



House of Representatives

General Assembly

File No. 671

January Session, 2009

Substitute House Bill No. 6624

House of Representatives, April 16, 2009

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 THE BOARD OF PARDONS AND PAROLES.

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

1 Section 1. Subsection (a) of section 54-124a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) There shall be a Board of Pardons and Paroles within the
5 Department of Correction, for administrative purposes only. [On and
6 after February 1, 2008, and prior to July 1, 2008, the board shall consist
7 of not more than twenty-five members appointed by the Governor.]
8 On and after July 1, 2008, and prior to July 1, 2009, the board shall
9 consist of eighteen members. On and after July 1, 2009, the board shall
10 consist of twenty members. On and after February 1, 2008, the
11 Governor shall appoint all members of the board with the advice and
12 consent of both houses of the General Assembly. On and after July 1,
13 2008, twelve of the members shall serve exclusively on parole release
14 panels, five of the members shall serve exclusively on pardons panels
15 and the chairperson may serve on both parole release panels and

16 pardons panels, except that on and after July 1, 2009, seven of the
17 members shall serve exclusively on pardons panels. In the
18 appointment of the members on and after February 1, 2008, the
19 Governor shall specify the member being appointed as chairperson,
20 the full-time and part-time members being appointed to serve on
21 parole release panels and the members being appointed to serve on
22 pardons panels. In the appointment of the members, the Governor
23 shall comply with the provisions of section 4-9b. The Governor shall
24 appoint a chairperson from among the membership. The members of
25 the board appointed on or after February 1, 2008, shall be qualified by
26 education, experience or training in the administration of community
27 corrections, parole or pardons, criminal justice, criminology, the
28 evaluation or supervision of offenders or the provision of mental
29 health services to offenders. Each appointment of a member of the
30 board submitted by the Governor to the General Assembly on or after
31 February 1, 2008, shall be referred, without debate, to the committee on
32 the judiciary which shall report thereon not later than thirty legislative
33 days after the date of reference.

34 Sec. 2. Subsection (e) of section 54-124a of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective from*
36 *passage*):

37 (e) Of the members appointed prior to February 1, 2008, the
38 chairperson shall assign seven members exclusively to parole release
39 hearings and shall assign five members exclusively to pardons
40 hearings. Except for the chairperson, no member assigned to parole
41 release hearings may be assigned subsequently to pardons hearings
42 and no member assigned to pardons hearings may be assigned
43 subsequently to parole release hearings. Prior to July 1, 2008, each
44 parole release panel shall be composed of two members from among
45 the members assigned by the chairperson exclusively to parole release
46 hearings or the members appointed by the Governor on or after
47 February 1, 2008, to serve exclusively on parole release panels, and the
48 chairperson or a member designated to serve temporarily as
49 chairperson, for each correctional institution. On and after July 1, 2008,

50 and prior to July 1, 2009, each parole release panel shall be composed
 51 of two members appointed by the Governor on or after February 1,
 52 2008, to serve on parole release panels, at least one of whom is a full-
 53 time member, and the chairperson or a full-time member designated to
 54 serve temporarily as chairperson, for each correctional institution. On
 55 and after July 1, 2009, each parole release panel shall be composed of
 56 two members appointed by the Governor to serve on parole release
 57 panels and the chairperson or a full-time member designated to serve
 58 temporarily as chairperson, for each correctional institution. Such
 59 parole release panels shall be the paroling authority for the institutions
 60 to which they are assigned and not less than two members shall be
 61 present at each parole hearing. Each pardons panel shall be composed
 62 of three members from among the members assigned by the
 63 chairperson exclusively to pardons hearings or the members appointed
 64 by the Governor on or after February 1, 2008, to serve on pardons
 65 panels, one of whom may be the chairperson, except that for hearings
 66 on commutations from the penalty of death, one member of the panel
 67 shall be the chairperson.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-124a(a)
Sec. 2	<i>from passage</i>	54-124a(e)

Statement of Legislative Commissioners:

In sections 1 and 2, language concerning the membership of the board and the composition of pardons and parole release panels on and after July 1, 2009, was rewritten for clarity.

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Correction, Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in additional costs for per diem compensation of part-time pardons board members to the extent that the availability of additional members would increase the number of hearings held by the pardons board. Part-time members are compensated at a rate of \$110 per day plus mileage expenses. About \$7,400 will be spent on this purpose in FY 09 under current law. The number of additional hearings and the amount of cost associated with it is anticipated to be minimal.

In addition, the bill could also result in increased utilization of part time parole board members to the extent that such members would fill-in for fixed salary full-time members. Part-time parole board members are also compensated at \$110 per day plus mileage expenses. Such expenses are estimated at less than \$100,000 for FY 09. Any increase in utilization and associated cost is anticipated to be minimal.

The Out Years

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

OLR Bill Analysis**HB 6624*****AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES.*****SUMMARY:**

Beginning July 1, 2009, this bill increases (1) membership on the board of pardons and paroles from 18 to 20 and (2) the number of members who must serve exclusively on pardons panels from five to seven. The bill eliminates the requirement that at least one member of each parole release panel be a full-time member.

EFFECTIVE DATE: Upon passage

BACKGROUND***The Board of Pardons and Paroles***

By law, all members of the board of pardons and paroles appointed starting February 1, 2008 must be qualified by education, experience, or training in administering community corrections, parole, or pardons; criminal justice; criminology; evaluation or supervision of offenders; or providing mental health services to offenders.

Beginning February 1, 2008, the law requires the governor to specify appointments for chairman, full-time or part-time parole panel members, and pardons panel members.

By law, the chairman serves full-time, as do the five board members who are appointed by the governor beginning on February 1, 2008 to serve on parole panels and who receive compensation as set by the Department of Administrative Services. The remaining board members serve part-time and receive \$110 for each day they perform their duties, plus necessary expenses.

By law, parole release panels consist of two members and the chairman or his designee who serves temporarily. Since July 1, 2008, the law (1) requires parole release panels to consist of two members from among those the governor appointed on or after February 1, 2008 to serve on parole panels and (2) only allows the chairman to designate a full-time member to serve temporarily in his place.

By law, pardons panels consist of three members, one of whom can be the chairman. But the chairman must be on the panel for a hearing about commuting a death sentence. Panel members can be chosen from those members (1) assigned to pardons hearings by the chairman or (2) appointed by the governor, starting on February 1, 2008, to serve on pardons panels (CGS § 54-124a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/27/2009)