



General Assembly

Bill No. 7006

September Special
Session, 2009

LCO No. 9917

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Referred to Committee on No Committee

Introduced by:

REP. DONOVAN, 84th Dist.

SEN. WILLIAMS, 29th Dist.

**AN ACT IMPLEMENTING CERTAIN PROVISIONS OF THE BUDGET
CONCERNING GENERAL GOVERNMENT.**

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

1 Section 1. (*Effective from passage*) In achieving the reductions
2 specified in the provisions of sections 1 and 11 of public act 09-3 of the
3 June special session, Reduce Other Expenses to FY 07 Levels, no
4 reductions shall be made to the Other Expenses account of the Judicial
5 Department.

6 Sec. 2. (*Effective from passage*) The sum of \$700,000 appropriated to
7 the Department of Correction in sections 1 and 11 of public act 09-3 of
8 the June special session, for Children of Incarcerated Parents, shall be
9 made available, for each of the fiscal years ending June 30, 2010, and
10 June 30, 2011, as follows: (1) \$650,000 to the Judicial Department to
11 provide funding for the purposes of section 3 of this act, and (2)
12 \$50,000 to the Connecticut Pardon Team, Inc. to assist individuals in
13 applying for pardons.

14 Sec. 3. (*Effective from passage*) Not later than December 1, 2009, the
15 Judicial Department and Central Connecticut State University shall
16 enter into a memorandum of understanding providing for the Institute
17 for Municipal and Regional Policy to conduct research, evaluation,
18 outreach and public policy development concerning children of
19 incarcerated parents and to create and implement programs for such
20 children, which may include, but not be limited to, programs to
21 reunify incarcerated women with their children in the community.

22 Sec. 4. Section 32-356 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective July 1, 2010*):

24 (a) For purposes of this section, "incubator facilities" shall have the
25 same meaning as incubator facilities in section 32-34.

26 (b) The Commissioner of Economic and Community Development
27 shall establish the small business incubator program to provide grants
28 to [entities operating incubator facilities, as defined in section 32-34.
29 The Department of Economic and Community Development may
30 enter into an agreement, pursuant to chapter 55a, with a person, firm,
31 corporation or other entity to operate such program. The department,
32 or a program operator selected pursuant to this subsection,] the
33 Connecticut Center for Advanced Technology to operate a state-wide
34 incubator program. The center shall, subject to the availability of
35 funds, operate a technology-based small business incubator program.
36 In accordance with the written guidelines developed [by] with the
37 department, the [department or program operator, if any,] center may
38 provide grants to assist small businesses operating within an
39 incubator. [facilities.] Grants made pursuant to this section shall be
40 used by such entities to provide operating funds and related services,
41 including business plan preparation, assistance in acquiring financing
42 and management counseling to such small businesses.

43 [(c) An entity shall submit an application for a grant pursuant to this
44 section in the manner prescribed by the Commissioner of Economic
45 and Community Development.]

46 [(d)] (c) There is established an account to be known as the small
47 business incubator account, which shall be a separate, nonlapsing
48 account within the General Fund. The commissioner may use funds
49 from the account to provide administrative expenses and grants
50 pursuant to this section.

51 [(e)] (d) (1) There is established a Small Business Incubator Advisory
52 Board. Said board shall consist of: (A) The Commissioner of Economic
53 and Community Development; (B) the president of the Connecticut
54 Development Authority and the executive director of Connecticut
55 Innovations, Incorporated, as ex-officio nonvoting members, or their
56 designees; (C) one member to be appointed by the Governor; (D) two
57 members with experience in the field of technology transfer and
58 commercialization, to be appointed by the speaker of the House of
59 Representatives; (E) two members with experience in new product and
60 market development, to be appointed by the president pro tempore of
61 the Senate; (F) one member to be appointed by the majority leader of
62 the Senate; (G) one member to be appointed by the majority leader of
63 the House of Representatives; (H) one member with experience in seed
64 and early stage capital investment, to be appointed by the minority
65 leader of the House of Representatives; and (I) one member with
66 experience in seed and early stage capital investment, to be appointed
67 by the minority leader of the Senate. All initial appointments to said
68 board shall be made not later than September 1, 2007.

69 (2) The Commissioner of Economic and Community Development
70 shall schedule the first meeting of said board not later than October 15,
71 2007. Thereafter, the board shall meet at least once annually to evaluate
72 and recommend changes to the guidelines adopted pursuant to this
73 section.

74 Sec. 5. Section 17a-283a of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective from passage*):

76 (a) Notwithstanding any provision of the general statutes
77 concerning the sale, lease or transfer of real property by or on behalf of

78 the state, during the period commencing on July 1, [2007] 2009, and
79 ending on June 30, [2009] 2011, no state-owned real property that is
80 being used for residential purposes by persons with mental retardation
81 may be sold, leased or transferred by or on behalf of the state. The
82 provisions of this subsection shall [not apply to any agreement for the
83 sale, lease or transfer of any state-owned property entered into before
84 June 2, 2005.

85 (b) Subsection (a) of this section shall only] apply to any state-
86 operated community-based residential facility, boarding house, group
87 home or halfway house [meeting the criteria set forth in subsection (a)
88 of this section and] occupied by persons with mental retardation,
89 persons with psychiatric disabilities, alcohol-dependent persons or
90 drug-dependent persons.

91 (b) The provisions of subsection (a) of this section shall not apply to:
92 (1) Any agreement for the sale, lease or transfer of any state-owned
93 property entered into before June 2, 2005; or (2) any state-operated
94 community-based residential facility, boarding house, group home or
95 halfway house privatized by the Department of Developmental
96 Services prior to the effective date of this section.

97 Sec. 6. (NEW) (*Effective from passage*) (a) There is established, within
98 existing budgetary resources, a Connecticut Sentencing Commission
99 which shall be within the Office of Policy and Management for
100 administrative purposes only.

101 (b) The mission of the commission shall be to review the existing
102 criminal sentencing structure in the state and any proposed changes
103 thereto, including existing statutes, proposed legislation and existing
104 and proposed sentencing policies and practices and make
105 recommendations to the Governor, the General Assembly and
106 appropriate criminal justice agencies.

107 (c) In fulfilling its mission, the commission shall be mindful that the
108 primary purpose of sentencing in this state is to enhance public safety

109 while holding the offender accountable to the community. Sentencing
110 should reflect the seriousness of the offense and be proportional to the
111 harm to victims and the community, utilizing the most appropriate
112 sanctions available, including incarceration, community punishment
113 and supervision. Sentencing should have as an overriding goal the
114 reduction of criminal activity, the imposition of just punishment and
115 the provision of meaningful and effective rehabilitation and
116 reintegration of the offender. Sentences should be fair, just and
117 equitable while promoting respect for the law.

118 (d) The commission shall be composed of the following members:

119 (1) Eight persons appointed one each by: (A) The Governor, (B) the
120 Chief Justice of the Supreme Court, (C) the president pro tempore of
121 the Senate, (D) the speaker of the House of Representatives, (E) the
122 majority leader of the Senate, (F) the majority leader of the House of
123 Representatives, (G) the minority leader of the Senate, and (H) the
124 minority leader of the House of Representatives, all of whom shall
125 serve for a term of four years;

126 (2) Two judges appointed by the Chief Justice of the Supreme Court,
127 one of whom shall serve for a term of one year and one of whom shall
128 serve for a term of three years;

129 (3) One representative of the Court Support Services Division of the
130 Judicial Branch appointed by the Chief Justice of the Supreme Court,
131 who shall serve for a term of two years;

132 (4) The Commissioner of Correction, who shall serve for a term
133 coterminous with his or her term of office;

134 (5) The Chief State's Attorney, who shall serve for a term
135 coterminous with his or her term of office;

136 (6) The Chief Public Defender, who shall serve for a term
137 coterminous with his or her term of office;

138 (7) One state's attorney appointed by the Chief State's Attorney,
139 who shall serve for a term of three years;

140 (8) One member of the criminal defense bar appointed by the
141 president of the Connecticut Criminal Defense Lawyers Association,
142 who shall serve for a term of three years;

143 (9) The Victim Advocate, who shall serve for a term coterminous
144 with his or her term of office;

145 (10) The chairperson of the Board of Pardons and Paroles, who shall
146 serve for a term coterminous with his or her term of office;

147 (11) The Commissioner of Public Safety, who shall serve for a term
148 coterminous with his or her term of office;

149 (12) A municipal police chief appointed by the president of the
150 Connecticut Police Chiefs Association, who shall serve for a term of
151 two years;

152 (13) The Commissioner of Mental Health and Addiction Services,
153 who shall serve for a term coterminous with his or her term of office;

154 (14) The undersecretary of the Criminal Justice Policy and Planning
155 Division within the Office of Policy and Management, who shall serve
156 for a term coterminous with his or her term of office; and

157 (15) An active or retired judge appointed by the Chief Justice of the
158 Supreme Court, who shall serve as chairperson of the commission and
159 serve for a term of four years.

160 (e) The commission shall elect a vice-chairperson from among the
161 membership. Appointed members of the commission shall serve for
162 the term specified in subsection (d) of this section and may be
163 reappointed. Any vacancy in the appointed membership of the
164 commission shall be filled by the appointing authority for the
165 unexpired portion of the term.

166 (f) The commission shall:

167 (1) Facilitate the development and maintenance of a state-wide
168 sentencing database in collaboration with existing state and local
169 agencies, and use existing state databases or resources where
170 appropriate;

171 (2) Evaluate current sentencing statutes, policies and practices
172 including conducting a cost-benefit analysis;

173 (3) Conduct sentencing trends analyses and studies and prepare
174 offender profiles;

175 (4) Provide training regarding sentencing and related issues,
176 policies and practices;

177 (5) Act as a sentencing policy resource for the state;

178 (6) Preserve judicial discretion and provide for individualized
179 sentencing;

180 (7) Evaluate the impact of pre-trial, sentencing diversion,
181 incarceration and post-release supervision programs;

182 (8) Perform fiscal impact analyses on selected proposed criminal
183 justice legislation; and

184 (9) Identify potential areas of sentencing disparity relevant to racial,
185 ethnic, gender and socioeconomic status.

186 (g) Upon completion of the state-wide sentencing database
187 provided in subdivision (1) of subsection (f) of this section, the
188 commission shall review criminal justice legislation as requested and
189 as resources allow.

190 (h) The commission shall make recommendations concerning
191 criminal justice legislation, including proposed modifications thereto,
192 to the joint standing committee of the General Assembly having

193 cognizance of matters relating to the judiciary which shall hold a
194 hearing thereon.

195 (i) The commission shall have access to confidential information
196 received by sentencing courts and the Board of Pardons and Paroles
197 including, but not limited to, arrest data, criminal history records,
198 medical records and other nonconviction information.

199 (j) The commission shall obtain full and complete information with
200 respect to programs and other activities and operations of the state that
201 relate to the criminal sentencing structure in the state.

202 (k) The commission may request any office, department, board,
203 commission or other agency of the state or any political subdivision of
204 the state to supply such records, information and assistance as may be
205 necessary or appropriate in order for the commission to carry out its
206 duties. Each officer or employee of such office, department, board,
207 commission or other agency of the state or any political subdivision of
208 the state is authorized and directed to cooperate with the commission
209 and to furnish such records, information and assistance.

210 (l) The commission may accept, on behalf of the state, any grants of
211 federal or private funds made available for any purposes consistent
212 with the provisions of this section.

213 (m) Any records or information supplied to the commission that is
214 confidential in accordance with any provision of the general statutes
215 shall remain confidential while in the custody of the commission and
216 shall not be disclosed. Any penalty for the disclosure of such records
217 or information applicable to the officials, employees and authorized
218 representatives of the office, department, board, commission or other
219 agency of the state or any political subdivision of the state that
220 supplied such records or information shall apply in the same manner
221 and to the same extent to the members, staff and authorized
222 representatives of the commission.

223 (n) The commission shall be deemed to be a criminal justice agency
224 as defined in subsection (b) of section 54-142g of the general statutes.

225 (o) The commission shall meet at least once during each calendar
226 quarter and at such other times as the chairperson deems necessary.

227 (p) Not later than January 15, 2010, and annually thereafter, the
228 commission shall submit a report, in accordance with the provisions of
229 section 11-4a of the general statutes, to the Governor, the General
230 Assembly and the Chief Justice of the Supreme Court.

231 Sec. 7. (*Effective from passage*) (a) Notwithstanding any provision of
232 the general statutes, the Commissioner of Public Works shall sell the
233 former Seaside Regional Center property located in the town of
234 Waterford, at a cost equal to the fair market value of said property, as
235 determined by the average of the appraisals of two independent
236 appraisers selected by said commissioner. The sale shall be subject to
237 the approval of the State Properties Review Board.

238 (b) The State Properties Review Board shall complete its review of
239 the sale of said property not later than thirty days after it receives a
240 proposed agreement from the Department of Public Works. The
241 property shall remain under the care and control of said department
242 until a sale is made in accordance with the provisions of this section.
243 The State Treasurer shall execute and deliver any deed or instrument
244 necessary for said sale. The Commissioner of Public Works shall have
245 the sole responsibility for all other incidents of said sale.

246 (c) Notwithstanding the provisions of section 17a-451d of the
247 general statutes, all moneys received by the state from the sale
248 authorized by this section shall be deposited in the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2010</i>	32-356
Sec. 5	<i>from passage</i>	17a-283a
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section