



Senate Bill No. 1700

January Special Session, Public Act No. 08-1

AN ACT CONCERNING CRIMINAL JUSTICE REFORM.

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

Section 1. (NEW) (*Effective March 1, 2008*) (a) A person is guilty of home invasion when such person enters or remains unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein, and, in the course of committing the offense: (1) Acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a felony against the person of another person other than a participant in the crime who is actually present in such dwelling, or (2) such person is armed with explosives or a deadly weapon or dangerous instrument.

(b) An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission.

(c) Home invasion is a class A felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which ten years may not be suspended or reduced by the court.

Sec. 2. Section 53a-101 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective March 1, 2008*):

(a) A person is guilty of burglary in the first degree when [he] (1) such person enters or remains unlawfully in a building with intent to commit a crime therein and [: (1) He] is armed with explosives or a deadly weapon or dangerous instrument, or (2) such person enters or remains unlawfully in a building with intent to commit a crime therein and, in the course of committing the offense, [he] intentionally, knowingly or recklessly inflicts or attempts to inflict bodily injury on anyone, or (3) such person enters or remains unlawfully in a dwelling at night with intent to commit a crime therein.

(b) An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission.

(c) Burglary in the first degree is a class B felony provided any person found guilty under subdivision (1) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.

Sec. 3. Section 53a-102 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective March 1, 2008*):

(a) A person is guilty of burglary in the second degree when such person [(1) enters or remains unlawfully in a dwelling at night with intent to commit a crime therein, or (2)] enters or remains unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein.

(b) Burglary in the second degree is a class C felony.

Sec. 4. Section 53a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective March 1, 2008*):

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(a) The following definitions are applicable to this part and section 1 of this act: (1) "Building" in addition to its ordinary meaning, includes any watercraft, aircraft, trailer, sleeping car, railroad car or other structure or vehicle or any building with a valid certificate of occupancy. Where a building consists of separate units, such as, but not limited to separate apartments, offices or rented rooms, any unit not occupied by the actor is, in addition to being a part of such building, a separate building; (2) "dwelling" means a building which is usually occupied by a person lodging therein at night, whether or not a person is actually present; (3) "night" means the period between thirty minutes after sunset and thirty minutes before sunrise; and (4) "public land" means a state park, state forest or municipal park or any other publicly-owned land that is open to the public for active or passive recreation.

(b) The following definition is applicable to sections 53a-101 to 53a-106, inclusive, as amended by this act, and section 1 of this act: A person "enters or remains unlawfully" in or upon premises when the premises, at the time of such entry or remaining, are not open to the public and when the actor is not otherwise licensed or privileged to do so.

Sec. 5. Subsection (b) of section 54-125a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective March 1, 2008*):

(b) (1) No person convicted of any of the following offenses, which was committed on or after July 1, 1981, shall be eligible for parole under subsection (a) of this section: Capital felony, as provided in section 53a-54b, felony murder, as provided in section 53a-54c, arson murder, as provided in section 53a-54d, murder, as provided in section 53a-54a, or aggravated sexual assault in the first degree, as provided in section 53a-70a. (2) A person convicted of (A) a violation of section 1 of this act or section 53a-102, as amended by this act, or (B) an offense,

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other than an offense specified in subdivision (1) of this subsection, where the underlying facts and circumstances of the offense involve the use, attempted use or threatened use of physical force against another person shall be ineligible for parole under subsection (a) of this section until such person has served not less than eighty-five per cent of the definite sentence imposed.

Sec. 6. Subsection (a) of section 53a-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective March 1, 2008*):

(a) A persistent dangerous felony offender is a person who:

(1) (A) Stands convicted of manslaughter, arson, kidnapping, robbery in the first or second degree, [or] assault in the first degree, home invasion, burglary in the first degree or burglary in the second degree with a firearm, and (B) has been, prior to the commission of the present crime, convicted of and imprisoned under a sentence to a term of imprisonment of more than one year or of death, in this state or in any other state or in a federal correctional institution, for any of the following crimes: (i) The crimes enumerated in subparagraph (A) of this subdivision or an attempt to commit any of said crimes; or (ii) murder, sexual assault in the first or third degree, aggravated sexual assault in the first degree or sexual assault in the third degree with a firearm, or an attempt to commit any of said crimes; or (iii) prior to October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or prior to October 1, 1971, in this state, assault with intent to kill under section 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83, 53-86, 53-238 and 53-239 of the general statutes, revision of 1958, revised to 1968, or any predecessor statutes in this state, or an attempt to commit any of said crimes; or (iv) in any other state, any crimes the essential elements of which are substantially the

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same as any of the crimes enumerated in subparagraph (A) of this subdivision or this subparagraph; or

(2) (A) Stands convicted of sexual assault in the first or third degree, aggravated sexual assault in the first degree or sexual assault in the third degree with a firearm, and (B) has been, prior to the commission of the present crime, convicted of and imprisoned under a sentence to a term of imprisonment of more than one year or of death, in this state or in any other state or in a federal correctional institution, for any of the following crimes: (i) Murder, manslaughter, arson, kidnapping, robbery in the first or second degree, [or] assault in the first degree, home invasion, burglary in the first degree or burglary in the second degree with a firearm, or an attempt to commit any of said crimes; or (ii) prior to October 1, 1971, in this state, assault with intent to kill under section 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83 and 53-86 of the general statutes, revision of 1958, revised to 1968, or any predecessor statutes in this state, or an attempt to commit any of said crimes; or (iii) in any other state, any crimes the essential elements of which are substantially the same as any of the crimes enumerated in subparagraph (A) of this subdivision or this subparagraph.

Sec. 7. Subsections (h) to (m), inclusive, of section 53a-40 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) When any person has been found to be a persistent dangerous felony offender, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration and lifetime supervision will best serve the public interest,] the court, in lieu of imposing the sentence of imprisonment authorized by section 53a-35 for the crime of which such person presently stands convicted,

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or authorized by section 53a-35a if the crime of which such person presently stands convicted was committed on or after July 1, 1981, shall sentence such person to a term of imprisonment of not more than forty years and, if such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subparagraph (B) of subdivision [(2)] (1) of subsection (a) of this section, as amended by this act, sentence such person to a term of imprisonment of not more than life.

(i) When any person has been found to be a persistent dangerous sexual offender, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration and lifetime supervision will best serve the public interest,] the court, in lieu of imposing the sentence of imprisonment authorized by section 53a-35a for the crime of which such person presently stands convicted, shall sentence such person to a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of imprisonment for life, as defined in section 53a-35b.

(j) When any person has been found to be a persistent serious felony offender, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration will best serve the public interest,] the court in lieu of imposing the sentence of imprisonment authorized by section 53a-35 for the crime of which such person presently stands convicted, or authorized by section 53a-35a if the crime of which such person presently stands convicted was committed on or after July 1, 1981, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony.

(k) When any person has been found to be a persistent serious

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sexual offender, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration will best serve the public interest,] the court, in lieu of imposing the sentence of imprisonment authorized by section 53a-35a for the crime of which such person presently stands convicted, may impose a sentence of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute the maximum sentence specified by section 53a-35a for the next more serious degree of felony.

(l) When any person has been found to be a persistent larceny offender, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration will best serve the public interest,] the court, in lieu of imposing the sentence authorized by section 53a-36 for the crime of which such person presently stands convicted, may impose the sentence of imprisonment for a class D felony authorized by section 53a-35, if the crime of which such person presently stands convicted was committed prior to July 1, 1981, or authorized by section 53a-35a, if the crime of which such person presently stands convicted was committed on or after July 1, 1981.

(m) When any person has been found to be a persistent felony offender, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration will best serve the public interest,] the court, in lieu of imposing the sentence authorized by section 53a-35a for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony; provided the sentence imposed may not be less than three years, and provided further three years of the sentence so imposed may not be suspended or reduced by the court.

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Sec. 8. Subsection (b) of section 53a-40a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) When any person has been found to be a persistent offender of crimes involving bigotry or bias, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest,] the court shall: (1) In lieu of imposing the sentence authorized for the crime under section 53a-35a if the crime is a felony, impose the sentence of imprisonment authorized by said section for the next more serious degree of felony, or (2) in lieu of imposing the sentence authorized for the crime under section 53a-36 if the crime is a misdemeanor, impose the sentence of imprisonment authorized by said section for the next more serious degree of misdemeanor, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony as authorized by section 53a-35a.

Sec. 9. Subsection (b) of section 53a-40d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) When any person has been found to be a persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest,] the court shall, in lieu of imposing the sentence authorized for the crime under section 53a-36 or section 53a-35a, as applicable, impose the sentence of imprisonment authorized by said section 53a-36 or section 53a-35a for the next more serious degree of misdemeanor or felony, except that if the crime is a class A

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misdemeanor the court shall impose the sentence of imprisonment for a class D felony, as authorized by section 53a-35a.

Sec. 10. Subsection (b) of section 53a-40f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) When any person has been found to be a persistent operating while under the influence felony offender, [and the court is of the opinion that his history and character and the nature and circumstances of his criminal conduct indicate that extended incarceration will best serve the public interest,] the court, in lieu of imposing the sentence authorized by section 53a-35a for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony.

Sec. 11. Subsection (b) of section 53a-300 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) When any person has been found guilty of an act of terrorism, [and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest,] the court shall, in lieu of imposing the sentence authorized for the crime under section 53a-35a, impose the sentence of imprisonment authorized by said section for the next more serious degree of felony.

Sec. 12. Section 54-124a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a Board of Pardons and Paroles within the Department of Correction, for administrative purposes only. On and after [October 1, 2004] February 1, 2008, and prior to July 1, 2008, the

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board shall consist of [thirteen] not more than twenty-five members appointed by the Governor. On and after July 1, 2008, the board shall consist of eighteen members. On and after February 1, 2008, the Governor shall appoint all members of the board with the advice and consent of [either house] both houses of the General Assembly. On and after July 1, 2008, twelve of the members shall serve exclusively on parole release panels, five of the members shall serve exclusively on pardons panels and the chairperson may serve on both parole release panels and pardons panels. In the appointment of members on and after February 1, 2008, the Governor shall specify the member being appointed as chairperson, the full-time and part-time members being appointed to serve on parole release panels and the members being appointed to serve on pardons panels. In the appointment of the members, the Governor shall [endeavor to reflect the racial diversity of the state] comply with the provisions of section 4-9b. The Governor shall appoint a chairperson from among the membership. The [chairperson] members of the board appointed on or after February 1, 2008, shall be qualified by education, experience [and] or training in the administration of community corrections, parole or pardons, criminal justice, criminology, the evaluation or supervision of offenders or the provision of mental health services to offenders. Each appointment of a member of the board submitted by the Governor to the General Assembly on or after February 1, 2008, shall be referred, without debate, to the committee on the judiciary which shall report thereon not later than thirty legislative days after the date of reference.

(b) The term of each appointed member of the board serving on [September 30, 2004,] June 30, 2008, who had been assigned by the chairperson exclusively to parole hearings, shall expire on said date. The term of each member of the board [beginning on or after October 1, 2004,] serving on June 30, 2008, who had been appointed chairperson, had been assigned by the chairperson exclusively to pardons hearings or has been appointed by the Governor on or after

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February 1, 2008, shall be coterminous with the term of the Governor or until a successor is chosen, whichever is later. Any vacancy in the membership of the board shall be filled for the unexpired portion of the term by the Governor.

(c) The chairperson and five of the members of the board appointed by the Governor on or after February 1, 2008, to serve on parole release panels shall devote full time to the performance of [the] their duties under this section and shall be compensated therefor in such amount as the Commissioner of Administrative Services determines, subject to the provisions of section 4-40. The other members of [said] the board shall receive one hundred ten dollars for each day spent in the performance of their duties and shall be reimbursed for necessary expenses incurred in the performance of such duties. The chairperson or, in the chairperson's absence or inability to act, a member designated by the chairperson to serve temporarily as chairperson, shall be present at all meetings of [said] the board and participate in all decisions thereof.

(d) The chairperson shall be the executive and administrative head of said board and shall have the authority and responsibility for (1) overseeing all administrative affairs of the board, (2) assigning members to panels, (3) establishing procedural rules for members to follow when conducting hearings, reviewing recommendations made by employees of the board and making decisions, (4) adopting policies in all areas of pardons and paroles including, but not limited to, granting pardons, commutations of punishments or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death, risk-based structured decision making and release criteria, [(3)] (5) consulting with the Department of Correction on shared issues including, but not limited to, prison overcrowding, [(4)] (6) consulting with the Judicial Department on shared issues of community

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supervision, and [(5)] (7) signing and issuing subpoenas to compel the attendance and testimony of witnesses at parole proceedings. Any such subpoena shall be enforceable to the same extent as subpoenas issued pursuant to section 52-143.

(e) [The chairperson may serve on both pardons panels and parole release panels and shall have the authority and responsibility for assigning members to such panels. The] Of the members appointed prior to February 1, 2008, the chairperson shall assign seven members exclusively to parole release hearings and shall assign five members exclusively to pardons hearings. Except for the chairperson, no member assigned to parole release hearings may be assigned subsequently to pardons hearings and no member assigned to pardons hearings may be assigned subsequently to parole release hearings. [Each] Prior to July 1, 2008, each parole release panel shall be composed of two members from among the members assigned by the chairperson exclusively to parole release hearings or the members appointed by the Governor on or after February 1, 2008, to serve exclusively on parole release panels, and the chairperson or a member designated to serve temporarily as chairperson, for each correctional institution. On and after July 1, 2008, each parole release panel shall be composed of two members appointed by the Governor on or after February 1, 2008, to serve on parole release panels, at least one of whom is a full-time member, and the chairperson or a full-time member designated to serve temporarily as chairperson, for each correctional institution. Such parole release panels shall be the paroling authority for the institutions to which they are assigned and not less than two members shall be present at each parole hearing. Each pardons panel shall be composed of three members from among the members assigned by the chairperson exclusively to pardons hearings or the members appointed by the Governor on or after February 1, 2008, to serve on pardons panels, one of whom may be the chairperson, except that for hearings on commutations from the

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penalty of death, one member of the panel shall be the chairperson.

(f) The Board of Pardons and Paroles shall have independent decision-making authority to (1) grant or deny parole in accordance with sections 54-125, 54-125a, 54-125e, as amended, and 54-125g, (2) establish conditions of parole or special parole supervision in accordance with section 54-126, (3) rescind or revoke parole or special parole in accordance with sections 54-127 and 54-128, (4) grant commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death in accordance with section 54-130a, as amended.

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

(h) The chairperson, or the chairperson's designee, and two members of the board from among the members assigned by the chairperson to serve exclusively on parole release panels or the members appointed by the Governor on or after February 1, 2008, to serve on parole release panels, shall conduct all parole release hearings, [and] shall, prior to July 1, 2008, approve or deny all parole releases recommended by an employee of the board pursuant to section 54-125b, and shall approve or deny all parole revocations and parole rescissions recommended by an employee of the board pursuant to section 54-127a. No panel of the Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole release of any person or, prior to July 1, 2008, hold a meeting to consider the recommendation of an employee of the board made pursuant to section 54-125b, to grant parole to a person unless the chairperson of the board has made reasonable efforts to determine the existence of and obtain all information deemed pertinent to the panel's

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decision and has certified that all such pertinent information determined to exist has been obtained or is unavailable.

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

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

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

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

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

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

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

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

(l) The chairperson and executive director shall establish:

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

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

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(3) A formal training program for members of the board and parole officers that shall include, but not be limited to, an overview of the criminal justice system, the parole system including factors to be considered in granting parole, victim rights and services, reentry strategies, risk assessment, case management and mental health issues.

(m) The board shall employ at least one psychologist with expertise in risk assessment and recidivism of criminal offenders who shall be under the supervision of the chairperson and assist the board in its parole release decisions.

~~[(m)]~~ (n) In the event of the temporary inability of any member other than the chairperson to perform his or her duties, the Governor, at the request of the board, may appoint a qualified person to serve as a temporary member during such period of inability.

~~[(n)]~~ (o) The chairperson of the Board of Pardons and Paroles shall: (1) Adopt an annual budget and plan of operation, (2) adopt such rules as deemed necessary for the internal affairs of the board, and (3) submit an annual report to the Governor and General Assembly.

Sec. 13. Section 54-126a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "victim" means a person who is a victim of a crime, the legal representative of such person, a member of a deceased victim's immediate family or a person designated by a deceased victim in accordance with section 1-56r.

(b) At a hearing held by a panel of the Board of Pardons and Paroles for the purpose of determining the eligibility for parole of an inmate incarcerated for the commission of any crime, such panel shall permit any victim of the crime for which the inmate is incarcerated to appear before the panel for the purpose of making a statement for the record concerning whether the inmate should be released on parole or the

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nature of any terms or conditions to be imposed upon any such release. In lieu of such appearance, the victim may submit a written statement to the panel and the panel shall make such statement a part of the record at the parole hearing.

(c) Nothing in this section shall be construed to prohibit the board from exercising its discretion to permit a member or members of a victim's immediate family to appear before the panel and make a statement in accordance with subsection (b) of this section.

Sec. 14. (NEW) (*Effective from passage*) The Office of Victim Services shall assign two victim advocates to provide full-time assistance to victims who appear before a panel of the Board of Pardons and Paroles or submit a written statement to such panel, as authorized by section 54-126a of the general statutes, as amended by this act.

Sec. 15. (NEW) (*Effective from passage*) Not later than January 1, 2009, the Department of Correction shall provide in each correctional facility a secure video connection to the Board of Pardons and Paroles for the purpose of permitting the board to conduct parole release hearings of offenders by videoconference.

Sec. 16. Section 18-101a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Correction, at the commissioner's discretion, may extend the limits of the place of confinement of an inmate as to whom there is reasonable belief he or she will honor his or her trust, by authorizing the inmate under prescribed conditions to visit a specifically designated place or places, within or without the state, for periods not exceeding thirty days and return to the same or another institution or facility. Such periods may be renewed at the discretion of the commissioner. Such furlough may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining

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of medical services not otherwise available [] or the contacting of prospective employers, [or for any compelling reason consistent with rehabilitation] provided the commissioner has confirmed that an employment opportunity exists or an employment interview is scheduled. Any inmate who fails to return from furlough as provided in the furlough agreement shall be guilty of the crime of escape in the first degree.

Sec. 17. (*Effective from passage*) The Department of Correction shall contract for an additional thirty-five reentry beds for immediate occupancy, shall contract for an additional fifty reentry beds for occupancy not later than July 1, 2008, and shall contract for an additional fifty reentry beds for occupancy not later than November 15, 2008.

Sec. 18. (*Effective from passage*) The Court Support Services Division of the Judicial Branch shall contract for an additional thirty-five diversionary beds for immediate occupancy, shall contract for an additional fifty diversionary beds for occupancy not later than July 1, 2008, and shall contract for an additional fifty diversionary beds for occupancy not later than November 15, 2008.

Sec. 19. (*Effective from passage*) The Department of Correction shall contract for twelve beds in staff secure residential sex offender treatment facilities for occupancy not later than July 1, 2008. The department shall report to the Governor and the General Assembly not later than April 15, 2008, in accordance with section 11-4a of the general statutes, concerning the progress made in contracting for such beds including the number of beds contracted for as of the date of such report, the date such beds became or will become available, the number of additional beds that could become available in fiscal year 2009 and any obstacles encountered or foreseen in making such beds available.

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Sec. 20. (*Effective from passage*) The Court Support Services Division of the Judicial Branch shall contract for twelve beds in staff secure residential sex offender treatment facilities for occupancy not later than July 1, 2008. The division shall report to the Governor and the General Assembly not later than April 15, 2008, in accordance with section 11-4a of the general statutes, concerning the progress made in contracting for such beds including the number of beds contracted for as of the date of such report, the date such beds became or will become available, the number of additional beds that could become available in fiscal year 2009 and any obstacles encountered or foreseen in making such beds available.

Sec. 21. (NEW) (*Effective from passage*) The Court Support Services Division of the Judicial Branch shall make available on the Internet (1) information concerning all outstanding arrest warrants for violation of probation including the name, address and photographic image of the probationer named in such warrant, and (2) a quarterly report listing by court of issuance all outstanding arrest warrants for violation of probation including the name and address of the probationer named in each such warrant and the date of issuance of such warrant.

Sec. 22. (*Effective from passage*) The Department of Correction shall electronically monitor by use of a global positioning system an additional two hundred parolees immediately after the effective date of this section, and an additional one hundred parolees on or about July 1, 2008, who have been determined, based upon the performance of a risk assessment, most likely to reoffend.

Sec. 23. Subsection (d) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) judicial branch employees who, in

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the performance of their duties, require access to such records, and (2) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child, or (C) the design and delivery of treatment programs pursuant to section 46b-121j. Such employees and authorized agents include, but are not limited to, law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters, officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, the Court Support Services Division, [the Board of Pardons and Paroles] and agencies under contract with the judicial branch, and an advocate appointed pursuant to section 54-221 for a victim of a crime committed by the child. Such records shall also be available to (i) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (ii) the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (iii) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (iv) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations, [and] (v) a state or federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be limited to that information necessary for the collection of and application for such moneys, and (vi) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment

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of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information.

Sec. 24. Subsection (b) of section 54-76l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The records of any such youth, or any part thereof, may be disclosed to and between individuals and agencies, and employees of such agencies, providing services directly to the youth, including law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials, the Division of Criminal Justice, the Court Support Services Division [, the Board of Pardons and Paroles] and an advocate appointed pursuant to section 54-221 for a victim of a crime committed by the youth. Such records shall also be available to the attorney representing the youth, in any proceedings in which such records are relevant, to the parents or guardian of such youth, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon his or her emancipation or attainment of the age of majority, provided proof of the identity of such youth is submitted in accordance with guidelines prescribed by the Chief Court Administrator. Such records shall also be available to members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been adjudged a youthful offender and sentenced to a term of imprisonment or been convicted of a crime in

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the regular criminal docket of the Superior Court, and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Such records disclosed pursuant to this subsection shall not be further disclosed.

Sec. 25. Subsection (b) of section 54-64a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) When any arrested person charged with the commission of a class A felony, a class B felony, except a violation of section 53a-86 or 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence crime, as defined in section 46b-38a, is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably assure the appearance of the arrested person in court and that the safety of any other person will not be endangered: (A) Upon such person's execution of a written promise to appear without special conditions, (B) upon such person's execution of a written promise to appear with nonfinancial conditions, (C) upon such person's execution of a bond without surety in no greater amount than necessary, (D) upon such person's execution of a bond with surety in no greater amount than necessary. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision, the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to

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participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) The court may, in determining what conditions of release will reasonably assure the appearance of the arrested person in court and that the safety of any other person will not be endangered, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court after being admitted to bail, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, (G) such person's community ties, (H) the number and seriousness of charges pending against the arrested person, (I) the weight of the evidence against the arrested person, (J) the arrested person's history of violence, (K) whether the arrested person has previously been convicted of similar offenses while released on bond, and (L) the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released.

(3) When imposing conditions of release under this subsection, the court shall state for the record any factors under subdivision (2) of this subsection that it considered and the findings that it made as to the danger, if any, that the arrested person might pose to the safety of any other person upon the arrested person's release that caused the court to impose the specific conditions of release that it imposed.

Sec. 26. Subsection (a) of section 54-227 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any inmate who makes an application to the Board of Pardons and Paroles or the Department of Correction for release other than a furlough from a correctional institution, [or] who applies to the

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sentencing court or judge for a reduction in sentence pursuant to section 53a-39 [.] or who applies to the review division for a review of sentence pursuant to section 51-195, shall notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of such application on a form prescribed by the Office of the Chief Court Administrator. Notwithstanding any provision of the general statutes, no such application shall be accepted unless the applicant has notified the Office of Victim Services and the Victim Services Unit within the Department of Correction pursuant to this subsection and provides proof of such notice as part of the application.

Sec. 27. Subsection (a) of section 54-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any victim of a crime or any member of an inmate's immediate family who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, as amended by this act, or whenever an inmate is scheduled to be released from a correctional institution other than on a furlough, [except a furlough that is granted for the purpose of reintegrating an inmate into the community and allows such inmate to serve the period immediately preceding such inmate's parole release or discharge date in the community,] may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

Sec. 28. Subsection (c) of section 54-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) [Such] A request for notification filed pursuant to this section shall be in such form and content as the Office of the Chief Court

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Administrator may prescribe. Such request for notification shall be confidential and shall remain confidential while in the custody of the Office of Victim Services and the Department of Correction and shall not be disclosed. It shall be the responsibility of the victim to notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of his or her current mailing address and telephone number, which shall be kept confidential and shall not be disclosed by the Office of Victim Services and the Department of Correction. Nothing in this section shall be construed to prohibit the Office of Victim Services, the Board of Pardons and Paroles and the Victim Services Unit within the Department of Correction from communicating with each other [to determine if either has a current mailing address of a victim and, if so, from disclosing such mailing address to each other] for the purpose of facilitating notification to [the] a victim and disclosing to each other the name, mailing address and telephone number of the victim, provided such [mailing address] information shall not be further disclosed.

Sec. 29. Subsection (d) of section 54-230 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Upon receipt of notice from the Department of Correction pursuant to section 54-231, as amended by this act, the Office of Victim Services shall notify by certified mail all victims who have requested to be notified pursuant to section 54-228, as amended by this act, whenever such inmate is scheduled to be released from a correctional institution. Such notice shall be in writing and notify each victim of the date of such inmate's release. The victim shall notify the Office of Victim Services of his or her current mailing address and telephone number, which shall be kept confidential and shall not be disclosed by the Office of Victim Services. Nothing in this section shall be construed to prohibit the Office of Victim Services, the Board of Pardons and

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Paroles and the Victim Services Unit within the Department of Correction from communicating with each other [to determine if either has a current mailing address of a victim and, if so, from disclosing such mailing address to each other] for the purpose of facilitating notification to [the] a victim and disclosing to each other the name, mailing address and telephone number of the victim, provided such [mailing address] information shall not be further disclosed.

Sec. 30. Section 54-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Department of Correction shall notify the Office of Victim Services whenever [it] the department schedules the release of an inmate from a correctional institution other than on a furlough. [except a furlough that is granted for the purpose of reintegrating an inmate into the community and allows such inmate to serve the period immediately preceding such inmate's parole release or discharge date in the community.] Notwithstanding any provision of the general statutes to the contrary, the Department of Correction may make available to the Office of Victim Services direct access to any records in its custody, including computerized criminal history record information, for the purpose of assisting said office to perform its duties regarding victim notification.

Sec. 31. (NEW) (*Effective from passage*) The Judicial Branch shall contract for the establishment and implementation of a state-wide automated victim information and notification system to provide automatic notice of relevant offender information and status reports to registered crime victims. Such system shall be used to provide victim notification by the Office of Victim Services within the Judicial Department, the Victim Services Unit within the Department of Correction, the Board of Pardons and Paroles and the Division of Criminal Justice. Such system shall be operational on July 1, 2009, or not later than thirty days after receipt of notice of the award of federal

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funds for the establishment and implementation of such system, whichever is earlier.

Sec. 32. (NEW) (*Effective from passage*) On and after the date on which the state-wide automated victim information and notification (SAVIN) system mandated by section 31 of this act becomes operational, a victim of a crime who has requested notification through the Office of Victim Services within the Judicial Department, the Board of Pardons and Paroles or the Victim Services Unit within the Department of Correction shall receive notification through the SAVIN system prior to acceptance of a plea agreement by the court. Such notification shall be deemed to have occurred once the SAVIN system has been updated to reflect the offer of a plea agreement.

Sec. 33. (NEW) (*Effective from passage*) (a) There is established a committee to study the manner in which the state may effectively provide incentives to municipalities throughout the state to allow the siting of community-based facilities such as halfway houses and transitional and supportive housing for offenders released into the community.

(b) The committee shall be composed of the following members: The Commissioner of Correction; the executive director of the Court Support Services Division of the Judicial Department; the undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management; the chairpersons and ranking members of the judiciary and planning and development committees of the General Assembly; two representatives of community-based facilities, one of whom shall be appointed by the majority leader of the House of Representatives and one of whom shall be appointed by the minority leader of the House of Representatives; one representative of a municipality with a population of less than twenty-five thousand persons, appointed by the minority leader of the Senate; one representative of a municipality with a population of

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twenty-five thousand or more but less than fifty thousand, appointed by the Governor; one representative of a municipality with a population of fifty thousand or more but less than seventy-five thousand, appointed by the speaker of the House of Representatives; one representative of a municipality with a population of seventy-five thousand or more but less than one hundred thousand, appointed by the president pro tempore of the Senate; and one representative of a municipality with a population of one hundred thousand or more, appointed by the majority leader of the Senate. The Governor shall appoint a chairperson of the committee from among the members.

(c) The committee shall report its findings and recommendations to the Governor and the General Assembly in accordance with section 11-4a of the general statutes not later than January 1, 2009.

Sec. 34. Subsection (k) of section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) Notwithstanding the provisions of subsections (b) to (j), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from an operator of a motor vehicle involved in an accident who suffered or allegedly suffered physical injury in such accident shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident

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operating privilege of such person for [a period of up to ninety days, or, if such person has previously had such person's operator's license or nonresident operating privilege suspended under this section for a period of up to one year] the appropriate period specified in subsection (i) or (j) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content; and (5) whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (j) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

Sec. 35. (*Effective from passage*) Section 1 of public act 07-243 shall take effect May 1, 2008.

Sec. 36. Subsection (b) of section 53a-31 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Issuance of a warrant or notice to appear for violation pursuant to section 53a-32 shall interrupt the period of the sentence as of the date of such issuance until a final determination as to the violation has been made by the court. During the interrupted period, [the court may impose any of the conditions of release set forth in section 54-64a] unless otherwise ordered by the court, the defendant shall comply with any conditions imposed or with any conditions he or she was

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previously required to comply pursuant to section 53a-30. In the absence of a warrant or notice to appear for violation pursuant to section 53a-32, if the defendant has failed to comply with any of the conditions of probation or conditional discharge, such failure shall not relieve the Court Support Services Division from the responsibility of supervising the defendant.

Sec. 37. (NEW) (*Effective from passage*) The Department of Correction, the Board of Pardons and Paroles and the Court Support Services Division of the Judicial Branch shall develop a risk assessment strategy for offenders committed to the custody of the Commissioner of Correction that will (1) utilize a risk assessment tool that accurately rates an offender's likelihood to recidivate upon release from custody, and (2) identify the support programs that will best position the offender for successful reentry into the community. Such strategy shall incorporate use of both static and dynamic factors. In the development of such risk assessment strategy, the department, board and division may partner with an educational institution in this state that has expertise in criminal justice and psychiatry to evaluate risk assessment tools and customize a risk assessment tool to best meet the state's needs. On or before January 1, 2009, and annually thereafter, the department, board and division shall report to the Governor and the joint standing committee of the General Assembly on judiciary, in accordance with section 11-4a of the general statutes, on the development, implementation and effectiveness of such strategy.

Sec. 38. Subsection (a) of section 18-87k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Criminal Justice Policy Advisory Commission shall: (1) Develop and recommend policies for preventing prison and jail overcrowding; (2) examine the impact of statutory provisions and current administrative policies on prison and jail overcrowding and

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recommend legislation to the Governor and the General Assembly; (3) research and gather relevant statistical data and other information concerning the impact of efforts to prevent prison and jail overcrowding and make such information available to criminal justice agencies and members of the General Assembly; (4) advise the undersecretary of the Criminal Justice Policy and Planning Division on policies and procedures to promote more effective and cohesive state criminal justice and juvenile justice systems and to develop and implement the offender reentry strategy as provided in section 18-81w; (5) monitor developments throughout the state's criminal justice system and, not later than February 15, 2009, and annually thereafter, report to the Governor and the General Assembly on the effectiveness of the state's reentry strategy, outcomes achieved under the reentry strategy and the level of integration and coordination of the information technology systems used by the criminal justice agencies and other system-wide issues identified by the commission; (6) not later than February 15, 2009, and annually thereafter, sponsor for all members of the criminal justice community a full-day review of the criminal justice system in the state including progress that has been made within the past year and challenges to be met, which review shall be facilitated by the undersecretary of the Criminal Justice Policy and Planning Division; (7) identify specific needs for reentry services in geographic areas throughout the state; (8) identify institution-based and community-based programs and services that effectively address offender needs and reduce recidivism including, but not limited to, education and training, employment preparation and job bank, transitional health care, family support, substance abuse, domestic violence and sexual offender programs and services; (9) develop a guide to best practices in the provision of reentry services; (10) develop and annually update a plan to ensure the availability of reentry services, which plan may include establishment of community reentry centers; and [(5)] (11) assist the undersecretary of the Criminal Justice Policy and Planning Division in developing the recommendations

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included in the report and presentation made by the division pursuant to section 4-68p.

Sec. 39. Section 54-142q of the general statutes, as amended by section 25 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, (1) "governing board" means the Criminal Justice Information System Governing Board established in this section, (2) "offender-based tracking system" means an information system that enables, as determined by the governing board and subject to this chapter, criminal justice agencies, as defined in subsection (b) of section 54-142g, and the Division of Public Defender Services to share criminal history record information, as defined in subsection (a) of section 54-142g, and to access electronically maintained offender and case data involving felonies, misdemeanors, violations, motor vehicle violations, motor vehicle offenses for which a sentence to a term of imprisonment may be imposed, and infractions, and (3) "criminal justice information systems" means the offender-based tracking system and information systems among criminal justice agencies.

(b) There shall be a Criminal Justice Information System Governing Board which shall be within the Office of Policy and Management for administrative purposes only and shall oversee criminal justice information systems.

(c) The governing board shall be composed of the Chief Court Administrator, [who shall serve as chairperson,] the Commissioner of Public Safety, the Commissioner of Emergency Management and Homeland Security, the Secretary of the Office of Policy and Management, the Commissioner of Correction, the chairperson of the Board of Pardons and Paroles, the Chief State's Attorney, the Chief Public Defender, the Chief Information Officer of the Department of Information Technology, the Victim Advocate, the Commissioner of

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Motor Vehicles, the chairpersons and ranking members of the joint standing committee of the General Assembly on judiciary and the president of the Connecticut Police Chiefs Association. The Chief Court Administrator and a person appointed by the Governor from among the membership shall serve as cochairpersons. Each member of the governing board may appoint a designee who shall have the same powers as such member.

(d) The governing board shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary. A majority of the members shall constitute a quorum for the transaction of business.

(e) The governing board shall hire an executive director of the board who shall not be a member of the board and who shall serve at the pleasure of the board. The executive director shall be qualified by education, training or experience to oversee the design and implementation of a comprehensive, state-wide information technology system for the sharing of criminal justice information as provided in section 40 of this act. The Office of Policy and Management shall provide office space and such staff, supplies and services as necessary for the executive director to properly carry out his or her duties under this subsection.

[(e)] (f) The governing board shall develop plans, maintain policies and provide direction for the efficient operation and integration of criminal justice information systems, whether such systems service a single agency or multiple agencies. The governing board shall establish standards and procedures for use by agencies to assure the interoperability of such systems, authorized access to such systems and the security of such systems.

[(f)] (g) In addition to the requirements of subsection [(e)] (f) of this section, the duties and responsibilities of the governing board shall be

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to: (1) Oversee the operations and administration of criminal justice information systems; (2) establish such permanent and ad hoc committees as it deems necessary, with appointments to such committees not restricted to criminal justice agencies; (3) recommend any legislation necessary for implementation, operation and maintenance of criminal justice information systems; (4) establish and implement policies and procedures to meet the system-wide objectives, including the provision of appropriate controls for data access and security; and (5) perform all necessary functions to facilitate the coordination and integration of criminal justice information systems.

~~[(g)]~~ (h) A member of the governing board, a member of a permanent or an ad hoc committee established by the governing board, and any person operating and administering the offender-based tracking system shall be deemed to be "state officers and employees" for the purposes of chapter 53 and section 5-141d.

~~[(h)]~~ (i) Information that may be accessed by the Division of Public Defender Services pursuant to subsection (b) of this section shall be limited to: (1) Conviction information, as defined in subsection (c) of section 54-142g, (2) information that is otherwise available to the public, and (3) information, including nonconviction information, concerning a client whom the division has been appointed by the court to represent and is representing at the time of the request for access to such information.

Sec. 40. (NEW) (*Effective from passage*) (a) The Criminal Justice Information System Governing Board shall design and implement a comprehensive, state-wide information technology system to facilitate the immediate, seamless and comprehensive sharing of information between all state agencies, departments, boards and commissions having any cognizance over matters relating to law enforcement and criminal justice, and organized local police departments and law

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enforcement officials.

(b) Such information technology system shall include, without limitation, a central tracking and information database, a central electronic document repository and centralized analytical tools, as provided in subsections (c) to (e), inclusive, of this section, all of which shall be developed with state-of-the-art technology, as provided in subsection (f) of this section, and such other components or elements as are determined to be appropriate or necessary by the board after development of a plan for the design and implementation of such system.

(c) Such information technology system shall include a central, integrated criminal justice tracking and information database that provides:

(1) Complete biographical information and vital statistics for all offenders and former offenders still living; and

(2) Tracking information for all offenders in the criminal justice system, from investigation through incarceration and release, and seamless integration with any electronic monitoring systems, global positioning systems (GPS) and any offender registries.

(d) Such information technology system shall include a central, integrated electronic repository of criminal justice records and documents that provides:

(1) Access to all state and local police reports, presentence investigations and reports, psychological and medical reports, criminal records, incarceration and parole records, and court records and transcripts, whether such records and documents normally exist in electronic or hard copy form; and

(2) Access to scanning and processing facilities to ensure that such

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records and documents are integrated into the system and updated immediately.

(e) Such information technology system shall include centralized analytical tools, bundled together in a custom-designed enterprise system that includes:

(1) Analytical tools that empower and enhance criminal case assessment, sentencing and plea agreement analysis and pardon, parole, probation and release decisions;

(2) Analytical tools that empower and enhance forecasting concerning recidivism and future offenses for each individual offender; and

(3) Collaborative functionality that enables seamless cross-department communication, information exchange, central note-taking and comment capabilities for each offender.

(f) Such information technology system shall be developed with state-of-the-art relational database technology and other appropriate software applications and hardware, and shall be:

(1) Completely accessible by any authorized criminal justice official through the Internet;

(2) Completely integrated with the state police, organized local police departments, law enforcement agencies and such other agencies and organizations as the governing board deems necessary and appropriate, and their information systems and database applications;

(3) Indexed and cross-referenced by offender name, residence, community, criminal offense and any other data points necessary for the effective administration of the state's criminal justice system;

(4) Fully text searchable for all records;

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(5) Secure and protected by high-level security and controls;

(6) Accessible to the public subject to appropriate privacy protections and controls; and

(7) Monitored and administered by the Criminal Justice Information Systems Governing Board, with the assistance of the Department of Information Technology, provided major software and hardware needs may be provided and serviced by private, third-party vendors.

(g) Not later than July 1, 2008, the Criminal Justice Information Systems Governing Board shall issue a request for proposals for the design and implementation of such information technology system and hire a consultant to develop a plan for such design and implementation.

(h) Not later than July 1, 2008, and not later than January first and July first of each year thereafter, the Criminal Justice Information System Governing Board shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice and appropriations and the budgets of state agencies concerning the status of the design and implementation of such information technology system. In conjunction with the report submitted not later than January first of each year, the board shall also make a presentation to said committees during the ensuing regular session concerning the status of the design and implementation of such information technology system and a specific itemization of the additional resources, if any, that are needed to achieve such design and implementation.

Sec. 41. (NEW) (*Effective October 1, 2008*) (a) There shall be a supervised diversionary program for persons with psychiatric disabilities accused of a crime or crimes or a motor vehicle violation or

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violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. For the purposes of this section, "psychiatric disability" means a mental or emotional condition, other than solely substance abuse, that (1) has substantial adverse effects on the defendant's ability to function, and (2) requires care and treatment.

(b) A person shall be ineligible for participation in such supervised diversionary program if such person (1) is ineligible to participate in the pretrial program for accelerated rehabilitation under subsection (c) of section 54-56e of the general statutes, or (2) has twice previously participated in such supervised diversionary program.

(c) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury, that such person has not had such program invoked in such person's behalf more than once. Court personnel shall provide notice, on a form approved by rule of court, to any victim of such crime or motor vehicle violation, by registered or certified mail, that such person has applied for the program and that such victim has an opportunity to be heard by the court on the matter.

(d) The court shall refer such person to the Court Support Services Division for confirmation of eligibility and assessment of the person's mental health condition. The prosecuting attorney shall provide the division with a copy of the police report in the case to assist the division in its assessment. The division shall determine if the person is amenable to treatment and if appropriate services and treatment are available. If the division determines that the person is amenable to treatment and that appropriate services and treatment are available, it shall develop a treatment plan tailored to the person and shall present it to the court.

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(e) Upon confirmation of eligibility and consideration of the treatment plan presented by the Court Support Services Division, the court may grant such application. If the court grants the application, such person shall be referred to the division. The division shall collaborate with the Department of Mental Health and Addiction Services to place such person in a program that provides appropriate community supervision, treatment and services. The person shall be subject to the supervision of a probation officer who has a reduced caseload and specialized training in working with persons with psychiatric disabilities.

(f) The Court Support Services Division shall establish policy and procedures to require division employees to notify any victim of the person admitted to the program of any conditions ordered by the court that directly affect the victim and of such person's scheduled court appearances with respect to the case.

(g) Any person who enters the program shall agree: (1) To the tolling of the statute of limitations with respect to such crime or violation; (2) to a waiver of such person's right to a speedy trial; and (3) to any conditions that may be established by the division concerning participation in the supervised diversionary program including conditions concerning participation in meetings or sessions of the program.

(h) If the Court Support Services Division informs the court that such person is ineligible for the program and the court makes a determination of ineligibility or if the division certifies to the court that such person did not successfully complete the assigned program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list.

(i) If such person satisfactorily completes the assigned program, such person may apply for dismissal of the charges against such

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person and the court, on reviewing the record of such person's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If such person does not apply for dismissal of the charges against such person after satisfactorily completing the assigned program, the court, upon receipt of the record of such person's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Except as provided in subsection (j) of this section, upon dismissal, all records of such charges shall be erased pursuant to section 54-142a of the general statutes. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or supervision or terminating the participation of a person in such program shall be a final judgment for purposes of appeal.

(j) The Court Support Services Division shall develop and maintain a database of information concerning persons admitted to the supervised diversionary program that shall be available to the state police and organized local police departments for use by sworn police officers when responding to incidents involving such persons. Such information shall include the person's name, date of birth, Social Security number, the violation or violations with which the person was charged, the dates of program participation and whether a deadly weapon or dangerous instrument was involved in the violation or violations for which the program was granted. The division shall enter such information in the database upon such person's entry into the program, update such information as necessary and retain such information for a period of five years after the date of such person's entry into the program.

(k) The Court Support Services Division, in collaboration with the Department of Mental Health and Addiction Services, shall develop

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standards and oversee appropriate treatment programs to meet the requirements of this section and may contract with service providers to provide such programs.

(l) The Court Support Services Division shall retain the police report provided to it by the prosecuting attorney and the record of supervision including the dates of supervision and shall provide such information to the court, prosecuting attorney and defense counsel whenever a court is considering whether to grant an application by such person for participation in the supervised diversionary program for a second time.

Sec. 42. (*Effective from passage*) (a) For the fiscal year ending June 30, 2008, \$430,943 of the unexpended balance of funds appropriated to the State Comptroller-Fringe Benefits in section 1 of public act 07-1 of the June special session, for Higher Education Alternative Retirement System, shall be transferred to the Board of Pardons and Parole, within the Department of Correction, as follows: For Personal Services - \$215,929; for Other Expenses - \$154,514; for Equipment - \$60,500.

(b) For the fiscal year ending June 30, 2008, \$845,000 of the unexpended balance of funds appropriated to the State Comptroller-Fringe Benefits in section 1 of public act 07-1 of the June special session, for Higher Education Alternative Retirement System, shall be transferred to the Department of Correction as follows: For Other Expenses - \$125,000; for Community Support Services - \$495,000; for Community Support Services - \$225,000 for the purpose of contracting with a nonprofit organization to provide reentry and diversionary services in the Bridgeport area. The unexpended balance of \$495,000 transferred in this subsection for Community Support Services shall not lapse on June 30, 2008, and such funds shall continue to be available for such purposes for the fiscal year ending June 30, 2009.

(c) For the fiscal year ending June 30, 2008, \$530,875 of the

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unexpended balance of funds appropriated to the State Comptroller-Fringe Benefits in section 1 of public act 07-1 of the June special session, for Higher Education Alternative Retirement System, shall be transferred to the Judicial Department as follows: For Personal Services - \$27,500; for Other Expenses - \$1,375; for Equipment - \$7,000; for Alternative Incarceration Program - \$495,000. The unexpended balance of \$495,000 transferred in this subsection for Alternative Incarceration Program shall not lapse on June 30, 2008, and such funds shall continue to be available for such purposes for the fiscal year ending June 30, 2009.

(d) (1) For the fiscal year ending June 30, 2008, \$100,000 of the unexpended balance of funds appropriated to the State Comptroller-Fringe Benefits in section 1 of public act 07-1 of the June special session, for Higher Education Alternative Retirement System, shall be transferred to the Office of Policy and Management, Other Expenses, for purposes of costs related to the Criminal Justice Information System Governing Board as provided in subsection (e) of section 39 of this act.

(2) The unexpended balance of funds transferred in subdivision (1) of this subsection shall not lapse on June 30, 2008, and such funds shall continue to be available for such purposes for the fiscal year ending June 30, 2009.

(e) For the fiscal year ending June 30, 2008, \$62,805 of the unexpended balance of funds appropriated to the State Comptroller-Fringe Benefits in section 1 of public act 07-1 of the June special session, for Higher Education Alternative Retirement System, shall be transferred to the Office of the State Comptroller - Fringe Benefits, for State Employees Health Services Cost.

Sec. 43. (*Effective from passage*) Up to \$17,065,577 of the unexpended balance of funds appropriated to the Office of Policy and Management

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in section 1 of public act 07-1 of the June special session, for PILOT - New Manufacturing and Equipment, shall not lapse on June 30, 2008, and such funds shall be transferred as follows for the fiscal year ending June 30, 2009:

(1) To the Board of Pardons and Parole, within the Department of Correction: For Personal Services - \$1,027,898; for Other Expenses - \$827,084; for Equipment - \$32,250;

(2) To the Department of Correction: For Other Expenses - \$125,000; for Community Support Services - \$4,280,000; for Community Support Services - \$725,000 for the purpose of contracting with a nonprofit organization to provide reentry and diversionary services in the Bridgeport area;

(3) To the Judicial Department: For Personal Services - \$403,538; for Other Expenses - \$770,178; for Equipment - \$28,000; for Alternative Incarceration Program - \$4,892,360; for Alternative Incarceration Program - \$1,000,000 for the purpose of contracting with nonprofit organizations to provide reentry and diversionary services in the Hartford and New Haven areas;

(4) To the Office of the State Comptroller - Fringe Benefits, for State Employees Health Service Cost - \$352,135, and for State Employees Retirement Contributions - \$352,135; and

(5) To the Office of Policy and Management, for Other Expenses - \$2,000,000 for purposes of the design and implementation of a comprehensive, state-wide information technology system for the sharing of criminal justice information as provided in section 40 of this act; \$250,000 for costs related to the Criminal Justice Information System Governing Board, as provided in subsection (e) of section 39 of this act.

Sec. 44. Section 54-125b of the general statutes is repealed. (*Effective Jan. Sp. Sess., Public Act No. 08-1* **43 of 44**)

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July 1, 2008)

Approved January 25, 2008