



Senate

General Assembly

File No. 586

January Session, 2007

Substitute Senate Bill No. 170

Senate, April 26, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PARDONS.

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

1 Section 1. Section 54-130a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Jurisdiction over the granting of, and the authority to grant,
4 commutations of punishment or releases, conditioned or absolute, in
5 the case of any person convicted of any offense against the state and
6 commutations from the penalty of death shall be vested in the Board of
7 Pardons and Paroles.

8 (b) [Said] The board shall have authority to grant pardons,
9 conditioned, provisional or absolute, for any offense against the state
10 at any time after the imposition and before or after the service of any
11 sentence.

12 (c) The board may accept an application for a pardon three years
13 after an applicant's conviction of a misdemeanor or violation and five

14 years after an applicant's conviction of a felony, except that the board,
15 upon a finding of extraordinary circumstances, may accept an
16 application for a pardon prior to such dates.

17 [(c)] (d) Whenever the board grants an absolute pardon to any
18 person, the board shall cause notification of such pardon to be made in
19 writing to the clerk of the court in which such person was convicted, or
20 the Office of the Chief Court Administrator if such person was
21 convicted in the Court of Common Pleas, the Circuit Court, a
22 municipal court, or a trial justice court.

23 [(d)] (e) Whenever the board grants a provisional pardon to any
24 person, the board shall cause notification of such pardon to be made in
25 writing to the clerk of the court in which such person was convicted.
26 The granting of a provisional pardon does not entitle such person to
27 erasure of the record of the conviction of the offense or relieve such
28 person from disclosing the existence of such conviction as may be
29 required.

30 (f) In the case of any person convicted of a violation for which a
31 sentence to a term of imprisonment may be imposed, the board shall
32 have authority to grant a pardon, conditioned, provisional or absolute,
33 in the same manner as in the case of any person convicted of an offense
34 against the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	54-130a

Statement of Legislative Commissioners:

Section 1(c) was rephrased for clarity.

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 - Uncertain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill specifies that the Board of Pardons and Paroles (BPP) (1) may accept certain pardons applications within certain timeframes and (2) has the authority to grant pardons to those convicted of certain violations in the same manner as other offenses.

Since the BPP already has the authority to do the above under CGS 54-130a (a-b), it is uncertain if the BPP would alter policies and procedures and therefore, to what extent any fiscal impact would result.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to changes in pardons procedures.

OLR Bill Analysis**sSB 170*****AN ACT CONCERNING PARDONS.*****SUMMARY:**

This bill specifies that the Board of Pardons and Paroles can grant a pardon to someone convicted of a violation that carries a prison term in the same manner as the board can for someone convicted of an offense.

The bill also allows the board to accept pardon applications (1) three years after a person's conviction of a misdemeanor or violation and (2) five years after a person's felony conviction. The bill allows the board to accept an application before these dates for extraordinary circumstances. Under current policy, the board does not accept applications until five years after a person completes the sentence for the crime.

EFFECTIVE DATE: October 1, 2007

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/09/2007)