



General Assembly

Amendment

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LCO No. 4442

HB0521104442HDO

Offered by:

REP. DYSON, 94th Dist.

REP. LAWLOR, 99th Dist.

REP. DIAMANTIS, 79th Dist.

To: Subst. House Bill No. 5211

File No. 528

Cal. No. 366

"AN ACT CONCERNING PRISON OVERCROWDING."

1 In line 5, after "Correction" insert "for administrative purposes
2 only"

3 After line 88, add the following:

4 "(f) The Board of Pardons and Paroles shall have independent
5 decision-making authority to (1) grant or deny parole in accordance
6 with sections 54-125, 54-125a, as amended by this act, 54-125e, as
7 amended by this act, and 54-125g, (2) establish conditions of parole or
8 special parole supervision in accordance with section 54-126, (3)
9 rescind or revoke parole or special parole in accordance with sections
10 54-127 and 54-128, as amended by this act, (4) grant commutations of
11 punishment or releases, conditioned or absolute, in the case of any
12 person convicted of any offense against the state and commutations
13 from the penalty of death in accordance with section 18-26."

14 (g) The Department of Correction shall be responsible for the
15 supervision of any person transferred to the jurisdiction of the Board
16 of Pardons and Paroles during such person's period of parole or
17 special parole."

18 In line 89, strike "(f)" and insert in lieu thereof "(h)"

19 In line 95, strike "(g)" and insert in lieu thereof "(i)"

20 In line 103, strike "(h)" and insert in lieu thereof "(j)"

21 In line 131, strike "(i)" and insert in lieu thereof "(k)"

22 In line 137, strike "(j)" and insert in lieu thereof "(l)"

23 In line 151, strike "(k)" and insert in lieu thereof "(m)"

24 In line 155, strike "(l)" and insert in lieu thereof "(n)"

25 In line 193, insert an opening bracket before "in" and insert a closing
26 bracket after "control" and after the closing bracket insert "under the
27 jurisdiction"

28 In line 199, insert an opening bracket before "such" and insert a
29 closing bracket after "panel" and after the closing bracket insert "the
30 board and the Commissioner of Correction"

31 In line 251, after the period insert "An employee of the board or, if
32 deemed necessary by the chairperson, a panel of the board shall
33 reassess the suitability for parole release of such person based on the
34 following standards: (1) Whether there is reasonable probability that
35 such person will live and remain at liberty without violating the law,
36 and (2) whether the benefits to such person and society that would
37 result from such person's release to community supervision
38 substantially outweigh the benefits to such person and society that
39 would result from such person's continued incarceration. After
40 hearing, if the board determines that continued confinement is
41 necessary, it shall articulate for the record the specific reasons why

42 such person and the public would not benefit from such person
43 serving a period of parole supervision while transitioning from
44 incarceration to the community. The decision of the board under this
45 subsection shall not be subject to appeal."

46 In line 256, after the period insert "An employee of the board or, if
47 deemed necessary by the chairperson, a panel of the board shall assess
48 the suitability for parole release of such person based on the following
49 standards: (1) Whether there is reasonable probability that such person
50 will live and remain at liberty without violating the law, and (2)
51 whether the benefits to such person and society that would result from
52 such person's release to community supervision substantially
53 outweigh the benefits to such person and society that would result
54 from such person's continued incarceration. After hearing, if the board
55 determines that continued confinement is necessary, it shall articulate
56 for the record the specific reasons why such person and the public
57 would not benefit from such person serving a period of parole
58 supervision while transitioning from incarceration to the community.
59 The decision of the board under this subsection shall not be subject to
60 appeal."

61 In line 291, after "transferred" insert an opening bracket

62 In line 292, after "Correction" insert a closing bracket

63 In line 326, after "to" strike "the" and insert in lieu thereof "a
64 correctional institution"

65 In line 327, strike "custody of the Commissioner of Correction"

66 In line 338, after "statutes," insert "or"

67 In line 340, strike "or who has been released on parole in
68 accordance"

69 Strike line 341 in its entirety

70 In line 342, strike "amended by this act,"

71 In line 381, after "to" insert an opening bracket

72 In line 382, after "or" insert a closing bracket

73 Strike lines 396 to 404, inclusive, and insert the following in lieu
74 thereof:

75 "established by the board. Any person released from confinement
76 pursuant to this section shall be transferred to the jurisdiction of the
77 chairperson of the Board of Parole. Such person shall remain in the
78 custody of the Commissioner of Correction during the period of such
79 release and employees of the Department of Correction shall be
80 responsible for the supervision of such person while such person is
81 residing at such halfway house, group home, mental health facility or
82 community or private residence. Such person may, at any time, be
83 returned to confinement in a correctional facility."

84 In line 416, strike "be" and insert the following in lieu thereof
85 "remain in the custody of the commissioner and shall be supervised by
86 employees of the department"

87 Strike line 417 in its entirety

88 In line 418, strike "commissioner"

89 After line 790, add the following and renumber the remaining
90 sections accordingly:

91 "Sec. 23. (*Effective from passage*) The Legislative Program Review and
92 Investigations Commission shall conduct a study to: (1) Determine the
93 impact, if any, of laws requiring the imposition of a mandatory
94 minimum sentence on the demand for prison beds in this state, (2)
95 evaluate the actual versus the intended impact of mandatory
96 minimum sentences on the overall sentencing policy of the state, and
97 (3) estimate the cost of mandatory minimum sentences and proposed
98 sentencing changes. The committee shall submit its findings and
99 recommendations to the joint standing committee on the judiciary not
100 later than January 1, 2006."

101 In line 855, strike "staff of"

102 After the last section, add the following and renumber sections and
103 internal references accordingly:

104 "Sec. 501. Section 54-124c of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective from passage*):

106 Notwithstanding any provision of the general statutes, [on and after
107 July 1, 1994, the Board of Parole] the Department of Correction shall be
108 responsible for the supervision of all persons released from
109 confinement in a correctional institution or facility into the community,
110 [except persons released pursuant to section 18-100c,] until their
111 sentence to the custody of the Commissioner of Correction is
112 completed.

113 Sec. 502. Section 18-81 of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective from passage*):

115 The Commissioner of Correction shall administer, coordinate and
116 control the operations of the department and shall be responsible for
117 the overall supervision and direction of all institutions, facilities and
118 activities of the department. [He] The commissioner shall establish
119 rules for the administrative practices and custodial and rehabilitative
120 methods of said institutions and facilities in accordance with
121 recognized correctional standards. [He] The commissioner shall
122 establish, develop and maintain noninstitutional, community-based
123 service programs. [He] The commissioner shall be responsible for the
124 supervision of persons released on parole by the Board of Parole and
125 shall act as administrator of the Interstate Compact for Adult Offender
126 Supervision. The commissioner shall be responsible for establishing
127 disciplinary, diagnostic, classification, treatment, vocational and
128 academic education, research and statistics, training and development
129 services and programs throughout the department. Subject to the
130 provisions of chapter 67, the commissioner shall appoint such
131 professional, technical and other personnel as may be necessary for the
132 efficient operation of the department. The commissioner shall organize

133 and operate interinstitutional programs for the development and
134 training of institution and facility staffs. [He] The commissioner shall
135 provide for the services of such chaplains as are necessary to minister
136 to the needs of the inmates of department institutions and facilities.
137 [He] The commissioner shall, within available appropriations for such
138 purpose, arrange for provision of legal assistance of a civil nature to
139 indigent inmates of department institutions and facilities and legal
140 representation for such inmates before administrative boards where
141 permitted or constitutionally required."