



General Assembly

Amendment

February Session, 2004

LCO No. 4842

HB0566804842HDO

Offered by:

REP. DYSON, 94th Dist.

REP. LAWLOR, 99th Dist.

REP. DIAMANTIS, 79th Dist.

To: Subst. House Bill No. 5668

File No. 501

Cal. No. 347

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

1 Strike sections 1 and 2 in their entirety and insert the following in
2 lieu thereof and renumber the remaining sections accordingly:

3 "Section 1. Section 1-24 of the general statutes, as amended by
4 section 1 of public act 03-278, is repealed and the following is
5 substituted in lieu thereof (*Effective from passage*):

6 The following officers may administer oaths: (1) The clerks of the
7 Senate, the clerks of the House of Representatives and the chairpersons
8 of committees of the General Assembly or of either branch thereof,
9 during its session; (2) state officers, as defined in subsection (t) of
10 section 9-1, judges and clerks of any court, family support magistrates,
11 judge trial referees, justices of the peace, commissioners of the Superior

12 Court, notaries public, town clerks and assistant town clerks, in all
13 cases where an oath may be administered, except in a case where the
14 law otherwise requires; (3) commissioners on insolvent estates,
15 auditors, arbitrators and committees, to parties and witnesses, in all
16 cases tried before them; (4) assessors and boards of assessment
17 appeals, in cases coming before them; (5) commissioners appointed by
18 governors of other states to take the acknowledgment of deeds, in the
19 discharge of their official duty; (6) the moderator of a school district
20 meeting, in such meeting, to the clerk of such district, as required by
21 law; (7) the first selectman, in any matter before the board of
22 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
23 and assistant medical examiners of the Office of the Medical Examiner,
24 in any matter before them; (9) registrars of vital statistics, in any matter
25 before them; (10) any chief inspector or inspector appointed pursuant
26 to section 51-286; (11) registrars of voters, deputy registrars, assistant
27 registrars, and moderators, in any matter before them; (12) special
28 assistant registrars, in matters provided for in subsections (b) and (c) of
29 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety
30 and any sworn member of any local police department or the Division
31 of State Police within the Department of Public Safety, in all affidavits,
32 statements, depositions, complaints or reports made to or by any
33 member of any local police department or said Division of State Police
34 or any constable who is under the supervision of said commissioner or
35 any of such officers of said Division of State Police and who is certified
36 under the provisions of sections 7-294a to 7-294e, inclusive, and
37 performs criminal law enforcement duties; (14) judge advocates of the
38 United States Army, Navy, Air Force and Marine Corps, law
39 specialists of the United States Coast Guard, adjutants, assistant
40 adjutants, acting adjutants and personnel adjutants, commanding
41 officers, executive officers and officers whose rank is lieutenant
42 commander or major, or above, of the armed forces, as defined in
43 section 27-103, as amended, to persons serving with or in the armed
44 forces, as defined in said section, or their spouses; (15) investigators,
45 deputy investigators, investigative aides, secretaries, clerical assistants,
46 social workers, social worker trainees, paralegals and certified legal

47 interns employed by or assigned to the Public Defender Services
48 Commission in the performance of their assigned duties; (16) bail
49 commissioners employed by the Judicial Department in the
50 performance of their assigned duties; (17) juvenile matter investigators
51 employed by the Division of Criminal Justice in the performance of
52 their assigned duties; (18) the chairperson of the Connecticut Siting
53 Council or the chairperson's designee; (19) the presiding officer at an
54 agency hearing under section 4-177b; (20) family relations counselors
55 employed by the Judicial Department and support enforcement
56 officers and investigators employed by the Department of Social
57 Services Bureau of Child Support Enforcement and the Judicial
58 Department, in the performance of their assigned duties; (21) the
59 chairperson, vice-chairperson and members of the Board of Parole,
60 [parole officers and parole supervisors] in the performance of their
61 assigned duties; and (22) the Commissioner of Correction or the
62 commissioner's designee.

63 Sec. 2. Subsection (a) of section 1-217 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective from*
65 *passage*):

66 (a) No public agency may disclose, under the Freedom of
67 Information Act, the residential address of any of the following
68 persons:

69 (1) A federal court judge, federal court magistrate, judge of the
70 Superior Court, Appellate Court or Supreme Court of the state, or
71 family support magistrate;

72 (2) A sworn member of a municipal police department or a sworn
73 member of the Division of State Police within the Department of Public
74 Safety;

75 (3) An employee of the Department of Correction;

76 (4) An attorney-at-law who represents or has represented the state
77 in a criminal prosecution;

78 (5) An attorney-at-law who is or has been employed by the Public
79 Defender Services Division or a social worker who is employed by the
80 Public Defender Services Division;

81 (6) An inspector employed by the Division of Criminal Justice;

82 (7) A firefighter;

83 (8) An employee of the Department of Children and Families;

84 (9) A member [or employee] of the Board of Parole;

85 (10) An employee of the judicial branch; or

86 (11) A member or employee of the Commission on Human Rights
87 and Opportunities.

88 Sec. 3. Subsection (e) of section 14-10 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective from*
90 *passage*):

91 (e) In the event (1) a federal court judge, federal court magistrate or
92 judge of the Superior Court, Appellate Court or Supreme Court of the
93 state, (2) a member of a municipal police department or a member of
94 the Division of State Police within the Department of Public Safety, (3)
95 an employee of the Department of Correction, (4) an attorney-at-law
96 who represents or has represented the state in a criminal prosecution,
97 or (5) a member [or employee] of the Board of Parole submits a written
98 request and furnishes such individual's business address to the
99 commissioner, such business address only shall be disclosed or
100 available for public inspection to the extent authorized by this section.

101 Sec. 4. Section 18-100d of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective from passage*):

103 Notwithstanding any other provision of the general statutes, any
104 person convicted of a crime committed on or after October 1, 1994,
105 shall be subject to supervision by personnel of the Department of

106 Correction [or the Board of Parole] until the expiration of the
107 maximum term or terms for which [he] such person was sentenced.

108 Sec. 5. Subsection (g) of section 46a-152 of the general statutes is
109 repealed and the following is substituted in lieu thereof (*Effective from*
110 *passage*):

111 (g) Nothing in this section shall be construed as limiting the justified
112 use of physical force by a local, state or federal law enforcement official
113 or an employee of the [Board of Parole] Department of Correction
114 while in the performance of such official's or employee's duties.

115 Sec. 6. Subsection (d) of section 46b-124 of the general statutes, as
116 amended by section 8 of public 03-202, is repealed and the following is
117 substituted in lieu thereof (*Effective from passage*):

118 (d) Records of cases of juvenile matters involving delinquency
119 proceedings shall be available to (1) judicial branch employees who, in
120 the performance of their duties, require access to such records, and (2)
121 employees and authorized agents of state or federal agencies involved
122 in (A) the delinquency proceedings, (B) the provision of services
123 directly to the child, or (C) the design and delivery of treatment
124 programs pursuant to section 46b-121j. Such employees and
125 authorized agents include, but are not limited to, law enforcement
126 officials, state and federal prosecutorial officials, school officials in
127 accordance with section 10-233h, court officials including officials of
128 both the regular criminal docket and the docket for juvenile matters,
129 officials of the Division of Criminal Justice, the Division of Public
130 Defender Services, the Department of Children and Families, the Court
131 Support Services Division, the [Board of Parole] Department of
132 Correction and agencies under contract with the judicial branch, and
133 an advocate appointed pursuant to section 54-221 for a victim of a
134 crime committed by the child. Such records shall also be available to (i)
135 the attorney representing the child, including the Division of Public
136 Defender Services, in any proceeding in which such records are
137 relevant, (ii) the parents or guardian of the child, until such time as the

138 subject of the record reaches the age of majority, (iii) the subject of the
139 record, upon submission of satisfactory proof of the subject's identity,
140 pursuant to guidelines prescribed by the Office of the Chief Court
141 Administrator, provided the subject has reached the age of majority,
142 (iv) law enforcement officials and prosecutorial officials conducting
143 legitimate criminal investigations, and (v) a state or federal agency
144 providing services related to the collection of moneys due or funding
145 to support the service needs of eligible juveniles, provided such
146 disclosure shall be limited to that information necessary for the
147 collection of and application for such moneys. Records disclosed
148 pursuant to this subsection shall not be further disclosed, except that
149 information contained in such records may be disclosed in connection
150 with bail or sentencing reports in open court during criminal
151 proceedings involving the subject of such information.

152 Sec. 7. Subsection (b) of section 51-5c of the general statutes is
153 repealed and the following is substituted in lieu thereof (*Effective from*
154 *passage*):

155 (b) (1) The following information contained in the registry of
156 protective orders shall not be subject to disclosure and may be
157 accessed only in accordance with this section, unless otherwise
158 ordered by the court: (A) Any information that would identify a
159 person protected by an order contained in the registry; (B) any
160 information that is confidential pursuant to state or federal law,
161 including, but not limited to, any information that is confidential
162 pursuant to a court order; and (C) any information entered in the
163 registry pursuant to an ex parte order prior to a hearing by a court
164 having jurisdiction over the parties and the subject matter.

165 (2) Any employee of the Judicial Department authorized by policies
166 and procedures adopted by the Chief Court Administrator shall have
167 access to such information. The Chief Court Administrator may grant
168 access to such information to personnel of the Department of Public
169 Safety, the Department of Correction, [the Board of Parole,] the
170 Psychiatric Security Review Board, the Division of Criminal Justice,

171 any municipal or tribal police department within this state or any other
172 agency, organization or person determined by the Chief Court
173 Administrator, pursuant to policies and procedures adopted by the
174 Chief Court Administrator, to have a legitimate interest in the
175 information contained in the registry. Any person who obtains such
176 information pursuant to this subdivision may use and disclose the
177 information only in the performance of such person's duties.

178 (3) Except as provided in subsection (c) of this section, the
179 information contained in the registry shall be provided to and may be
180 accessed through the Connecticut on-line law enforcement
181 communications teleprocessing system maintained by the Department
182 of Public Safety. Nothing in this section shall be construed to permit
183 public access to the Connecticut on-line law enforcement
184 communications teleprocessing system.

185 Sec. 8. Section 53a-22 of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective from passage*):

187 (a) For purposes of this section, a reasonable belief that a person has
188 committed an offense means a reasonable belief in facts or
189 circumstances which if true would in law constitute an offense. If the
190 believed facts or circumstances would not in law constitute an offense,
191 an erroneous though not unreasonable belief that the law is otherwise
192 does not render justifiable the use of physical force to make an arrest
193 or to prevent an escape from custody. A peace officer or an authorized
194 official of the Department of Correction [or the Board of Parole] who is
195 effecting an arrest pursuant to a warrant or preventing an escape from
196 custody is justified in using the physical force prescribed in
197 subsections (b) and (c) of this section unless such warrant is invalid
198 and is known by such officer to be invalid.

199 (b) Except as provided in subsection (a) of this section, a peace
200 officer or authorized official of the Department of Correction [or the
201 Board of Parole] is justified in using physical force upon another
202 person when and to the extent that he reasonably believes such to be

203 necessary to: (1) Effect an arrest or prevent the escape from custody of
204 a person whom he reasonably believes to have committed an offense,
205 unless he knows that the arrest or custody is unauthorized; or (2)
206 defend himself or a third person from the use or imminent use of
207 physical force while effecting or attempting to effect an arrest or while
208 preventing or attempting to prevent an escape.

209 (c) A peace officer or authorized official of the Department of
210 Correction [or the Board of Parole] is justified in using deadly physical
211 force upon another person for the purposes specified in subsection (b)
212 of this section only when he reasonably believes such to be necessary
213 to: (1) Defend himself or a third person from the use or imminent use
214 of deadly physical force; or (2) effect an arrest or prevent the escape
215 from custody of a person whom he reasonably believes has committed
216 or attempted to commit a felony which involved the infliction or
217 threatened infliction of serious physical injury and if, where feasible,
218 he has given warning of his intent to use deadly physical force.

219 (d) Except as provided in subsection (e) of this section, a person who
220 has been directed by a peace officer or authorized official of the
221 Department of Correction [or the Board of Parole] to assist such peace
222 officer or official to effect an arrest or to prevent an escape from
223 custody is justified in using reasonable physical force when and to the
224 extent that he reasonably believes such to be necessary to carry out
225 such peace officer's or official's direction.

226 (e) A person who has been directed to assist a peace officer or
227 authorized official of the Department of Correction [or the Board of
228 Parole] under circumstances specified in subsection (d) of this section
229 may use deadly physical force to effect an arrest or to prevent an
230 escape from custody only when: (1) He reasonably believes such to be
231 necessary to defend himself or a third person from what he reasonably
232 believes to be the use or imminent use of deadly physical force; or (2)
233 he is directed or authorized by such peace officer or official to use
234 deadly physical force, unless he knows that the peace officer or official
235 himself is not authorized to use deadly physical force under the

236 circumstances.

237 (f) A private person acting on his own account is justified in using
238 reasonable physical force upon another person when and to the extent
239 that he reasonably believes such to be necessary to effect an arrest or to
240 prevent the escape from custody of an arrested person whom he
241 reasonably believes to have committed an offense and who in fact has
242 committed such offense; but he is not justified in using deadly physical
243 force in such circumstances, except in defense of person as prescribed
244 in section 53a-19.

245 Sec. 9. Subsection (a) of section 53a-167c of the general statutes, as
246 amended by section 1 of public act 03-6 and section 126 of public act
247 03-19, is repealed and the following is substituted in lieu thereof
248 (*Effective from passage*):

249 (a) A person is guilty of assault of public safety or emergency
250 medical personnel when, with intent to prevent a reasonably
251 identifiable peace officer, firefighter or employee of an emergency
252 medical service organization, as defined in section 53a-3, emergency
253 room physician or nurse, employee of the Department of Correction,
254 [employee or] member of the Board of Parole, probation officer,
255 employee of the judicial branch assigned to provide pretrial secure
256 detention and programming services to juveniles accused of the
257 commission of a delinquent act, employee of the Department of
258 Children and Families assigned to provide direct services to children
259 and youth in the care or custody of the department or employee of a
260 municipal police department assigned to provide security at the police
261 department's lockup and holding facility from performing his or her
262 duties, and while such peace officer, firefighter, employee, physician,
263 nurse, member or probation officer is acting in the performance of his
264 or her duties, (1) such person causes physical injury to such peace
265 officer, firefighter, employee, physician, nurse, member or probation
266 officer, or (2) such person throws or hurls, or causes to be thrown or
267 hurled, any rock, bottle, can or other article, object or missile of any
268 kind capable of causing physical harm, damage or injury, at such peace

269 officer, firefighter, employee, physician, nurse, member or probation
270 officer, or (3) such person uses or causes to be used any mace, tear gas
271 or any like or similar deleterious agent against such peace officer,
272 firefighter, employee, physician, nurse, member or probation officer, or
273 (4) such person throws or hurls, or causes to be thrown or hurled, any
274 paint, dye or other like or similar staining, discoloring or coloring
275 agent or any type of offensive or noxious liquid, agent or substance at
276 such peace officer, firefighter, employee, physician, nurse, member or
277 probation officer, or (5) such person throws or hurls, or causes to be
278 thrown or hurled, any bodily fluid including, but not limited to, urine,
279 feces, blood or saliva at such peace officer, firefighter, employee,
280 physician, nurse, member or probation officer.

281 Sec. 10. Subsection (b) of section 54-76l of the general statutes is
282 repealed and the following is substituted in lieu thereof (*Effective from*
283 *passage*):

284 (b) The records of any youth adjudged a youthful offender on or
285 after October 1, 1995, or any part thereof, may be disclosed to and
286 between individuals and agencies, and employees of such agencies,
287 providing services directly to the youth, including law enforcement
288 officials, state and federal prosecutorial officials, school officials in
289 accordance with section 10-233h, court officials, the Division of
290 Criminal Justice, the Court Support Services Division, the [Board of
291 Parole] Department of Correction and an advocate appointed pursuant
292 to section 54-221 for a victim of a crime committed by the youth. Such
293 records shall also be available to the attorney representing the youth,
294 in any proceedings in which such records are relevant, to the parents
295 or guardian of such youth, until such time as the youth reaches the age
296 of majority or is emancipated, and to the youth upon his emancipation
297 or attainment of the age of majority, provided proof of the identity of
298 such youth is submitted in accordance with guidelines prescribed by
299 the Chief Court Administrator. Such records disclosed pursuant to this
300 subsection shall not be further disclosed.

301 Sec. 11. Subsection (d) of section 54-102g of the general statutes, as

302 amended by section 1 of public act 03-242, is repealed and the
303 following is substituted in lieu thereof (*Effective from passage*):

304 (d) Any person who has been convicted of a criminal offense against
305 a victim who is a minor, a nonviolent sexual offense or a sexually
306 violent offense, as those terms are defined in section 54-250, or a
307 felony, and is serving a period of probation or parole, and who has not
308 submitted to the taking of a blood or other biological sample pursuant
309 to subsection (a), (b) or (c) of this section, shall, prior to discharge from
310 the custody of the Court Support Services Division or the [Board of
311 Parole] Department of Correction and at such time as said division or
312 [board] department may specify, submit to the taking of a blood or
313 other biological sample for DNA (deoxyribonucleic acid) analysis to
314 determine identification characteristics specific to the person.

315 Sec. 12. Subsection (a) of section 54-102h of the general statutes, as
316 amended by section 2 of public act 03-242, is repealed and the
317 following is substituted in lieu thereof (*Effective from passage*):

318 (a) Each blood or other biological sample required pursuant to
319 section 54-102g, as amended, from persons who are to be incarcerated
320 shall be taken at the receiving unit or at such other place as is
321 designated by the Department of Correction. The required samples
322 from persons who are not sentenced to a term of confinement shall be
323 taken at a time and place specified by the sentencing court. The
324 required samples from persons who are found not guilty by reason of
325 mental disease or defect pursuant to section 53a-13 and are confined in
326 a hospital for psychiatric disabilities or placed with the Commissioner
327 of Mental Retardation shall be taken at a time and place specified by
328 the superintendent of such hospital or said commissioner, as the case
329 may be. The required samples from persons who are serving periods
330 of probation or parole shall be taken at a time and place specified by
331 the Court Support Services Division or the [Board of Parole]
332 Department of Correction, as the case may be. Only a person licensed
333 to practice medicine and surgery in this state, a qualified laboratory
334 technician, a registered nurse or a phlebotomist shall take any blood

335 sample to be submitted to analysis. No civil liability shall attach to any
336 person authorized to take a blood or other biological sample as
337 provided in this section as a result of the act of taking such sample
338 from any person submitting thereto, if the blood or other biological
339 sample was taken according to recognized medical procedures,
340 provided no person shall be relieved from liability for negligence in
341 the taking of any such sample.

342 Sec. 13. Subsection (a) of section 54-125b of the general statutes is
343 repealed and the following is substituted in lieu thereof (*Effective from*
344 *passage*):

345 (a) A person may be allowed to go on parole in accordance with
346 section 54-125a or 54-125g without a parole hearing being conducted
347 by a panel of the Board of Parole if (1) an employee of the [Board of
348 Parole] Department of Correction has reviewed the inmate's case and
349 recommended parole be granted to such person, and (2) such
350 recommendation has been approved by at least two members of a
351 panel of the board. A parole hearing shall be conducted by a panel of
352 the Board of Parole if a victim, as defined in sections 54-201, as
353 amended, and 54-226, requests such a hearing.

354 Sec. 14. Subsections (d) and (e) of section 54-125f of the general
355 statutes are repealed and the following is substituted in lieu thereof
356 (*Effective from passage*):

357 (d) Any person who has submitted to a urinalysis drug test
358 pursuant to subsection (c) of this section that produced a positive
359 result may request that a second urinalysis drug test be administered,
360 at such person's expense, to confirm the results of the first test, except
361 that if the participant is determined to be indigent, based upon
362 financial affidavits, the [Board of Parole] Department of Correction
363 shall pay the cost of the test. The second drug test shall be a urinalysis
364 drug test, separate and independent of the initial test. The participant
365 may be detained in a halfway house pending the results of the second
366 test. If such second test does not produce a positive result, the

367 participant, if detained in a halfway house, shall be released and the
368 fee, if paid by the participant, shall be refunded to the participant.

369 (e) If at any time during participation in the zero-tolerance drug
370 supervision program, the chairman of the Board of Parole, in
371 consultation with the Commissioner of Correction, determines that the
372 public safety will be served by the incarceration of a participant, such
373 participant may be returned to a correctional facility.

374 Sec. 15. Section 54-125g of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective from passage*):

376 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-
377 125a, any person who has six months or less to the expiration of the
378 maximum term or terms for which such person was sentenced, may be
379 allowed to go at large on parole provided such person agrees (1) to be
380 subject to supervision by personnel of the [Board of Parole]
381 Department of Correction for a period of one year, and (2) to be
382 retained in the institution from which such person was paroled for a
383 period equal to the unexpired portion of the term of his or her sentence
384 if such person is found to have violated the terms or conditions of his
385 or her parole. Any person subject to the provisions of subdivision (1)
386 or (2) of subsection (b) of section 54-125a shall only be eligible to go at
387 large on parole under this section after having served ninety-five per
388 cent of the definite sentence imposed.

389 Sec. 16. Section 54-127 of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective from passage*):

391 The request of the Commissioner of Correction or any officer of the
392 Department of Correction so designated by the commissioner, or of the
393 Board of Parole [] or its chairman [or any officer of the Board of Parole
394 designated by the chairman] shall be sufficient warrant to authorize
395 any officer of the Department of Correction [or of the Board of Parole,
396 as the case may be,] or any officer authorized by law to serve criminal
397 process within this state, to return any convict or inmate on parole into
398 actual custody; and any such officer, police officer, constable or state

399 marshal shall arrest and hold any parolee or inmate when so
400 requested, without any written warrant.

401 Sec. 17. Subsection (a) of section 54-128 of the general statutes is
402 repealed and the following is substituted in lieu thereof (*Effective from*
403 *passage*):

404 (a) Any paroled [convict or] inmate who has been returned to [the
405 custody of the Commissioner of Correction or] any institution of the
406 Department of Correction for violation of [his] such inmate's parole
407 may be retained in [the institution from which he was paroled] a
408 correctional institution for a period equal to the unexpired portion of
409 the term of [his] such inmate's sentence at the date of the request or
410 order for [his] such inmate's return less any commutation or
411 diminution of [his] such inmate's sentence earned except that the
412 Board of Parole may, in its discretion, determine that [he] such inmate
413 shall forfeit any or all of such earned time, or may be again paroled by
414 said board.

415 Sec. 18. Subsection (b) of section 54-131d of the general statutes is
416 repealed and the following is substituted in lieu thereof (*Effective from*
417 *passage*):

418 (b) The Board of Parole may require as a condition of release on
419 medical parole periodic diagnoses as described in section 54-131c. If
420 after review of such diagnoses the board finds that a parolee released
421 pursuant to sections 54-131a to 54-131g, inclusive, is no longer so
422 debilitated or incapacitated as to be physically incapable of presenting
423 a danger to society, such parolee shall be returned to [the custody] any
424 institution of the Department of Correction."

425 After the last section, add the following and renumber sections and
426 internal references accordingly:

427 "Sec. 501. Section 18-86b of the general statutes, as amended by
428 section 156 of public act 03-6 of the June 30 special session, is repealed
429 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

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

440 (b) (1) Notwithstanding the provisions of sections 18-105 to 18-107,
441 inclusive, during the fiscal [years] year ending June 30, 2004, [and June
442 30, 2005,] the Commissioner of Correction is authorized to improve the
443 operation of the state's correctional facilities by entering into contracts
444 in accordance with this subsection with any governmental or private
445 vendor for the supervision of not more than an additional two
446 thousand inmates outside the state.

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

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

469 (c) (1) Notwithstanding the provisions of sections 18-105 to 18-107,
470 inclusive, during the fiscal years ending June 30, 2005, June 30, 2006,
471 and June 30, 2007, the Commissioner of Correction is authorized to
472 improve the operation of the state's correctional facilities by entering
473 into contracts in accordance with this subsection with any
474 governmental or private vendor for the supervision of not more than
475 an additional one thousand inmates outside the state.

476 (2) Any such governmental or private vendor shall agree to be
477 bound by the provisions of the Interstate Corrections Compact, and
478 any governmental or privately-operated facility to which state inmates
479 are transferred pursuant to a contract under this subsection shall be
480 located in a state which has enacted and entered into the Interstate
481 Corrections Compact.

482 (3) Prior to entering into any contract under this subsection, the
483 commissioner shall submit such proposed contract to the joint
484 standing committees of the General Assembly having cognizance of
485 matters relating to appropriations and the budgets of state agencies
486 and to the judiciary for their review and comment.

487 [(c)] (d) A state inmate confined in any governmental or privately-
488 operated facility pursuant to the terms of any contract with the state
489 shall at all times be subject to the authority of the Commissioner of
490 Correction who may at any time remove the inmate for transfer to a
491 state correctional facility or other institution, for transfer to another
492 governmental or privately-operated facility, for release on probation or
493 parole, for discharge or for any other purpose permitted by the laws of
494 this state.

495 Sec. 502. (NEW) (*Effective from passage*) Notwithstanding any
496 provision of the general statutes, when sentencing a person convicted
497 of an offense for which there is a mandatory minimum sentence,
498 except a capital felony, class A felony or class B felony or a violation of
499 subsection (c) of section 14-215, subsection (b) of section 14-223,
500 subsection (a) of section 14-227a or subsection (a) of section 21a-278a,
501 section 29-34, 53-202b, 53-202c, 53-202j, 53-202k, subsection (m) of
502 section 53a-40, section 53a-54d, 53a-56a, 53a-60a, 53a-60b, 53a-60c, 53a-
503 61a, 53a-71, 53a-72b, 53a-102a, 53a-103a, 53a-123, 53a-136a, 53a-216 or
504 53a-303 of the general statutes, the court may, upon a showing of good
505 cause by the defendant, depart from the prescribed mandatory
506 minimum sentence, provided (1) the court, at the time of sentencing,
507 states in open court the reasons for imposing the particular sentence
508 and the specific reason for imposing a sentence that departs from the
509 prescribed mandatory minimum sentence, and (2) if the offense is a
510 violation of subsection (c) of section 21a-267, section 21a-278,
511 subsection (b) of section 21a-278a or subsection (d) of section 21a-279
512 of the general statutes, (A) the offense did not involve the use,
513 attempted use or threatened use of physical force against another
514 person, (B) the offense did not result in the physical injury or serious
515 physical injury of another person, and (C) in the commission of the
516 offense such person neither was armed with nor threatened the use of
517 or displayed or represented by word or conduct that such person
518 possessed any firearm, deadly weapon or dangerous instrument, as
519 those terms are defined in section 53a-3 of the general statutes.

520 Sec. 503. (*Effective from passage*) Section 54-124d of the general
521 statutes is repealed."