for the costs of  
614 such inmate's incarceration under this section, and regulations  
615 adopted in accordance with this section, for which the state has not  
616 been reimbursed. Any property owned by such inmate may be used to  
617 satisfy such claim, except property that is: (1) Exempt pursuant to  
618 section 52-352b, as amended, or 52-352d, except as provided in  
619 subsection (b) of section 52-321a, as amended by this act; (2) subject to  
620 the provisions of section 54-218; or (3) acquired by such inmate after  
621 the inmate is released from incarceration, but not including property  
622 so acquired that is subject to the provisions of section 18-85b or 18-85c,  
623 as amended by this act, or section 52-367c, and except as provided in  
624 subsection (b) of section 52-321a, as amended by this act. In addition to  
625 other remedies available at law, the Attorney General, on request of

626 the Commissioner of Correction, may bring an action in the superior  
627 court for the judicial district of Hartford to enforce such claim,  
628 provided no such action shall be brought but within two years from  
629 the date the inmate is released from incarceration or, if the inmate dies  
630 while in the custody of the commissioner, within two years from the  
631 date of the inmate's death, except that such limitation period shall not  
632 apply if such property was fraudulently concealed from the state.

633 Sec. 18. Section 18-85b of the general statutes is repealed and the  
634 following is substituted in lieu thereof (*Effective from passage*):

635 (a) In the case of causes of action of any person obligated to pay the  
636 costs of such person's incarceration under section 18-85a, as amended  
637 by this act, and regulations adopted in accordance with said section  
638 brought by such person within twenty years from the date such person  
639 is released from incarceration, the claim of the state shall be a lien  
640 against the proceeds therefrom in the amount of the costs of  
641 incarceration or fifty per cent of the proceeds received by such person  
642 after payment of all expenses connected with the cause of action,  
643 whichever is less, for repayment under said section, and shall have  
644 priority over all other claims, including any lien of the state for  
645 repayment of public assistance, except (1) attorney's fees for [said  
646 causes] the cause of action, (2) expenses of suit, (3) costs of  
647 hospitalization connected with the cause of action by whomever paid  
648 over and above hospital insurance or other such benefits, and, for such  
649 period of hospitalization as was not paid for by the state, physicians'  
650 fees for services during any such period as are connected with the  
651 cause of action over and above medical insurance or other such  
652 benefits, (4) child support obligations pursuant to subsection (d) of  
653 section 17b-93, (5) restitution or payment of compensation to a crime  
654 victim ordered by a court of competent jurisdiction, and (6) payment of  
655 a civil judgment rendered in favor of a crime victim by a court of  
656 competent jurisdiction; and such claim shall consist of the total amount  
657 of the costs of incarceration under section 18-85a, as amended by this  
658 act, and regulations adopted in accordance with said section. The

659 proceeds of such causes of action shall be assignable to the state for  
660 payment of the amount due under section 18-85a, as amended by this  
661 act, and regulations adopted in accordance with said section,  
662 irrespective of any other provision of law. The state's lien shall  
663 constitute an irrevocable direction to the attorney for [the inmate] such  
664 person to pay the Commissioner of Correction or the commissioner's  
665 designee in accordance with its terms, except if, after written notice  
666 from the attorney for [the inmate] such person informing the  
667 commissioner or the commissioner's designee of the settlement of the  
668 cause of action or judgment thereon and requesting the amount of the  
669 lien to be paid to the commissioner or the commissioner's designee, the  
670 commissioner or the commissioner's designee does not inform such  
671 attorney of the amount of the state's lien within forty-five days of  
672 receipt of the written request of such attorney for such information,  
673 such attorney may distribute such proceeds to such [inmate] person  
674 and shall not be liable for any loss the state may sustain thereby.

675 (b) In the case of an inheritance of an estate by any person who is  
676 obligated to pay the costs of such person's incarceration [in accordance  
677 with] under section 18-85a, as amended by this act, and [the]  
678 regulations adopted [under] in accordance with said section that is  
679 received by such person within twenty years from the date such  
680 person is released from incarceration, the claim of the state shall be a  
681 lien against such inheritance in the amount of the costs of incarceration  
682 or fifty per cent of the assets of the estate payable to [the inmate] such  
683 person, whichever is less. The Court of Probate shall accept any such  
684 lien notice filed by the commissioner or the commissioner's designee  
685 with the court prior to the distribution of such inheritance, and to the  
686 extent of such inheritance not already distributed, the court shall order  
687 distribution in accordance therewith.

688 Sec. 19. Section 18-85c of the general statutes is repealed and the  
689 following is substituted in lieu thereof (*Effective from passage*):

690 Upon the death of any person obligated to pay the costs of such

691 person's incarceration under section 18-85a, as amended by this act,  
692 and regulations adopted in accordance with said section that occurs  
693 within twenty years from the date such person is released from  
694 incarceration, the state shall have a claim against such person's estate  
695 for all costs of incarceration under the provisions of said section and  
696 such regulations for which the state has not been reimbursed, to the  
697 extent that the amount which the surviving spouse, parent or  
698 dependent children of the decedent would otherwise take from such  
699 estate is not needed for their support. Such claim shall have priority  
700 over all other unsecured claims against such estate, including any lien  
701 of the state for repayment of public assistance, except (1) expenses of  
702 last sickness not to exceed three hundred seventy-five dollars, (2)  
703 funeral and burial expenses in accordance with that allowed under  
704 section 17b-84 upon the death of a beneficiary of aid, (3) child support  
705 obligations pursuant to subsection (d) of section 17b-93, (4) restitution  
706 or payment of compensation to a crime victim ordered by a court of  
707 competent jurisdiction, (5) payment of a civil judgment rendered in  
708 favor of a crime victim by a court of competent jurisdiction, and (6)  
709 administrative expenses, including probate fees and taxes, and  
710 including fiduciary fees not exceeding the following commissions on  
711 the value of the whole estates accounted for by such fiduciaries: On the  
712 first two thousand dollars or portion thereof, five per cent; on the next  
713 eight thousand dollars or portion thereof, four per cent; on the excess  
714 over ten thousand dollars, three per cent. Upon petition by any  
715 fiduciary, the Court of Probate, after a hearing thereon, may authorize  
716 compensation in excess of the above schedule for extraordinary  
717 services. Notice of any such petition and hearing shall be given to the  
718 Commissioner of Correction at least ten days in advance of such  
719 hearing. The allowable funeral and burial payment authorized by this  
720 section shall be reduced by the amount of any prepaid funeral  
721 arrangement. Any amount paid from the estate under this section to  
722 any person that exceeds the limits provided in this section shall be  
723 repaid to the estate by such person, and such amount may be  
724 recovered in a civil action with interest at the legal rate from the date

725 of demand.

726 Sec. 20. Subsection (b) of section 18-101 of the general statutes is  
727 repealed and the following is substituted in lieu thereof (*Effective from*  
728 *passage*):

729 (b) On granting privileges to any person under section 18-90b or 18-  
730 100, the commissioner or his designee shall disburse any compensation  
731 earned by such person in accordance with the following priorities: (1)  
732 Federal taxes due; (2) restitution or payment of compensation to a  
733 crime victim ordered by any court of competent jurisdiction; (3)  
734 payment of a civil judgment rendered in favor of a crime victim by any  
735 court of competent jurisdiction; (4) victims compensation through the  
736 criminal injuries account administered by the Office of Victim Services;  
737 (5) state taxes due; (6) support of his dependents, if any; (7) his  
738 necessary travel expense to and from work and other incidental  
739 expenses; and (8) costs of [his board as determined by said  
740 commissioner] such person's incarceration under section 18-85a, as  
741 amended by this act, and regulations adopted in accordance with said  
742 section, and the commissioner shall pay any balance remaining to such  
743 person upon his discharge. Each person gainfully self-employed shall  
744 pay to the commissioner the costs of [his board, as determined by said  
745 commissioner] such person's incarceration under section 18-85a, as  
746 amended by this act, and regulations adopted in accordance with said  
747 section, and on default in payment thereof his participation under  
748 section 18-100 shall be revoked.

749 Sec. 21. Subsection (b) of section 52-321a of the general statutes, as  
750 amended by section 119 of public act 03-19, is repealed and the  
751 following is substituted in lieu thereof (*Effective from passage*):

752 (b) Nothing in this section shall impair the rights of an alternate  
753 payee under a qualified domestic relations order, as defined in Section  
754 414(p) of the Internal Revenue Code of 1986, or any subsequent  
755 corresponding internal revenue code of the United States, as from time  
756 to time amended. Nothing in this section or in subsection (m) of

757 section 52-352b shall impair the rights of the state to proceed under  
758 section 52-361a, as amended, to recover the costs of incarceration  
759 under section 18-85a, as amended by this act, and regulations adopted  
760 in accordance with section 18-85a, as amended by this act, from any  
761 federal, state or municipal pension, annuity or insurance contract or  
762 similar arrangement described in subdivision (5) of subsection (a) of  
763 this section, provided the rights of an alternate payee under a qualified  
764 domestic relations order, as defined in Section 414(p) of the Internal  
765 Revenue Code of 1986, or any subsequent corresponding internal  
766 revenue code of the United States, as from time to time amended, shall  
767 take precedence over any such recovery. Nothing in this section or in  
768 subsection (m) of section 52-352b shall impair the rights of a victim of  
769 crime to proceed under section 52-361a, as amended, to recover  
770 damages awarded by a court of competent jurisdiction from any  
771 federal, state or municipal pension, annuity or insurance contract or  
772 similar arrangement described in subdivision (5) of subsection (a) of  
773 this section when such damages are the result of a crime committed by  
774 a participant or beneficiary of such pension, annuity or insurance  
775 contract or similar arrangement, [;] provided the rights of an alternate  
776 payee under a qualified domestic relations order, as defined in Section  
777 414(p) of the Internal Revenue Code of 1986, or any subsequent  
778 corresponding internal revenue code of the United States, as from time  
779 to time amended, shall take precedence over any such recovery.

780 Sec. 22. (NEW) (*Effective from passage*) Notwithstanding any  
781 provision of the general statutes, when sentencing a person convicted  
782 of an offense for which there is a mandatory minimum sentence,  
783 except a capital felony, a class A felony or a class B felony or a  
784 violation of section 53-202j, 53-202k, 53a-56a, 53a-71, 53a-72b, 53a-102a  
785 or 53a-136a of the general statutes, the court may, upon a showing of  
786 good cause by the defendant, depart from the prescribed mandatory  
787 minimum sentence, provided the court, at the time of sentencing,  
788 states in open court the reasons for imposing the particular sentence  
789 and the specific reason for imposing a sentence that departs from the  
790 prescribed mandatory minimum sentence.

791 Sec. 23. Section 17a-696 of the general statutes is repealed and the  
792 following is substituted in lieu thereof (*Effective from passage*):

793 (a) The provisions of this section shall not apply to any person  
794 charged with a violation of section 14-227a, as amended, or 53a-60d or  
795 with a class A, B or C felony or to any person who was twice  
796 previously ordered treated under this section, subsection (i) of section  
797 17-155y, section 19a-386 or section 21a-284 of the general statutes  
798 revised to 1989, or any combination thereof. The court may waive the  
799 ineligibility provisions of this subsection for any person.

800 (b) The court may order suspension of prosecution and order  
801 treatment for alcohol or drug dependency as provided in this section  
802 and sections 17a-697 and 17a-698 if it, after considering information  
803 before it concerning the alcohol or drug dependency of the person,  
804 including the examination report made pursuant to the provisions of  
805 section 17a-694, finds that (1) the accused person was an alcohol-  
806 dependent or drug-dependent person at the time of the crime, (2) the  
807 person presently needs and is likely to benefit from treatment for the  
808 dependency, and (3) suspension of prosecution will advance the  
809 interests of justice. Treatment may begin no earlier than the date the  
810 clinical examiner reports under the provisions of section 17a-694 that  
811 space is available in a treatment program.

812 (c) A suspension of prosecution ordered under the provisions of  
813 subsection (b) of this section may be for a period not exceeding two  
814 years. During the period of suspension, an accused person shall be  
815 placed in the custody of the Court Support Services Division for  
816 treatment for alcohol or drug dependency. The court or the Court  
817 Support Services Division may require that the person (1) comply with  
818 any of the conditions specified in subsections (a) and (b) of section 53a-  
819 30, as amended, and (2) be tested for use of alcohol or drugs during the  
820 period of suspension. The accused person shall, unless indigent, pay  
821 the cost of treatment ordered under this section.

822 (d) If prosecution is suspended under the provisions of subsection

823 (b) of this section, (1) the statute of limitations applicable to the crime  
824 charged shall be tolled during the period of suspension, and (2) the  
825 accused person shall be deemed to have waived [his] such accused  
826 person's right to a speedy trial for the crime charged.

827 (e) The court shall not suspend prosecution under subsection (b) of  
828 this section unless (1) the accused person has acknowledged that he or  
829 she understands the consequences of the suspension of prosecution, (2)  
830 the accused person has given notice, by registered or certified mail on  
831 a form prescribed by the Chief Court Administrator, to the victim, if  
832 any, of the crime of which the person is accused and of the pending  
833 motion for suspension of prosecution, (3) such victim, if [he exists] any,  
834 has been given an opportunity to be heard on the motion for  
835 suspension of prosecution, and (4) the accused person, unless [he] such  
836 accused person is indigent, has paid to the clerk of the court an  
837 administration fee of twenty-five dollars.

838 (f) If the prosecution is suspended, the person shall be released on a  
839 written promise to appear or on a bond and any other bond posted in  
840 any criminal proceeding concerning such person shall be terminated.

841 (g) If the court denies the motion for suspension of prosecution, the  
842 state's attorney may proceed with prosecution of the crime.

843 (h) A person shall be deemed to be indigent for the purposes of this  
844 section if the court determines the person has an estate insufficient to  
845 provide for [his] the person's support or there is no other person  
846 legally liable or able to support [him] the person.

847 Sec. 24. Section 21a-278 of the general statutes is repealed and the  
848 following is substituted in lieu thereof (*Effective from passage*):

849 (a) Any person who manufactures, distributes, sells, prescribes,  
850 dispenses, compounds, transports with the intent to sell or dispense,  
851 possesses with the intent to sell or dispense, offers, gives or  
852 administers to another person one or more preparations, compounds,

853 mixtures or substances containing an aggregate weight of one ounce or  
854 more of heroin, methadone or cocaine or an aggregate weight of [one-  
855 half gram] one ounce or more of cocaine in a free-base form or a  
856 substance containing five milligrams or more of lysergic acid  
857 diethylamide, except as authorized in this chapter, and who is not, at  
858 the time of such action, a drug-dependent person, shall be imprisoned  
859 for a minimum term of not less than five years nor more than twenty  
860 years; and, a maximum term of life imprisonment. The execution of the  
861 mandatory minimum sentence imposed by the provisions of this  
862 subsection shall not be suspended except the court may suspend the  
863 execution of such mandatory minimum sentence if at the time of the  
864 commission of the offense (1) such person was under the age of  
865 eighteen years, or (2) such person's mental capacity was significantly  
866 impaired but not so impaired as to constitute a defense to prosecution.

867 (b) Any person who manufactures, distributes, sells, prescribes,  
868 dispenses, compounds, transports with the intent to sell or dispense,  
869 possesses with the intent to sell or dispense, offers, gives or  
870 administers to another person any narcotic substance, hallucinogenic  
871 substance other than marijuana, amphetamine-type substance, or one  
872 kilogram or more of a cannabis-type substance except as authorized in  
873 this chapter, and who is not at the time of such action a drug-  
874 dependent person, for a first offense shall be imprisoned not less than  
875 five years nor more than twenty years; and for each subsequent offense  
876 shall be imprisoned not less than ten years nor more than twenty-five  
877 years. The execution of the mandatory minimum sentence imposed by  
878 the provisions of this subsection shall not be suspended except the  
879 court may suspend the execution of such mandatory minimum  
880 sentence if at the time of the commission of the offense (1) such person  
881 was under the age of eighteen years, or (2) such person's mental  
882 capacity was significantly impaired but not so impaired as to  
883 constitute a defense to prosecution.

884 Sec. 25. (NEW) (*Effective from passage*) Any child who is arrested and  
885 held in a detention center, alternative detention center, Long Lane

886 School for Girls, the Connecticut Juvenile Training School or a police  
887 station or courthouse lockup prior to the disposition of a juvenile  
888 matter shall, if subsequently convicted as delinquent by the Superior  
889 Court and sentenced to a period of probation, earn a reduction of such  
890 child's period of probation, including any extensions thereof, equal to  
891 the number of days that such child spent in such detention center,  
892 school or lockup.

893       Sec. 26. (*Effective from passage*) The Legislative Program Review and  
894 Investigations Committee shall review the implementation of this act  
895 and measure the effects thereof including, but not limited to, the effect  
896 on prison population, the cost savings generated and the extent to  
897 which such savings are reinvested in improving community safety and  
898 ensuring the successful transition of ex-offenders to the community.  
899 Not later than January 1, 2006, and January 1, 2008, the committee shall  
900 report its findings to the joint standing committees of the General  
901 Assembly having cognizance of matters relating to appropriations and  
902 the budgets of state agencies and to the judiciary.

903       Sec. 27. (*Effective from passage*) (a) Not later than October 15, 2004, the  
904 Judicial Branch shall submit to the joint standing committees of the  
905 General Assembly having cognizance of matters relating to  
906 appropriations and judiciary, a plan to reduce by at least twenty per  
907 cent the number of incarcerations resulting from technical violations of  
908 conditions of probation, which shall include an estimate of the cost of  
909 implementation. In the event that funding is provided to the Judicial  
910 Branch for this purpose, the Judicial Branch shall implement the plan  
911 and shall, not later than August 15, 2005, report to said committees the  
912 results of the implementation of the plan.

913       (b) Not later than October 15, 2004, the Board of Parole shall submit  
914 to the joint standing committees of the General Assembly having  
915 cognizance of matters relating to appropriations and judiciary, a plan  
916 to reduce by at least twenty per cent the number of incarcerations  
917 resulting from technical violations of conditions of parole, which shall

918 include an estimate of the cost of implementation. In the event that  
919 funding is provided to the Board of Parole for this purpose, the Board  
920 of Parole shall implement the plan and shall, not later than August 15,  
921 2005, report to said committees the results of the implementation of the  
922 plan.

923       Sec. 28. (*Effective from passage*) To implement the provisions of  
924 section 54 of public act 03-1 of the June 30 special session, the  
925 Department of Correction shall, not later than October 1, 2004, issue a  
926 request for proposals for a Community Justice Center. Such request for  
927 proposals shall require such facility to have a capacity of not less than  
928 five hundred beds, be located in the city of Hartford and be operated  
929 by a not-for-profit corporation that is exempt from taxation under  
930 Section 501(c)(3) of the Internal Revenue Code of 1986, or any  
931 subsequent corresponding internal revenue code of the United States,  
932 as from time to time amended, and has experience in operating such a  
933 facility. Each corporation submitting a proposal in response to such  
934 request for proposals must have a site acceptable for use as a  
935 Community Justice Center as of the due date for the submission of  
936 such proposal.

937       Sec. 29. (*Effective from passage*) The sum of \$1,180,000 of the funds  
938 appropriated to the Department of Correction, for the fiscal year  
939 ending June 30, 2004, for Prison Overcrowding, shall be expended as  
940 follows: The sum of \$500,000 shall be used to provide funds for the  
941 Justice Reinvestment "Building Bridges" pilot project in New Haven;  
942 the sum of \$80,000 shall be used for a grant to Hartford to plan a  
943 Justice Reinvestment "Building Bridges" project; the sum of \$100,000  
944 shall be used for a grant for the Hartford Community Partners In  
945 Action (CPA) Resettlement Program; and the sum of \$500,000 shall be  
946 transferred to the Department of Mental Health and Addiction  
947 Services, for treatment beds.

948       Sec. 30. (*Effective July 1, 2004*) Sections 18-24a, as amended, 18-27, 18-  
949 28 and 18-29 of the general statutes are repealed.

950        Sec. 31. (*Effective from passage*) Section 21a-283a of the general  
 951 statutes is repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage and applicable to actions or proceedings pending or commenced on or after said date</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>
Sec. 22	<i>from passage</i>
Sec. 23	<i>from passage</i>
Sec. 24	<i>from passage</i>
Sec. 25	<i>from passage</i>
Sec. 26	<i>from passage</i>
Sec. 27	<i>from passage</i>
Sec. 28	<i>from passage</i>
Sec. 29	<i>from passage</i>
Sec. 30	<i>July 1, 2004</i>
Sec. 31	<i>from passage</i>

**Statement of Purpose:**

To manage the increasing growth in prison population by adopting various measures to control the number of persons being admitted to, and discharged from, correctional facilities.

*[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.]*