



General Assembly

Substitute Bill No. 5211

February Session, 2004

* _____ HB05211JUDAPP031604 _____ *

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2 section 161 of public act 03-6 of the June 30 special session, is repealed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~~] On and after October 1, 2004, the
6 board shall consist of [~~fifteen~~] thirteen members [, including a
7 chairman and two vice-chairmen who shall be] appointed by the
8 Governor with the advice and consent of either house of the General
9 Assembly. [The chairman and vice-chairmen shall be qualified by
10 training, experience or education in law, criminal justice, parole
11 matters or other related fields for the consideration of the matters
12 before them and the other members shall be qualified by training and
13 experience for the consideration of matters before them.] In the
14 appointment of the members, the Governor shall endeavor to reflect
15 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, parole or pardons.

19 (b) The term of each appointed member of the board serving on
20 September 30, 2004, shall expire on said date. The term of [the

21 chairman and the term of each vice-chairman] each member of the
22 board beginning on or after October 1, 2004, shall be coterminous with
23 the term of the Governor or until a successor is chosen, whichever is
24 later. [The terms of all members, except the chairman, shall expire on
25 July 1, 1994, and on or after July 1, 1994, members shall be appointed in
26 accordance with subsection (a) of this section as follows: Six members
27 shall be appointed for a term of two years; and six members shall be
28 appointed for a term of four years. Thereafter, all members shall serve
29 for terms of four years.] Any vacancy in the membership of the board
30 shall be 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 policies in
52 all areas of [parole] pardons and paroles including, but not limited to,
53 granting pardons, commutations of punishments or releases,
54 conditioned or absolute, in the case of any person convicted of any

55 offense against the state and commutations from the penalty of death,
56 risk-based structured decision making [,] and release criteria, [and
57 supervision standards, (7) establishing specialized parole units as
58 deemed necessary, (8) entering into contracts, in consultation with the
59 board, with service providers, community programs and consultants
60 for the proper function of parole and community supervision, (9)
61 creating programs for staff and board member development, training
62 and education, (10) establishing, developing and maintaining
63 noninstitutional, community-based service programs, and (11)] (3)
64 consulting with the Department of Correction on shared issues
65 including, but not limited to, prison overcrowding, (4) consulting with
66 the Judicial Department on shared issues of community supervision,
67 and (5) signing and issuing subpoenas to compel the attendance and
68 testimony of witnesses at parole proceedings. Any such subpoena shall
69 be enforceable to the same extent as subpoenas issued pursuant to
70 section 52-143, as amended.

71 (e) The [chairman] chairperson may serve on both pardons panels
72 and parole release panels and shall have the authority and
73 responsibility for assigning members to such panels. [, each to] The
74 chairperson shall assign seven members exclusively to parole release
75 hearings and shall assign five members exclusively to pardons
76 hearings. Except for the chairperson, no member assigned to parole
77 release hearings may be assigned subsequently to pardons hearings
78 and no member assigned to pardons hearings may be assigned
79 subsequently to parole release hearings. Each parole release panel shall
80 be composed of two members and the [chairman] chairperson or a
81 member designated to serve temporarily as [chairman] chairperson,
82 for each correctional institution. Such parole release panels shall be the
83 paroling authority for the institutions to which they are assigned and
84 not less than two members shall be present at each parole hearing.
85 Each pardons panel shall be composed of three members, one of whom
86 may be the chairperson, except that for hearings on commutations
87 from the penalty of death, one member of the panel shall be the
88 chairperson.

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

95 (g) The chairperson of the board shall appoint an executive director.
96 The executive director shall oversee the administration of the agency
97 and, at the discretion of the chairperson, shall: (1) Direct and supervise
98 all administrative affairs of the board, (2) prepare the budget and
99 annual operation plan, (3) assign staff to administrative reviews, (4)
100 organize pardons and parole release hearing calendars, (5) implement
101 a uniform case filing and processing system, and (6) create programs
102 for staff and board member development, training and education.

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

105 (1) Parole revocation and rescission hearings that include
106 implementing due process requirements;

107 (2) An administrative pardons process that allows an applicant
108 convicted of a crime to be granted a pardon with respect to such crime
109 without a hearing, unless a victim of such crime requests such a
110 hearing, if such applicant was:

111 (A) Convicted of a misdemeanor and (i) such conduct no longer
112 constitutes a crime, (ii) such applicant was under twenty-one years of
113 age at the time of conviction and has not been convicted of a crime
114 during the ten years preceding the date on which the pardon is
115 granted, or (iii) such conviction occurred prior to the effective date of
116 the establishment of a program under sections 17a-692 to 17a-701,
117 inclusive, as amended, section 46b-38c, as amended, 53a-39a, 53a-39c,
118 as amended, 54-56e, as amended, 54-56g, as amended, 54-56i or 54-56j
119 for which the applicant would have been eligible had such program
120 existed at the time of conviction, provided the chairperson determines

121 the applicant would likely have been granted entry into such program;
122 or

123 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279
124 and such applicant has not been convicted of a crime during the five
125 years preceding the date on which the pardon is granted, provided
126 such date is at least five years after the date of such conviction or such
127 applicant's release from incarceration, whichever is later; and

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

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

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

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

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

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

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

162 Sec. 2. (NEW) (*Effective July 1, 2004*) (a) The Board of Pardons and
163 Paroles shall be a successor department to the Board of Pardons and
164 the Board of Parole in accordance with the provisions of sections 4-38d
165 and 4-39 of the general statutes.

166 (b) Wherever the words "Board of Pardons" or "Board of Parole" are
167 used in the general statutes or the public acts of 2003 and 2004, the
168 words "Board of Pardons and Paroles" shall be substituted in lieu
169 thereof.

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

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

176 (a) A person convicted of one or more crimes who is incarcerated on
177 or after October 1, 1990, who received a definite sentence or aggregate
178 sentence of more than two years, and who has been confined under
179 such sentence or sentences for not less than one-half of the aggregate
180 sentence or one-half of the most recent sentence imposed by the court,
181 whichever is greater, may be allowed to go at large on parole in the

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

203 (b) (1) No person convicted of any of the following offenses, which
204 was committed on or after July 1, 1981, shall be eligible for parole
205 under subsection (a) of this section: Capital felony, as [defined]
206 provided in section 53a-54b, felony murder, as [defined] provided in
207 section 53a-54c, arson murder, as [defined] provided in section 53a-
208 54d, murder, as [defined] provided in section 53a-54a, or [any offense
209 committed with a firearm, as defined in section 53a-3, in or on, or
210 within one thousand five hundred feet of, the real property comprising
211 a public or private elementary or secondary school] aggravated sexual
212 assault in the first degree, as provided in section 53a-70a. (2) A person
213 convicted of an offense, other than an offense specified in subdivision
214 (1) of this subsection, where the underlying facts and circumstances of
215 the offense involve the use, attempted use or threatened use of

216 physical force against another person shall be ineligible for parole
217 under subsection (a) of this section until such person has served not
218 less than eighty-five per cent of the definite sentence imposed.

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

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

247 (d) The Board of Parole shall hold a hearing to determine the
248 suitability for parole release of any person whose eligibility for parole

249 release is not subject to the provisions of subsection (b) of this section
250 upon completion by such person of seventy-five per cent of such
251 person's definite or aggregate sentence.

252 (e) The Board of Parole shall hold a hearing to determine the
253 suitability for parole release of any person whose eligibility for parole
254 release is subject to the provisions of subdivision (2) of subsection (b)
255 of this section upon completion by such person of eighty-five per cent
256 of such person's definite or aggregate sentence.

257 (f) Any person released on parole under this section shall remain in
258 the custody of the Commissioner of Correction and be subject to
259 supervision by personnel of the Department of Correction during such
260 person's period of parole.

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

263 (a) A person whose eligibility for parole release is not subject to the
264 provisions of subsection (b) of section 54-125a, as amended by this act,
265 may be allowed to go on parole in accordance with section 54-125a, as
266 amended by this act, or 54-125g without a parole hearing being
267 conducted by a panel of the Board of Parole if (1) an employee of the
268 Board of Parole has reviewed the inmate's case and recommended
269 parole be granted to such person, and (2) such recommendation has
270 been approved by at least two members of a panel of the board. A
271 parole hearing shall be conducted by a panel of the Board of Parole if
272 the chairperson of the board deems such a hearing to be necessary or if
273 a victim, as defined in sections 54-201, as amended, and 54-226,
274 requests such a hearing.

275 [(b) No inmate may be released pursuant to the provisions of
276 subsection (a) of this section if he or she has been convicted of a
277 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
278 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-
279 134 or 53a-196a or has more than three years remaining on his or her
280 sentence.]

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

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

287 (a) Any person convicted of a crime committed on or after October
288 1, 1998, who received a definite sentence of more than two years
289 followed by a period of special parole shall, at the expiration of the
290 maximum term or terms of imprisonment imposed by the court, be
291 automatically transferred from the custody of the Commissioner of
292 Correction to the jurisdiction of the [chairman] chairperson of the
293 Board of Parole or, if such person has previously been released on
294 parole pursuant to subsection (a) of section 54-125a, as amended by
295 this act, or section 54-131a, remain under the jurisdiction of said
296 [chairman] chairperson until the expiration of the period of special
297 parole imposed by the court. The Department of Correction shall be
298 responsible for the supervision of any person transferred to the
299 jurisdiction of the chairperson of the Board of Parole under this section
300 during such person's period of special parole.

301 (b) Any person sentenced to a period of special parole shall be
302 subject to such rules and conditions as may be established by the
303 Board of Parole or its [chairman] chairperson pursuant to section
304 54-126.

305 (c) The period of special parole shall be not less than one year nor
306 more than ten years except that such period may be for more than ten
307 years for a person convicted of a violation of subdivision (2) of section
308 53-21 of the general statutes in effect prior to October 1, 2000,
309 subdivision (2) of subsection (a) of section 53-21, section 53a-70,
310 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a
311 persistent dangerous felony offender pursuant to subsection (h) of
312 section 53a-40 or as a persistent serious felony offender pursuant to

313 subsection (j) of section 53a-40.

314 (d) Whenever a parolee has, in the judgment of such parolee's
315 parole officer, violated the conditions of his or her special parole, the
316 board shall cause the parolee to be brought before it without
317 unnecessary delay for a hearing on the violation charges. At such
318 hearing, the parolee shall be informed of the manner in which such
319 parolee is alleged to have violated the conditions of such parolee's
320 special parole and shall be advised by the employee of the board
321 conducting the hearing of such parolee's due process rights.

322 (e) If such violation is established, the board may: (1) Continue the
323 sentence of special parole; (2) modify or enlarge the conditions of
324 special parole; or (3) revoke the sentence of special parole.

325 (f) If the board revokes special parole for a parolee, the chairperson
326 may issue a mittimus for the commitment of such parolee to the
327 custody of the Commissioner of Correction for any period not to
328 exceed the unexpired portion of the period of special parole.

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

333 Sec. 6. (NEW) (*Effective from passage*) All parole revocation and
334 rescission hearings shall be conducted by an employee of the Board of
335 Parole. The parole of a person who has been allowed to go on parole in
336 accordance with subsection (a) of section 54-125a of the general
337 statutes, as amended by this act, or section 54-125g of the general
338 statutes, who has been sentenced to a period of special parole in
339 accordance with subdivision (9) of subsection (b) of section 53a-28 of
340 the general statutes, or who has been released on parole in accordance
341 with subsection (d) or (e) of section 54-125a of the general statutes, as
342 amended by this act, shall be revoked or rescinded if, after such
343 hearing, the employee recommends such revocation or rescission and
344 such recommendation is approved by at least two members of a panel

345 of the board.

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

348 No person may be committed to [the Connecticut Correctional
349 Institution, Somers,] a correctional institution or a community
350 correctional center without a mittimus signed by the judge or clerk of
351 the court which committed [him] such person or, with respect to a
352 person sentenced to a period of special parole, signed by the
353 chairperson of the Board of Parole, declaring the cause of commitment
354 and requiring the warden or Community Correctional Center
355 Administrator to receive and keep [him] such person in the
356 [Correctional Institution, Somers,] correctional institution or the
357 community correctional center, as the case may be, for the period fixed
358 by the judgment of said court or said board or until [he] such person is
359 legally discharged; and such mittimus shall be sufficient authority to
360 the officer to commit such person, and to the warden or Community
361 Correctional Center Administrator to receive and hold [him] such
362 person in custody, except that any community correctional center may
363 receive any person as provided in section 7-135 without such mittimus.

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

366 (a) Any paroled [convict or] inmate who has been returned to the
367 custody of the Commissioner of Correction or any institution of the
368 Department of Correction for violation of [his] such inmate's parole
369 may be retained in [the institution from which he was paroled] a
370 correctional institution for a period equal to the unexpired portion of
371 the term of [his] such inmate's sentence at the date of the request or
372 order for [his] such inmate's return less any commutation or
373 diminution of [his] such inmate's sentence earned, except that the
374 Board of Parole may, in its discretion, determine that [he] such inmate
375 shall forfeit any or all of such earned time, or may be again paroled by
376 said board.

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

379 (c) Any person who, during the service of a period of special parole
380 imposed in accordance with subdivision (9) of subsection (b) of section
381 53a-28, has been returned to the custody of the Commissioner of
382 Correction or any institution of the Department of Correction for
383 violation of [his] such person's parole, may be retained in [the
384 institution from which he was paroled] a correctional institution for a
385 period equal to the unexpired portion of the period of special parole.
386 The total length of the term of incarceration and term of special parole
387 combined shall not exceed the maximum sentence of incarceration
388 authorized for the offense for which the person was convicted.

389 Sec. 9. (NEW) (*Effective from passage*) Notwithstanding the provisions
390 of section 54-125a of the general statutes, as amended by this act, the
391 chairperson of the Board of Parole may transfer to any public or
392 private nonprofit halfway house, group home or mental health facility
393 or to an approved community or private residence any person
394 confined in a correctional institution or facility who (1) has been
395 granted parole release and is within eighteen months of the parole
396 release date established by the board, or (2) is within eighteen months
397 of such person's conditional parole release date under subsection (d) or
398 (e) of section 54-125a of the general statutes, as amended by this act.
399 Any person released from confinement pursuant to this section shall
400 be transferred from the custody of the Commissioner of Correction to
401 the jurisdiction of the chairperson of the Board of Parole. The
402 Department of Correction shall be responsible for the supervision of
403 any person transferred to the jurisdiction of the chairperson of the
404 Board of Parole under this section while such person is residing at
405 such halfway house, group home, mental health facility or community
406 or private residence. Such person may, at any time, be returned to the
407 custody of the Commissioner of Correction.

408 Sec. 10. (NEW) (*Effective from passage*) Unless otherwise ordered by
409 the court, whenever an arrested person charged with the commission of

410 no crime other than a class D felony or a misdemeanor, except a violation
411 of section 53a-60a, 53a-60b, 53a-60c, 53a-60d, 53a-72a, 53a-73a or 53a-181c
412 of the general statutes, is committed by the court to the custody of the
413 Commissioner of Correction pursuant to section 54-64a of the general
414 statutes, as amended, the commissioner may release such person to a
415 residence approved by the Department of Correction subject to such
416 conditions as the commissioner may impose including, but not limited
417 to, participation in a substance abuse treatment program and being
418 subject to electronic monitoring or any other monitoring technology or
419 services. Any person released pursuant to this section shall be
420 supervised by the department and remain under the jurisdiction of the
421 commissioner during the period of such release. Upon the violation by
422 such person of any condition of such release, the commissioner may
423 revoke such release and return such person to confinement in a
424 correctional facility.

425 Sec. 11. Section 18-86b of the general statutes, as amended by section
426 156 of public act 03-6 of the June 30 special session, is repealed and the
427 following is substituted in lieu thereof (*Effective from passage*):

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

438 (b) (1) Notwithstanding the provisions of sections 18-105 to 18-107,
439 inclusive, during the fiscal years ending June 30, 2004, and June 30,
440 2005, the Commissioner of Correction is authorized to improve the
441 operation of the state's correctional facilities by entering into contracts
442 in accordance with this subsection with any governmental or private

443 vendor for the supervision of not more than an additional two
444 thousand inmates outside the state.

445 (2) If the governmental vendor with which the commissioner has a
446 contract under subsection (a) of this section on August 20, 2003, for the
447 supervision of inmates outside this state is willing to accept additional
448 inmates for supervision, the Commissioner of Correction may,
449 notwithstanding the provisions of section 4a-57, enter into a contract
450 with such governmental vendor for the supervision of such number of
451 additional inmates as such governmental vendor is willing to accept. If
452 the commissioner does not enter into such a contract with such
453 governmental vendor or if, after contracting for the supervision of
454 additional inmates by such governmental vendor, the number of
455 inmates authorized to be supervised outside this state under
456 subdivision (1) of this subsection has not been attained, the
457 commissioner may enter into contracts with any governmental or
458 private vendor for the supervision of all or part of the remaining
459 number of inmates authorized to be supervised outside this state
460 under said subdivision (1).

461 (3) Any such governmental or private vendor shall agree to be
462 bound by the provisions of the Interstate Corrections Compact, and
463 any governmental or privately-operated facility to which state inmates
464 are transferred pursuant to a contract under this subsection shall be
465 located in a state which has enacted and entered into the Interstate
466 Corrections Compact.

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

472 (c) A state inmate confined in any governmental or privately-
473 operated facility pursuant to the terms of any contract with the state
474 shall at all times be subject to the authority of the Commissioner of

475 Correction who may at any time remove the inmate for transfer to a
476 state correctional facility or other institution, for transfer to another
477 governmental or privately-operated facility, for release on probation or
478 parole, for discharge or for any other purpose permitted by the laws of
479 this state.

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

483 (a) (1) Except as provided in subdivision (2) of this subsection, each
484 person committed to any community correctional center upon
485 conviction of any criminal offense, and held therein only for the
486 payment of a fine, shall be discharged from confinement when the
487 time served by such person at [the rate of fifty dollars a day] a per
488 diem rate equal to the average daily cost of incarceration as
489 determined by the Commissioner of Correction amounts to such fine
490 or the balance thereof remaining unpaid. Such person shall earn an
491 additional credit of fifty dollars toward such fine or balance thereof
492 remaining unpaid for each day such person is employed at productive
493 or maintenance work and has established a satisfactory work record.
494 In computing the number of days to be served, credit shall be given for
495 Sundays, holidays and the day of admission. Each person so
496 committed shall be released during the day following that which
497 completes the time to be served when computed in accordance with
498 this subdivision, or immediately upon payment of the fine in full.

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

502 (a) (1) Any person who is confined to a community correctional
503 center or a correctional institution for an offense committed on or after
504 July 1, 1981, under a mittimus or because such person is unable to
505 obtain bail or is denied bail shall, if subsequently imprisoned, earn a
506 reduction of such person's sentence equal to the number of days which

507 such person spent in such facility from the time such person was
508 placed in presentence confinement to the time such person began
509 serving the term of imprisonment imposed; provided (A) each day of
510 presentence confinement shall be counted only once for the purpose of
511 reducing all sentences imposed after such presentence confinement;
512 and (B) the provisions of this section shall only apply to a person for
513 whom the existence of a mittimus, an inability to obtain bail or the
514 denial of bail is the sole reason for such person's presentence
515 confinement, except that if a person is serving a term of imprisonment
516 at the same time such person is in presentence confinement on another
517 charge and the conviction for such imprisonment is reversed on
518 appeal, such person shall be entitled, in any sentence subsequently
519 imposed, to a reduction based on such presentence confinement in
520 accordance with the provisions of this section. In the case of a fine,
521 each day spent in such confinement prior to sentencing shall be
522 credited against the sentence at [the rate of fifty dollars] a per diem
523 rate equal to the average daily cost of incarceration as determined by
524 the Commissioner of Correction.

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

527 There is established a Commission on Prison and Jail Overcrowding
528 which shall be within the Office of Policy and Management for
529 administrative purposes only. The commission shall consist of the
530 Chief Court Administrator, [or his designee,] the Commissioner of
531 Correction, the Commissioner of Public Safety, the Chief State's
532 Attorney, [or his designee,] the Chief Public Defender, [or his
533 designee] the Commissioner of Mental Health and Addiction Services
534 and the chairperson of the Board of Parole, or their designees, the
535 executive director of the Court Support Services Division or other
536 designee of the Chief Court Administrator and the following members,
537 each of whom shall be appointed by the Governor: Three government
538 officials, a police chief, two persons representing offender and victim
539 services within the private community and two public members. The
540 Governor shall appoint a chairperson from among the members of the

541 commission. The commission shall meet at such times as it deems
542 necessary.

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

546 (b) In the case of an inheritance of an estate by a beneficiary of aid
547 under the state supplement program, medical assistance program, aid
548 to families with dependent children program, temporary family
549 assistance program or state-administered general assistance program,
550 subject to subsections (b) and (c) of section 17b-93, fifty per cent of the
551 assets of the estate payable to the beneficiary or the amount of such
552 assets equal to the amount of assistance paid, whichever is less, shall
553 be assignable to the state for payment of the amount due under said
554 section 17b-93. The state shall have a lien against such assets in the
555 applicable amount specified in this subsection. The Court of Probate
556 shall accept any such assignment executed by the beneficiary [and] or
557 any such lien notice if such assignment or lien notice is filed by the
558 Commissioner of Administrative Services with the court prior to the
559 distribution of such inheritance, and to the extent of such inheritance
560 not already distributed, the court shall order distribution in accordance
561 therewith. If the Commissioner of Administrative Services receives any
562 assets of an estate pursuant to any such assignment, the commissioner
563 shall be subject to the same duties and liabilities concerning such
564 assigned assets as the beneficiary.

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

567 The commissioner, after consultation with the Commissioner of
568 Administrative Services and the Secretary of the Office of Policy and
569 Management, shall establish a schedule of compensation for services
570 performed on behalf of the state by inmates of any institution or
571 facility of the department. Such schedule shall recognize degrees of
572 merit, diligence and skill in order to encourage inmate incentive and

573 industry. Sums so earned shall be deposited, under the direction of the
574 administrative head of such institution or facility, in a savings bank or
575 state bank and trust company in this state, and shall be paid to the
576 inmate on his discharge; but the warden or Community Correctional
577 Center Administrator may, while the inmate is in custody, disburse
578 any compensation earned by such [person] inmate in accordance with
579 the following priorities: (1) Federal taxes due; (2) restitution or
580 payment of compensation to a crime victim ordered by any court of
581 competent jurisdiction; (3) payment of a civil judgment rendered in
582 favor of a crime victim by any court of competent jurisdiction; (4)
583 victims compensation through the criminal injuries account
584 administered by the Office of Victim Services; (5) state taxes due; (6)
585 support of his dependents, if any; (7) his necessary travel expense to
586 and from work and other incidental expenses; (8) costs of [his board as
587 determined by the commissioner] such inmate's incarceration under
588 section 18-85a, as amended by this act, and regulations adopted in
589 accordance with said section; and (9) payment to the clerk of the court
590 in which an inmate of a community correctional center, held only for
591 payment of a fine, was convicted, such portion of such compensation
592 as is necessary to pay such fine. Any interest that accrues shall be
593 credited to any institutional fund established for the welfare of
594 inmates. Compensation under this section shall be in addition to any
595 compensation received or credited under section 18-50, as amended by
596 this act.

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

601 (a) The Commissioner of Correction shall adopt regulations, in
602 accordance with the provisions of chapter 54, concerning the
603 assessment of inmates of correctional institutions or facilities for the
604 costs of their incarceration.

605 (b) The state shall have a claim against each inmate for the costs of

606 such inmate's incarceration under this section, and regulations
607 adopted in accordance with this section, for which the state has not
608 been reimbursed. Any property owned by such inmate may be used to
609 satisfy such claim, except property that is: (1) Exempt pursuant to
610 section 52-352b, as amended, or 52-352d, except as provided in
611 subsection (b) of section 52-321a, as amended by this act; (2) subject to
612 the provisions of section 54-218; or (3) acquired by such inmate after
613 the inmate is released from incarceration, but not including property
614 so acquired that is subject to the provisions of section 18-85b or 18-85c,
615 as amended by this act, or section 52-367c, and except as provided in
616 subsection (b) of section 52-321a, as amended by this act. In addition to
617 other remedies available at law, the Attorney General, on request of
618 the Commissioner of Correction, may bring an action in the superior
619 court for the judicial district of Hartford to enforce such claim,
620 provided no such action shall be brought but within two years from
621 the date the inmate is released from incarceration or, if the inmate dies
622 while in the custody of the commissioner, within two years from the
623 date of the inmate's death, except that such limitation period shall not
624 apply if such property was fraudulently concealed from the state.

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

627 (a) In the case of causes of action of any person obligated to pay the
628 costs of such person's incarceration under section 18-85a, as amended
629 by this act, and regulations adopted in accordance with said section
630 brought by such person within twenty years from the date such person
631 is released from incarceration, the claim of the state shall be a lien
632 against the proceeds therefrom in the amount of the costs of
633 incarceration or fifty per cent of the proceeds received by such person
634 after payment of all expenses connected with the cause of action,
635 whichever is less, for repayment under said section, and shall have
636 priority over all other claims, including any lien of the state for
637 repayment of public assistance, except (1) attorney's fees for [said
638 causes] the cause of action, (2) expenses of suit, (3) costs of
639 hospitalization connected with the cause of action by whomever paid

640 over and above hospital insurance or other such benefits, and, for such
641 period of hospitalization as was not paid for by the state, physicians'
642 fees for services during any such period as are connected with the
643 cause of action over and above medical insurance or other such
644 benefits, (4) child support obligations pursuant to subsection (d) of
645 section 17b-93, (5) restitution or payment of compensation to a crime
646 victim ordered by a court of competent jurisdiction, and (6) payment of
647 a civil judgment rendered in favor of a crime victim by a court of
648 competent jurisdiction; and such claim shall consist of the total amount
649 of the costs of incarceration under section 18-85a, as amended by this
650 act, and regulations adopted in accordance with said section. The
651 proceeds of such causes of action shall be assignable to the state for
652 payment of the amount due under section 18-85a, as amended by this
653 act, and regulations adopted in accordance with said section,
654 irrespective of any other provision of law. The state's lien shall
655 constitute an irrevocable direction to the attorney for [the inmate] such
656 person to pay the Commissioner of Correction or the commissioner's
657 designee in accordance with its terms, except if, after written notice
658 from the attorney for [the inmate] such person informing the
659 commissioner or the commissioner's designee of the settlement of the
660 cause of action or judgment thereon and requesting the amount of the
661 lien to be paid to the commissioner or the commissioner's designee, the
662 commissioner or the commissioner's designee does not inform such
663 attorney of the amount of the state's lien within forty-five days of
664 receipt of the written request of such attorney for such information,
665 such attorney may distribute such proceeds to such [inmate] person
666 and shall not be liable for any loss the state may sustain thereby.

667 (b) In the case of an inheritance of an estate by any person who is
668 obligated to pay the costs of such person's incarceration [in accordance
669 with] under section 18-85a, as amended by this act, and [the]
670 regulations adopted [under] in accordance with said section that is
671 received by such person within twenty years from the date such
672 person is released from incarceration, the claim of the state shall be a
673 lien against such inheritance in the amount of the costs of incarceration

674 or fifty per cent of the assets of the estate payable to [the inmate] such
675 person, whichever is less. The Court of Probate shall accept any such
676 lien notice filed by the commissioner or the commissioner's designee
677 with the court prior to the distribution of such inheritance, and to the
678 extent of such inheritance not already distributed, the court shall order
679 distribution in accordance therewith.

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

682 Upon the death of any person obligated to pay the costs of such
683 person's incarceration under section 18-85a, as amended by this act,
684 and regulations adopted in accordance with said section that occurs
685 within twenty years from the date such person is released from
686 incarceration, the state shall have a claim against such person's estate
687 for all costs of incarceration under the provisions of said section and
688 such regulations for which the state has not been reimbursed, to the
689 extent that the amount which the surviving spouse, parent or
690 dependent children of the decedent would otherwise take from such
691 estate is not needed for their support. Such claim shall have priority
692 over all other unsecured claims against such estate, including any lien
693 of the state for repayment of public assistance, except (1) expenses of
694 last sickness not to exceed three hundred seventy-five dollars, (2)
695 funeral and burial expenses in accordance with that allowed under
696 section 17b-84 upon the death of a beneficiary of aid, (3) child support
697 obligations pursuant to subsection (d) of section 17b-93, (4) restitution
698 or payment of compensation to a crime victim ordered by a court of
699 competent jurisdiction, (5) payment of a civil judgment rendered in
700 favor of a crime victim by a court of competent jurisdiction, and (6)
701 administrative expenses, including probate fees and taxes, and
702 including fiduciary fees not exceeding the following commissions on
703 the value of the whole estates accounted for by such fiduciaries: On the
704 first two thousand dollars or portion thereof, five per cent; on the next
705 eight thousand dollars or portion thereof, four per cent; on the excess
706 over ten thousand dollars, three per cent. Upon petition by any
707 fiduciary, the Court of Probate, after a hearing thereon, may authorize

708 compensation in excess of the above schedule for extraordinary
709 services. Notice of any such petition and hearing shall be given to the
710 Commissioner of Correction at least ten days in advance of such
711 hearing. The allowable funeral and burial payment authorized by this
712 section shall be reduced by the amount of any prepaid funeral
713 arrangement. Any amount paid from the estate under this section to
714 any person that exceeds the limits provided in this section shall be
715 repaid to the estate by such person, and such amount may be
716 recovered in a civil action with interest at the legal rate from the date
717 of demand.

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

721 (b) On granting privileges to any person under section 18-90b or 18-
722 100, the commissioner or his designee shall disburse any compensation
723 earned by such person in accordance with the following priorities: (1)
724 Federal taxes due; (2) restitution or payment of compensation to a
725 crime victim ordered by any court of competent jurisdiction; (3)
726 payment of a civil judgment rendered in favor of a crime victim by any
727 court of competent jurisdiction; (4) victims compensation through the
728 criminal injuries account administered by the Office of Victim Services;
729 (5) state taxes due; (6) support of his dependents, if any; (7) his
730 necessary travel expense to and from work and other incidental
731 expenses; and (8) costs of [his board as determined by said
732 commissioner] such person's incarceration under section 18-85a, as
733 amended by this act, and regulations adopted in accordance with said
734 section, and the commissioner shall pay any balance remaining to such
735 person upon his discharge. Each person gainfully self-employed shall
736 pay to the commissioner the costs of [his board, as determined by said
737 commissioner] such person's incarceration under section 18-85a, as
738 amended by this act, and regulations adopted in accordance with said
739 section, and on default in payment thereof his participation under
740 section 18-100 shall be revoked.

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

744 (b) Nothing in this section shall impair the rights of an alternate
745 payee under a qualified domestic relations order, as defined in Section
746 414(p) of the Internal Revenue Code of 1986, or any subsequent
747 corresponding internal revenue code of the United States, as from time
748 to time amended. Nothing in this section or in subsection (m) of
749 section 52-352b shall impair the rights of the state to proceed under
750 section 52-361a, as amended, to recover the costs of incarceration
751 under section 18-85a, as amended by this act, and regulations adopted
752 in accordance with section 18-85a, as amended by this act, from any
753 federal, state or municipal pension, annuity or insurance contract or
754 similar arrangement described in subdivision (5) of subsection (a) of
755 this section, provided the rights of an alternate payee under a qualified
756 domestic relations order, as defined in Section 414(p) of the Internal
757 Revenue Code of 1986, or any subsequent corresponding internal
758 revenue code of the United States, as from time to time amended, shall
759 take precedence over any such recovery. Nothing in this section or in
760 subsection (m) of section 52-352b shall impair the rights of a victim of
761 crime to proceed under section 52-361a, as amended, to recover
762 damages awarded by a court of competent jurisdiction from any
763 federal, state or municipal pension, annuity or insurance contract or
764 similar arrangement described in subdivision (5) of subsection (a) of
765 this section when such damages are the result of a crime committed by
766 a participant or beneficiary of such pension, annuity or insurance
767 contract or similar arrangement, [;] provided the rights of an alternate
768 payee under a qualified domestic relations order, as defined in Section
769 414(p) of the Internal Revenue Code of 1986, or any subsequent
770 corresponding internal revenue code of the United States, as from time
771 to time amended, shall take precedence over any such recovery.

772 Sec. 22. (NEW) (*Effective from passage*) Notwithstanding any
773 provision of the general statutes, when sentencing a person convicted
774 of an offense for which there is a mandatory minimum sentence,

775 except a capital felony, class A felony or class B felony or a violation of
776 subsection (b) of section 14-223, subsection (a) of section 21a-278a or
777 section 53-202j, 53-202k, 53a-56a, 53a-60c, 53a-61a, 53a-71, 53a-72b, 53a-
778 102a, 53a-136a or 53a-303 of the general statutes, the court may, upon a
779 showing of good cause by the defendant, depart from the prescribed
780 mandatory minimum sentence, provided (1) the court, at the time of
781 sentencing, states in open court the reasons for imposing the particular
782 sentence and the specific reason for imposing a sentence that departs
783 from the prescribed mandatory minimum sentence, and (2) if the
784 offense is a violation of subsection (c) of section 21a-267, section 21a-
785 278, subsection (b) of section 21a-278a or subsection (d) of section 21a-
786 279 of the general statutes, (A) the offense did not involve the use,
787 attempted use or threatened use of physical force against another
788 person, (B) the offense did not result in the physical injury or serious
789 physical injury of another person, and (C) in the commission of the
790 offense such person neither was armed with nor threatened the use of
791 or displayed or represented by word or conduct that such person
792 possessed any firearm, deadly weapon or dangerous instrument, as
793 those terms are defined in section 53a-3 of the general statutes.

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

796 (a) The provisions of this section shall not apply to any person
797 charged with a violation of section 14-227a, as amended, or 53a-60d or
798 with a class A, B or C felony or to any person who was twice
799 previously ordered treated under this section, subsection (i) of section
800 17-155y, section 19a-386 or section 21a-284 of the general statutes
801 revised to 1989, or any combination thereof. The court may waive the
802 ineligibility provisions of this subsection for any person.

803 (b) The court may order suspension of prosecution and order
804 treatment for alcohol or drug dependency as provided in this section
805 and sections 17a-697 and 17a-698 if it, after considering information
806 before it concerning the alcohol or drug dependency of the person,
807 including the examination report made pursuant to the provisions of

808 section 17a-694, finds that (1) the accused person was an alcohol-
809 dependent or drug-dependent person at the time of the crime, (2) the
810 person presently needs and is likely to benefit from treatment for the
811 dependency, and (3) suspension of prosecution will advance the
812 interests of justice. Treatment may begin no earlier than the date the
813 clinical examiner reports under the provisions of section 17a-694 that
814 space is available in a treatment program.

815 (c) A suspension of prosecution ordered under the provisions of
816 subsection (b) of this section may be for a period not exceeding two
817 years. During the period of suspension, an accused person shall be
818 placed in the custody of the Court Support Services Division for
819 treatment for alcohol or drug dependency. The court or the Court
820 Support Services Division may require that the person (1) comply with
821 any of the conditions specified in subsections (a) and (b) of section 53a-
822 30, as amended, and (2) be tested for use of alcohol or drugs during the
823 period of suspension. The accused person shall, unless indigent, pay
824 the cost of treatment ordered under this section.

825 (d) If prosecution is suspended under the provisions of subsection
826 (b) of this section, (1) the statute of limitations applicable to the crime
827 charged shall be tolled during the period of suspension, and (2) the
828 accused person shall be deemed to have waived [his] such accused
829 person's right to a speedy trial for the crime charged.

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

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

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

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

850 Sec. 24. (NEW) (*Effective from passage*) Any child who is arrested and
851 held in a detention center, an alternative detention center or a police
852 station or courthouse lockup prior to the disposition of a juvenile
853 matter shall, if subsequently convicted as delinquent by the Superior
854 Court and sentenced to a period of probation, earn a reduction of such
855 child's period of probation, including any extensions thereof, equal to
856 the number of days that such child spent in such detention center or
857 lockup.

858 Sec. 25. (*Effective from passage*) The staff of Legislative Program
859 Review and Investigations Committee and the Office of Fiscal Analysis
860 shall review the implementation of this act and measure the effects
861 thereof including, but not limited to, the effect on prison population,
862 the cost savings generated and the extent to which such savings are
863 reinvested in improving community safety and ensuring the successful
864 transition of ex-offenders to the community. Not later than January 1,
865 2006, and January 1, 2008, the committee shall report its findings to the
866 joint standing committees of the General Assembly having cognizance
867 of matters relating to appropriations and the budgets of state agencies
868 and to the judiciary.

869 Sec. 26. (*Effective from passage*) (a) Not later than October 15, 2004, the
870 Judicial Branch shall submit to the joint standing committees of the
871 General Assembly having cognizance of matters relating to
872 appropriations and the budgets of state agencies and to the judiciary, a

873 plan to reduce by at least twenty per cent the number of incarcerations
874 resulting from technical violations of conditions of probation, which
875 shall include an estimate of the cost of implementation. In the event
876 that funding is provided to the Judicial Branch for this purpose, the
877 Judicial Branch shall implement the plan and shall, not later than
878 August 15, 2005, report to said committees the results of the
879 implementation of the plan.

880 (b) Not later than October 15, 2004, the Board of Parole and the
881 Department of Correction shall submit to the joint standing
882 committees of the General Assembly having cognizance of matters
883 relating to appropriations and the budgets of state agencies and to the
884 judiciary, a plan to reduce by at least twenty per cent the number of
885 incarcerations resulting from technical violations of conditions of
886 parole, which shall include an estimate of the cost of implementation.
887 In the event that funding is provided to the Board of Parole or
888 Department of Correction for this purpose, the Board of Parole and the
889 Department of Correction shall implement the plan and shall, not later
890 than August 15, 2005, report to said committees the results of the
891 implementation of the plan.

892 Sec. 27. (*Effective from passage*) To implement the provisions of
893 section 54 of public act 03-1 of the June 30 special session, the
894 Department of Correction shall, not later than October 1, 2004, issue a
895 request for proposals for a Community Justice Center. Such request for
896 proposals shall require such facility to have a capacity of not less than
897 five hundred beds, be located in the city of Hartford and be operated
898 by a not-for-profit corporation that is exempt from taxation under
899 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
900 subsequent corresponding internal revenue code of the United States,
901 as from time to time amended, and has experience in operating such a
902 facility. Each corporation submitting a proposal in response to such
903 request for proposals must have a site acceptable for use as a
904 Community Justice Center as of the due date for the submission of
905 such proposal.

906 Sec. 28. (*Effective from passage*) The sum of \$1,180,000 of the funds
907 appropriated to the Department of Correction, for the fiscal year
908 ending June 30, 2004, for Prison Overcrowding, shall be expended as
909 follows: The sum of \$500,000 shall be used to provide funds for the
910 Justice Reinvestment "Building Bridges" pilot project in New Haven;
911 the sum of \$80,000 shall be used for a grant to Hartford to plan a
912 Justice Reinvestment "Building Bridges" project; the sum of \$100,000
913 shall be used for a grant for the Hartford Community Partners In
914 Action (CPA) Resettlement Program; and the sum of \$500,000 shall be
915 transferred to the Department of Mental Health and Addiction
916 Services, for treatment beds.

917 Sec. 29. (NEW) (*Effective from passage*) (a) The Board of Parole may
918 grant a compassionate parole release to any inmate serving any
919 sentence of imprisonment, except an inmate convicted of a capital
920 felony, as defined in section 53a-54b of the general statutes, if it finds
921 that such inmate (1) is so physically or mentally debilitated,
922 incapacitated or infirm as a result of advanced age or as a result of a
923 condition, disease or syndrome that is not terminal as to be physically
924 incapable of presenting a danger to society, and (2) (A) has served not
925 less than one-half of such inmate's definite or aggregate sentence, or
926 (B) has served not less than one-half of such inmate's remaining
927 definite or aggregate sentence after commutation of the original
928 sentence by the Board of Pardons.

929 (b) Any person granted a compassionate parole release pursuant to
930 this section shall be released subject to such terms and conditions as
931 may be established by the Board of Parole and shall be supervised by
932 the Department of Correction.

933 Sec. 30. (NEW) (*Effective from passage*) (a) The Departments of
934 Correction, Mental Health and Addiction Services and Social Services
935 and the Labor Department, the Board of Parole and the Judicial Branch
936 shall collaborate to develop and implement a comprehensive reentry
937 strategy that provides a continuum of custody, care and control for
938 offenders who are discharged from the custody of the Department of

939 Correction and assists in maintaining the prison population at or
940 under the authorized bed capacity. The reentry strategy shall support
941 the rights of victims, protect the public and promote the successful
942 transition of offenders from incarceration to the community.

943 (b) The success of the reentry strategy shall be measured by: (1) The
944 rates of recidivism and community revictimization, (2) the number of
945 inmates eligible for release on parole, transitional supervision,
946 probation or any other release program, (3) the number of inmates
947 who make the transition from incarceration to the community in
948 compliance with a discharge plan, (4) prison bed capacity ratios, (5) the
949 adequacy of the network of community-based treatment, vocational,
950 educational, supervision and other services and programs, and (6) the
951 reinvestment of any savings achieved through a reduction in prison
952 population into reentry and community-based services and programs.

953 (c) Not later than January 1, 2005, and annually thereafter, the
954 Department of Correction shall submit a report, in accordance with the
955 provisions of section 11-4a of the general statutes, on the success of the
956 reentry strategy based on the measures set forth in subsection (b) of
957 this section to the joint standing committees of the General Assembly
958 having cognizance of matters relating to corrections, public safety and
959 appropriations and the budgets of state agencies.

960 Sec. 31. Subsection (e) of section 18-100 of the general statutes is
961 repealed and the following is substituted in lieu thereof (*Effective from*
962 *passage*):

963 (e) If the Commissioner of Correction deems that the purposes of
964 this section may thus be more effectively carried out, [he] the
965 commissioner may transfer any person from one correctional
966 institution to another or to any public or private nonprofit halfway
967 house, group home or mental health facility [with the concurrence of
968 the warden, superintendent or person in charge of the facility to which
969 said person is being transferred] or, after satisfactory participation in a
970 residential program, to any approved community or private residence.

971 Any inmate so transferred shall remain under the jurisdiction of said
 972 commissioner.

973 Sec. 32. Section 18-101a of the general statutes is repealed and the
 974 following is substituted in lieu thereof (*Effective from passage*):

975 The Commissioner of Correction at ~~[his]~~ the commissioner's
 976 discretion may extend the limits of the place of confinement of [a
 977 prisoner] an inmate as to whom there is reasonable belief he or she will
 978 honor his or her trust, by authorizing ~~[him]~~ the inmate under
 979 prescribed conditions to visit a specifically designated place or places,
 980 within or without the state, for periods not exceeding ~~[fifteen]~~ thirty
 981 days and return to the same or another institution or facility. Such
 982 periods may be renewed at the discretion of the commissioner. Such
 983 furlough may be granted only to permit a visit to a dying relative,
 984 attendance at the funeral of a relative, the obtaining of medical services
 985 not otherwise available, the contacting of prospective employers, or for
 986 any compelling reason consistent with rehabilitation. Any inmate who
 987 fails to return from furlough as provided in the furlough agreement
 988 shall be guilty of the crime of escape in the first degree.

989 Sec. 33. (*Effective July 1, 2004*) Sections 18-24a, as amended, 18-27, 18-
 990 28 and 18-29 of the general statutes are repealed.

991 Sec. 34. (*Effective from passage*) Section 21a-283a of the general
 992 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>from passage</i>
Sec. 31	<i>from passage</i>
Sec. 32	<i>from passage</i>
Sec. 33	<i>July 1, 2004</i>
Sec. 34	<i>from passage</i>

JUD

Joint Favorable Subst. C/R

APP