



General Assembly

January Special Session, 2008

Amendment

LCO No. 10110

SB0170010110HDO

Offered by:
REP. WALKER, 93rd Dist.

To: Senate Bill No. 1700

File No.

Cal. No.

"AN ACT CONCERNING CRIMINAL JUSTICE REFORM."

1 Strike section 12 in its entirety and insert the following in lieu
2 thereof:

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 Section 54-124a of the general statutes is repealed and the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

5 (a) There shall be a Board of Pardons and Paroles within the
6 Department of Correction, for administrative purposes only. On and
7 after October 1, 2004, the board shall consist of thirteen members
8 appointed by the Governor with the advice and consent of [either
9 house] both houses of the General Assembly. In the appointment of the
10 members, the Governor shall [endeavor to reflect the racial diversity of
11 the state] comply with the provisions of section 4-9b. The Governor
12 shall appoint a chairperson from among the membership. The
13 [chairperson] members of the board appointed on or after February 1,
14 2008, shall be qualified by education, experience [and] or training in
15 the administration of community corrections, parole or pardons,

16 criminal justice, criminology, the evaluation or supervision of
17 offenders or the provision of mental health services to offenders. Each
18 appointment of a member of the board submitted by the Governor to
19 the General Assembly on or after February 1, 2008, shall be referred,
20 without debate, to the committee on the judiciary which shall report
21 thereon not later than thirty legislative days after the date of reference.

22 (b) The term of each appointed member of the board serving on
23 September 30, 2004, shall expire on said date. The term of each
24 member of the board [beginning on or after October 1, 2004,] shall be
25 coterminous with the term of the Governor or until a successor is
26 chosen, whichever is later. Any vacancy in the membership of the
27 board shall be filled for the unexpired portion of the term by the
28 Governor.

29 (c) The chairperson shall devote full time to the performance of the
30 duties under this section and shall be compensated therefor in such
31 amount as the Commissioner of Administrative Services determines,
32 subject to the provisions of section 4-40. The other members of [said]
33 the board shall receive one hundred ten dollars for each day spent in
34 the performance of their duties and shall be reimbursed for necessary
35 expenses incurred in the performance of such duties. The chairperson
36 or, in the chairperson's absence or inability to act, a member
37 designated by the chairperson to serve temporarily as chairperson,
38 shall be present at all meetings of [said] the board and participate in all
39 decisions thereof.

40 (d) The chairperson shall be the executive and administrative head
41 of said board and shall have the authority and responsibility for (1)
42 overseeing all administrative affairs of the board, (2) assigning
43 members to panels, (3) establishing procedural rules for members to
44 follow when conducting hearings, reviewing recommendations made
45 by employees of the board and making decisions, (4) adopting policies
46 in all areas of pardons and paroles including, but not limited to,
47 granting pardons, commutations of punishments or releases,
48 conditioned or absolute, in the case of any person convicted of any

49 offense against the state and commutations from the penalty of death,
50 risk-based structured decision making and release criteria, [(3)] (5)
51 consulting with the Department of Correction on shared issues
52 including, but not limited to, prison overcrowding, [(4)] (6) consulting
53 with the Judicial Department on shared issues of community
54 supervision, and [(5)] (7) signing and issuing subpoenas to compel the
55 attendance and testimony of witnesses at parole proceedings. Any
56 such subpoena shall be enforceable to the same extent as subpoenas
57 issued pursuant to section 52-143.

58 (e) The chairperson may serve on both pardons panels and parole
59 release panels and shall have the authority and responsibility for
60 assigning members to such panels. The chairperson shall assign seven
61 members exclusively to parole release hearings and shall assign five
62 members exclusively to pardons hearings. Except for the chairperson,
63 no member assigned to parole release hearings may be assigned
64 subsequently to pardons hearings and no member assigned to pardons
65 hearings may be assigned subsequently to parole release hearings.
66 Each parole release panel shall be composed of two members and the
67 chairperson or a member designated to serve temporarily as
68 chairperson, for each correctional institution. Such parole release
69 panels shall be the paroling authority for the institutions to which they
70 are assigned and not less than two members shall be present at each
71 parole hearing. Each pardons panel shall be composed of three
72 members, one of whom may be the chairperson, except that for
73 hearings on commutations from the penalty of death, one member of
74 the panel shall be the chairperson.

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

83 commutations from the penalty of death in accordance with section 54-
84 130a, as amended.

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

89 (h) The chairperson, or the chairperson's designee, and two
90 members of the board shall conduct all parole release hearings, [and]
91 shall, prior to July 1, 2008, approve or deny all parole releases
92 recommended by an employee of the board pursuant to section 54-
93 125b, as amended by this act, and shall approve or deny all parole
94 revocations and parole rescissions recommended by an employee of
95 the board pursuant to section 54-127a. No panel of the Board of
96 Pardons and Paroles shall hold a hearing to determine the suitability
97 for parole release of any person or, prior to July 1, 2008, hold a meeting
98 to consider the recommendation of an employee of the board made
99 pursuant to section 54-125b, as amended by this act, to grant parole to
100 a person unless the chairperson of the board has made reasonable
101 efforts to determine the existence of and obtain all information deemed
102 pertinent to the panel's decision and has certified that all such
103 pertinent information determined to exist has been obtained or is
104 unavailable.

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

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

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

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

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

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

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

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

147 (l) The chairperson and executive director shall establish:

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

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

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

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

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

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