



**Substitute House Bill No. 7217**

**Public Act No. 07-158**

**AN ACT CONCERNING DISCHARGE SAVINGS ACCOUNTS FOR INMATES, RESPONSIBILITY FOR OBTAINING BIOLOGICAL SAMPLES FROM CERTAIN PAROLEES AND DISCHARGE OF MENTALLY ILL PRISONERS.**

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

Section 1. Section 18-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The [commissioner] Commissioner of Correction, after consultation with the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, shall establish a schedule of compensation for services performed on behalf of the state by inmates of any institution or facility of the department. Such schedule shall recognize degrees of merit, diligence and skill in order to encourage inmate incentive and industry.

[Sums] (b) Compensation so earned shall be deposited, under the direction of the administrative head of such institution or facility, in an inmate's individual account in a savings bank or state bank and trust company in this state, and funds from such account may be transferred to the inmate's discharge savings account pursuant to section 2 of this act. Any amount in such accounts shall be paid to the inmate on [his] the inmate's discharge, [; but] except that the warden or Community

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Correctional Center Administrator may, while the inmate is in custody, disburse any compensation earned by such inmate in accordance with the following priorities: (1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of [his] the inmate's dependents, if any; (7) [his] the inmate's necessary travel expense to and from work and other incidental expenses; (8) costs of such inmate's incarceration under section 18-85a and regulations adopted in accordance with said section; and (9) payment to the clerk of the court in which an inmate of a community correctional center, held only for payment of a fine, was convicted, such portion of such compensation as is necessary to pay such fine. Any interest that accrues shall be credited to any institutional fund established for the welfare of inmates. Compensation under this section shall be in addition to any compensation received or credited under section 18-50.

Sec. 2. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of Correction shall require each inmate to accumulate savings to be paid to the inmate on the inmate's discharge by establishing a discharge savings account on behalf of the inmate.

(b) For the purpose of establishing such discharge savings account, the commissioner may impose a deduction of up to ten per cent on all deposits made to the inmate's individual account, provided the commissioner (1) transfers such deduction to the inmate's discharge savings account, and (2) ceases imposition and transfer of such deduction whenever the amount in the inmate's discharge savings account is equal to one thousand dollars.

(c) If the amount in the inmate's discharge savings account is equal

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to one thousand dollars, the commissioner shall impose a deduction of ten per cent on all deposits made to the inmate's individual account to the extent necessary to reimburse the state for the costs of the inmate's incarceration pursuant to section 18-85a of the general statutes, as amended by this act, and the regulations adopted pursuant to said section 18-85a.

(d) Disbursement to the inmate from the inmate's discharge savings account shall be reduced by any disbursement required by sections 18-85, 18-85b, 18-85c and 18-101 of the general statutes, as amended by this act.

(e) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement this section.

Sec. 3. Section 18-85a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

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

(b) The state shall have a claim against each inmate for the costs of such inmate's incarceration under this section, and regulations adopted in accordance with this section, for which the state has not been reimbursed. Any property owned by such inmate may be used to satisfy such claim, except property that is: (1) Exempt pursuant to section 52-352b or 52-352d, except as provided in subsection (b) of section 52-321a; (2) subject to the provisions of section 54-218; (3) acquired by such inmate after the inmate is released from incarceration, but not including property so acquired that is subject to the provisions of section 18-85b, 18-85c or 52-367c, and except as

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provided in subsection (b) of section 52-321a; [or] (4) acquired by such inmate for work performed during incarceration as part of a program designated or defined in regulations adopted by the Commissioner of Correction, in accordance with the provisions of chapter 54, as a job training, skill development or career opportunity or enhancement program; or (5) deposited in a discharge savings account pursuant to section 2 of this act, not in excess of one thousand dollars. In addition to other remedies available at law, the Attorney General, on request of the Commissioner of Correction, may bring an action in the superior court for the judicial district of Hartford to enforce such claim, provided no such action shall be brought but within two years from the date the inmate is released from incarceration or, if the inmate dies while in the custody of the commissioner, within two years from the date of the inmate's death, except that such limitation period shall not apply if such property was fraudulently concealed from the state.

Sec. 4. Section 18-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) When any person to whom privileges have been granted under section 18-90b or 18-100 is employed for compensation, the Commissioner of Correction or [his] the commissioner's designee shall collect such compensation or require such person to deliver to [him] the commissioner the full amount [thereof] of such compensation when received. The commissioner or such designee shall deposit such funds in trust in an account and shall keep a record showing the status of the account of each person. Compensation received by such person during [his] such person's term of imprisonment shall not be subject to levy or attachment.

(b) On granting privileges to any person under section 18-90b or 18-100, the commissioner or [his] the commissioner's designee shall disburse any compensation earned by such person in accordance with the following priorities: (1) Federal taxes due; (2) restitution or

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payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of [his] such person's dependents, if any; (7) [his] such person's necessary travel expense to and from work and other incidental expenses; and (8) costs of such person's incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section. [ , and the] The commissioner shall pay any balance remaining to such person upon [his] the person's discharge including any amount transferred to a discharge savings account pursuant to section 2 of this act. Each person gainfully self-employed shall pay to the commissioner the costs of such person's incarceration under section 18-85a and regulations adopted in accordance with said section, and on default in payment thereof [his] the person's participation under section 18-100 shall be revoked.

(c) The commissioner or [his] the commissioner's designee shall notify the Commissioner of Social Services and the welfare department of the town where the dependents of any person employed under the provisions of section 18-100 reside of the amounts of any payments being made to such dependents.

Sec. 5. Section 54-102h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) (1) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (a) of section 54-102g shall be the responsibility of the Department of Correction and shall be taken at a time and place specified by the Department of Correction.

(2) The collection of a blood or other biological sample from persons

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required to submit to the taking of such sample pursuant to subsection (b) of section 54-102g shall be the responsibility of the Department of Public Safety and shall be taken at a time and place specified by the sentencing court.

(3) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (c) of section 54-102g shall be the responsibility of the Commissioner of Mental Health and Addiction Services or the Commissioner of Mental Retardation, as the case may be, and shall be taken at a time and place specified by said commissioner.

(4) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (d) of section 54-102g shall be the responsibility of the Judicial Department if such person is serving a period of probation and of the [Board of Pardons and Paroles] Department of Correction if such person is serving a period of parole and shall be taken at a time and place specified by the Court Support Services Division or the [Board of Pardons and Paroles] Department of Correction, as the case may be.

(5) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (e) of section 54-102g shall be the responsibility of the agency in whose custody or under whose supervision such person has been placed, and shall be taken at a time and place specified by such agency.

(b) Only a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse or a phlebotomist shall take any blood sample to be submitted to analysis.

(c) No civil liability shall attach to any person authorized to take a blood or other biological sample as provided in this section as a result of the act of taking such sample from any person submitting thereto, if

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the blood or other biological sample was taken according to recognized medical procedures, provided no person shall be relieved from liability for negligence in the taking of any such sample.

(d) Chemically clean sterile disposable needles and vacuum draw tubes shall be used for all blood samples. The tube or container for a blood or other biological sample shall be sealed and labeled with the subject's name, Social Security number, date of birth, race and gender, the name of the person collecting the sample, and the date and place of collection. The tube or container shall be secured to prevent tampering with the contents.

(e) The steps set forth in this section relating to the taking, handling, identification and disposition of blood or other biological samples are procedural and not substantive. Substantial compliance therewith shall be deemed to be sufficient. The samples shall be transported to the Division of Scientific Services within the Department of Public Safety not more than fifteen days following their collection and shall be analyzed and stored in the DNA data bank in accordance with sections 54-102i and 54-102j.

Sec. 6. Section 5-198 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The offices and positions filled by the following-described incumbents shall be exempt from the classified service:

- (a) All officers and employees of the Judicial Department;
- (b) All officers and employees of the Legislative Department;
- (c) All officers elected by popular vote;
- (d) All agency heads, members of boards and commissions and other officers appointed by the Governor;

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(e) All persons designated by name in any special act to hold any state office;

(f) All officers, noncommissioned officers and enlisted men in the military or naval service of the state and under military or naval discipline and control;

(g) (1) All correctional wardens, as provided in section 18-82, as amended by this act, and (2) all superintendents [or wardens] of state institutions, the State Librarian, the president of The University of Connecticut and any other commissioner or administrative head of a state department or institution who is appointed by a board or commission responsible by statute for the administration of such department or institution;

(h) The State Historian appointed by the State Library Board;

(i) Deputies to the administrative head of each department or institution designated by statute to act for and perform all of the duties of such administrative head during such administrative head's absence or incapacity;

(j) Executive assistants to each state elective officer and each department head, as defined in section 4-5, provided each position of executive assistant shall have been created in accordance with section 5-214;

(k) One personal secretary to the administrative head and to each undersecretary or deputy to such head of each department or institution provided any classified employee whose position is affected by this subsection shall retain classified status in such position;

(l) All members of the professional and technical staffs of the constituent units of the state system of higher education, as defined in section 10a-1, of all other state institutions of learning, of the

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Department of Higher Education, and of the agricultural experiment station at New Haven, professional and managerial employees of the Department of Education and teachers certified by the State Board of Education and employed in teaching positions at state institutions;

(m) Physicians, dentists, student nurses in institutions and other professional specialists who are employed on a part-time basis;

(n) Persons employed to make or conduct a special inquiry, investigation, examination or installation;

(o) Students in educational institutions who are employed on a part-time basis;

(p) Forest fire wardens provided for by section 23-36;

(q) Patients or inmates of state institutions who receive compensation for services rendered therein;

(r) Employees of the Governor including employees working at the executive office, official executive residence at 990 Prospect Avenue, Hartford and the Washington D.C. office;

(s) Persons filling positions expressly exempted by statute from the classified service;

(t) Librarians employed by the State Board of Education or any constituent unit of the state system of higher education;

(u) Employees in the senior executive service;

(v) All officers and employees of the Division of Criminal Justice;

(w) One executive assistant to the chairman of the Office of Health Care Access, provided such position shall have been created in accordance with section 5-214;

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(x) Professional employees of the Bureau of Rehabilitation Services in the Department of Social Services;

(y) Lieutenant colonels in the Division of State Police within the Department of Public Safety appointed on or after June 6, 1990, and majors in the Division of State Police within the Department of Public Safety appointed on or after July 1, 1999;

(z) The Deputy State Fire Marshal in the Division of Fire, Emergency and Building Services within the Department of Public Safety;

(aa) The chief administrative officer of the Workers' Compensation Commission;

(bb) Employees in the education professions bargaining unit;

(cc) Disability policy specialists employed by the Council on Developmental Disabilities; and

(dd) The director for digital media and motion picture activities in the Connecticut Commission on Culture and Tourism.

Sec. 7. Section 18-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The Commissioner of Correction shall appoint and may remove the following administrators, all of whom shall serve at the pleasure of the commissioner and shall be exempt from the classified service: All correctional wardens, [of correctional institutions, all state community center wardens and all detention center wardens] including any warden with oversight of a district, a correctional institution, parole and community services, population management, programs and treatment, security and academy training or staff development. Such [individuals] wardens shall possess skill and experience in correctional

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administration.

Sec. 8. Section 18-96 of the general statutes is repealed. (*Effective October 1, 2007*)

Approved June 25, 2007