



House of Representatives

General Assembly

File No. 537

January Session, 2007

Substitute House Bill No. 7217

House of Representatives, April 19, 2007

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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:

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 Section 18-85 of the general statutes is repealed and the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

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

10 [Sums] (b) Compensation so earned shall be deposited, under the
11 direction of the administrative head of such institution or facility, in an
12 inmate's individual account in a savings bank or state bank and trust

13 company in this state, and funds from such account may be transferred
14 to the inmate's discharge savings account pursuant to section 2 of this
15 act. Any amount in such accounts shall be paid to the inmate on [his]
16 the inmate's discharge, [; but] except that the warden or Community
17 Correctional Center Administrator may, while the inmate is in
18 custody, disburse any compensation earned by such inmate in
19 accordance with the following priorities: (1) Federal taxes due; (2)
20 restitution or payment of compensation to a crime victim ordered by
21 any court of competent jurisdiction; (3) payment of a civil judgment
22 rendered in favor of a crime victim by any court of competent
23 jurisdiction; (4) victims compensation through the criminal injuries
24 account administered by the Office of Victim Services; (5) state taxes
25 due; (6) support of [his] the inmate's dependents, if any; (7) [his] the
26 inmate's necessary travel expense to and from work and other
27 incidental expenses; (8) costs of such inmate's incarceration under
28 section 18-85a and regulations adopted in accordance with said
29 section; and (9) payment to the clerk of the court in which an inmate of
30 a community correctional center, held only for payment of a fine, was
31 convicted, such portion of such compensation as is necessary to pay
32 such fine. Any interest that accrues shall be credited to any
33 institutional fund established for the welfare of inmates.
34 Compensation under this section shall be in addition to any
35 compensation received or credited under section 18-50.

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

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

47 (c) If the amount in the inmate's discharge savings account is equal
48 to five hundred dollars, the commissioner shall impose a deduction of
49 ten per cent on all deposits made to the inmate's individual account to
50 the extent necessary to reimburse the state for the costs of the inmate's
51 incarceration pursuant to section 18-85a of the general statutes, as
52 amended by this act, and the regulations adopted pursuant to said
53 section 18-85a.

54 (d) Disbursement to the inmate from the inmate's discharge savings
55 account shall be reduced by any disbursement required by sections 18-
56 85, 18-85b, 18-85c and 18-101 of the general statutes, as amended by
57 this act.

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

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

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

67 (b) The state shall have a claim against each inmate for the costs of
68 such inmate's incarceration under this section, and regulations
69 adopted in accordance with this section, for which the state has not
70 been reimbursed. Any property owned by such inmate may be used to
71 satisfy such claim, except property that is: (1) Exempt pursuant to
72 section 52-352b or 52-352d, except as provided in subsection (b) of
73 section 52-321a; (2) subject to the provisions of section 54-218; (3)
74 acquired by such inmate after the inmate is released from
75 incarceration, but not including property so acquired that is subject to
76 the provisions of section 18-85b, 18-85c or 52-367c, and except as
77 provided in subsection (b) of section 52-321a; [or] (4) acquired by such
78 inmate for work performed during incarceration as part of a program

79 designated or defined in regulations adopted by the Commissioner of
80 Correction, in accordance with the provisions of chapter 54, as a job
81 training, skill development or career opportunity or enhancement
82 program; or (5) deposited in a discharge savings account pursuant to
83 section 2 of this act, not in excess of five hundred dollars. In addition to
84 other remedies available at law, the Attorney General, on request of
85 the Commissioner of Correction, may bring an action in the superior
86 court for the judicial district of Hartford to enforce such claim,
87 provided no such action shall be brought but within two years from
88 the date the inmate is released from incarceration or, if the inmate dies
89 while in the custody of the commissioner, within two years from the
90 date of the inmate's death, except that such limitation period shall not
91 apply if such property was fraudulently concealed from the state.

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

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

104 (b) On granting privileges to any person under section 18-90b or 18-
105 100, the commissioner or [his] the commissioner's designee shall
106 disburse any compensation earned by such person in accordance with
107 the following priorities: (1) Federal taxes due; (2) restitution or
108 payment of compensation to a crime victim ordered by any court of
109 competent jurisdiction; (3) payment of a civil judgment rendered in
110 favor of a crime victim by any court of competent jurisdiction; (4)
111 victims compensation through the criminal injuries account

112 administered by the Office of Victim Services; (5) state taxes due; (6)
113 support of [his] such person's dependents, if any; (7) [his] such
114 person's necessary travel expense to and from work and other
115 incidental expenses; and (8) costs of such person's incarceration under
116 section 18-85a, as amended by this act, and regulations adopted in
117 accordance with said section. [, and the] The commissioner shall pay
118 any balance remaining to such person upon [his] the person's
119 discharge including any amount transferred to a discharge savings
120 account pursuant to section 2 of this act. Each person gainfully self-
121 employed shall pay to the commissioner the costs of such person's
122 incarceration under section 18-85a and regulations adopted in
123 accordance with said section, and on default in payment thereof [his]
124 the person's participation under section 18-100 shall be revoked.

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

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

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

137 (2) The collection of a blood or other biological sample from persons
138 required to submit to the taking of such sample pursuant to subsection
139 (b) of section 54-102g shall be the responsibility of the Department of
140 Public Safety and shall be taken at a time and place specified by the
141 sentencing court.

142 (3) The collection of a blood or other biological sample from persons
143 required to submit to the taking of such sample pursuant to subsection

144 (c) of section 54-102g shall be the responsibility of the Commissioner of
145 Mental Health and Addiction Services or the Commissioner of Mental
146 Retardation, as the case may be, and shall be taken at a time and place
147 specified by said commissioner.

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

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

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

164 (c) No civil liability shall attach to any person authorized to take a
165 blood or other biological sample as provided in this section as a result
166 of the act of taking such sample from any person submitting thereto, if
167 the blood or other biological sample was taken according to
168 recognized medical procedures, provided no person shall be relieved
169 from liability for negligence in the taking of any such sample.

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

176 with the contents.

177 (e) The steps set forth in this section relating to the taking, handling,
178 identification and disposition of blood or other biological samples are
179 procedural and not substantive. Substantial compliance therewith shall
180 be deemed to be sufficient. The samples shall be transported to the
181 Division of Scientific Services within the Department of Public Safety
182 not more than fifteen days following their collection and shall be
183 analyzed and stored in the DNA data bank in accordance with sections
184 54-102i and 54-102j.

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

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

189 (a) All officers and employees of the Judicial Department;

190 (b) All officers and employees of the Legislative Department;

191 (c) All officers elected by popular vote;

192 (d) All agency heads, members of boards and commissions and
193 other officers appointed by the Governor;

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

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

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

205 department or institution;

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

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

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

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

219 (l) All members of the professional and technical staffs of the
220 constituent units of the state system of higher education, as defined in
221 section 10a-1, of all other state institutions of learning, of the
222 Department of Higher Education, and of the agricultural experiment
223 station at New Haven, professional and managerial employees of the
224 Department of Education and teachers certified by the State Board of
225 Education and employed in teaching positions at state institutions;

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

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

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

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

233 (q) Patients or inmates of state institutions who receive

234 compensation for services rendered therein;

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

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

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

242 (u) Employees in the senior executive service;

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

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

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

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

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

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

258 (bb) Employees in the education professions bargaining unit;

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	18-85
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	18-85a
Sec. 4	<i>July 1, 2007</i>	18-101
Sec. 5	<i>October 1, 2007</i>	54-102h
Sec. 6	<i>July 1, 2007</i>	5-198
Sec. 7	<i>July 1, 2007</i>	18-82
Sec. 8	<i>October 1, 2007</i>	Repealer section

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Correction, Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires the Department of Correction (DOC) to create a discharge savings account for each inmate. An inmate can accumulate up to \$500 in their account, and the savings are payable to the inmate at the time of discharge. Once the account reaches \$500, DOC can deduct 10% from any deposits to reimburse the state for the inmate’s cost of incarceration. It is anticipated that the department will collect additional revenue toward the cost of incarceration; in FY 06 approximately \$1.9 million was collected.

The bill makes various other changes that are not anticipated to result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 7217

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

SUMMARY:

This bill requires the Department of Correction (DOC) to create a discharge savings account for each inmate to accumulate up to \$500 payable to the inmate on discharge.

By law, someone convicted of a felony or a crime requiring registration as a sex offender must submit to a DNA test before being released on parole, unless the person was already tested. The bill makes DOC instead of the Board of Pardons and Paroles responsible for collecting the sample. By law, DOC is responsible for supervising offenders on parole.

The bill specifically authorizes the DOC commissioner to appoint and remove wardens to oversee a district, parole and community services, population management, programs and treatment, security and academy training, and staff development. Under the bill, these wardens serve at the commissioner's pleasure and are exempt from the classified service. By law, wardens of institutions are already subject to these provisions.

The bill eliminates a provision requiring referral to the Connecticut Prison Association of a mentally ill male prisoner transferred to a state mental hospital when he is to be released at the end of his sentence. The eliminated provision requires the association to return the prisoner to his residence or, if none, a place to best accomplish his reinstatement into society.

EFFECTIVE DATE: July 1, 2007 except the provisions on collecting DNA samples and referrals of mentally ill male prisoners are effective on October 1, 2007.

DISCHARGE SAVINGS ACCOUNT

The bill allows DOC to deduct up to 10% of any deposit into an inmate's individual account for transfer to the inmate's discharge savings account. Once the account reaches \$500, the bill requires DOC to deduct 10% from any deposits to reimburse the state for the inmate's cost of incarceration, as necessary.

The bill requires placing the money an inmate receives for jobs he or she performs in an individual bank account for the inmate and authorizes funds to be transferred from it to the inmate's discharge savings account.

The bill excludes money in the discharge savings account from the state's claim for the inmate's costs of incarceration. But it reduces the amount payable to the inmate due to required payments under other statutes, including:

1. paying taxes;
2. supporting dependents;
3. court ordered restitution or compensation of victims, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
4. necessary travel and incidental expenses for work;
5. payments to the court clerk if the inmate is held only for not paying a fine;
6. attorneys' fees and expenses in a lawsuit and associated hospitalization costs and physicians' fees not paid by other benefits; and

7. certain expenses if the inmate dies, such as burial expenses.

The bill authorizes DOC to adopt regulations to implement these provisions.

BACKGROUND

Costs of Incarceration

The law requires DOC to adopt regulations to assess inmates for the costs of their incarceration. The regulations require charging inmates for their using various services and programs. An inmate is a person confined or formerly confined in a correctional facility under a sentence imposed by a Connecticut state court.

The regulations define the per-inmate, per-day cost of incarceration at DOC facilities as the amount computed using the same accounting procedures the comptroller uses to calculate such costs for state humane institutions. The regulations also make inmates responsible for the costs of certain services and programs such as sick calls; dental procedures; eyeglasses; elective and vocational educational programs; extended family visits; and lab tests to detect illegal drugs, if the results are positive.

The law gives the state a claim for the costs of incarceration against an inmate’s property but it excludes certain types of property.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/02/2007)