Offered by:
SEN. COLEMAN, 2nd Dist.
REP. FOX, 146th Dist.

To: House Bill No. 6650

"AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS."

1 Strike section 22 in its entirety and insert the following in lieu thereof:

"Sec. 22. (NEW) (Effective July 1, 2011) (a) Notwithstanding any provision of the general statutes, any person sentenced to a term of imprisonment for a crime committed on or after October 1, 1994, and committed to the custody of the Commissioner of Correction on or after said date, except a person sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-70a or 53a-100aa, may be eligible to earn risk reduction credit toward a reduction of such person's sentence, in an amount not to exceed five days per month, at the discretion of the Commissioner of Correction for conduct as provided in subsection (b) of this section occurring on or after April 1, 2006."
(b) An inmate may earn risk reduction credit for adherence to the inmate's offender accountability plan, for participation in eligible programs and activities, and for good conduct and obedience to institutional rules as designated by the commissioner, provided (1) good conduct and obedience to institutional rules alone shall not entitle an inmate to such credit, and (2) the commissioner or the commissioner's designee may, in his or her discretion, cause the loss of all or any portion of such earned risk reduction credit for any act of misconduct or insubordination or refusal to conform to recommended programs or activities or institutional rules occurring at any time during the service of the sentence or for other good cause. If an inmate has not earned sufficient risk reduction credit at the time the commissioner or the commissioner's designee orders the loss of all or a portion of earned credit, such loss shall be deducted from any credit earned by such inmate in the future.

(c) The award of risk reduction credit earned for conduct occurring prior to July 1, 2011, shall be phased in consistent with public safety, risk reduction, administrative purposes and sound correctional practice, at the discretion of the commissioner, but shall be completed not later than July 1, 2012.

(d) Any credit earned under this section may only be earned during the period of time that the inmate is sentenced to a term of imprisonment and committed to the custody of the commissioner and may not be transferred or applied to a subsequent term of imprisonment. In no event shall any credit earned under this section be applied by the commissioner so as to reduce a mandatory minimum term of imprisonment such inmate is required to serve by statute.

(e) The commissioner shall adopt policies and procedures to determine the amount of credit an inmate may earn toward a reduction in his or her sentence and to phase in the awarding of retroactive credit authorized by subsection (c) of this section."

After the last section, add the following and renumber sections and
internal references accordingly:

"Sec. 501. Subsection (g) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2012):

(g) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for [one year] forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) (i) if such person is under twenty-one years of age at the time of the offense, have such person's motor vehicle operator's license or nonresident operating privilege suspended for [three years] forty-five days or until the date of such person's twenty-first birthday, whichever is longer, and, as a condition for the restoration of such license, be required to
install an ignition interlock device on each motor vehicle owned or
operated by such person and, upon such restoration, be prohibited for
the [two-year] three-year period following [completion of such period
of suspension] such restoration from operating a motor vehicle unless
such motor vehicle is equipped with a functioning, approved ignition
interlock device, as defined in section 14-227j, or (ii) if such person is
twenty-one years of age or older at the time of the offense, have such
person's motor vehicle operator's license or nonresident operating
privilege suspended for [one year] forty-five days and, as a condition
for the restoration of such license, be required to install an ignition
interlock device on each motor vehicle owned or operated by such
person and, upon such restoration, be prohibited for the [two-year]
three-year period following [completion of such period of suspension] such restoration from operating a motor vehicle unless such motor
vehicle is equipped with a functioning, approved ignition interlock
device, as defined in section 14-227j; and (3) for conviction of a third
and subsequent violation within ten years after a prior conviction for
the same offense, (A) be fined not less than two thousand dollars or
more than eight thousand dollars, (B) be imprisoned not more than
three years, one year of which may not be suspended or reduced in
any manner, and sentenced to a period of probation requiring as a
condition of such probation that such person perform one hundred
hours of community service, as defined in section 14-227e, and (C)
have such person's motor vehicle operator's license or nonresident
operating privilege permanently revoked upon such third offense For
purposes of the imposition of penalties for a second or third and
subsequent offense pursuant to this subsection, a conviction under the
provisions of subsection (a) of this section in effect on October 1, 1981,
or as amended thereafter, a conviction under the provisions of either
subdivision (1) or (2) of subsection (a) of this section, a conviction
under the provisions of section 53a-56b or 53a-60d or a conviction in
any other state of any offense the essential elements of which are
determined by the court to be substantially the same as subdivision (1)
or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
shall constitute a prior conviction for the same offense.
Sec. 502. Subsection (i) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2012):

(i) (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of this section to operate a motor vehicle if (A) such person has served the suspension required under said subparagraph, [(C)(i) or (C)(ii),] notwithstanding that such person has not completed serving any suspension required under subsection (i) of section 14-227b, and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person. Except as provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device. (2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. No court sentencing a person convicted of a violation of subsection (a) of this section may waive any fees or costs associated with the installation and maintenance of an ignition interlock device. (3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. The regulations shall establish procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices and for the installation of such devices by any firm approved and authorized by the commissioner and shall specify acts by persons required to install and use such devices that constitute a failure to comply with the requirements for the installation and use of such devices, the conditions under which such noncompliance will result in an extension of the period during which such persons are restricted to the operation of motor vehicles equipped with such devices and the duration of any such extension. The commissioner shall ensure that such firm provide notice to both the commissioner and the Court
Support Services Division of the Judicial Branch whenever a person required to install such device commits a violation with respect to the installation, maintenance or use of such device. (4) The provisions of this subsection shall not be construed to authorize the continued operation of a motor vehicle equipped with an ignition interlock device by any person whose operator's license or nonresident operating privilege is withdrawn, suspended or revoked for any other reason. (5) The provisions of this subsection shall apply to any person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of this section on or after [September 1, 2003] the effective date of this section. (6) Whenever a person is permitted by the commissioner under this subsection to operate a motor vehicle if such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, the commissioner shall indicate in the electronic record maintained by the commissioner pertaining to such person's operator's license or driving history that such person is restricted to operating a motor vehicle that is equipped with an ignition interlock device and the duration of such restriction, and shall ensure that such electronic record is accessible by law enforcement officers. Any such person shall pay the commissioner a fee of one hundred dollars prior to the installation of such device. Nothing in this subsection shall be construed to require the commissioner to verify that each motor vehicle owned by such person has been equipped with such device. (7) There is established the ignition interlock administration account which shall be a separate, nonlapsing account in the General Fund. The commissioner shall deposit all fees paid pursuant to subdivision (6) of this subsection in the account. Funds in the account may be used by the commissioner for the administration of this subsection. (8) Notwithstanding any provision of the general statutes to the contrary, upon request of any person convicted of a violation of subsection (a) of this section whose operator's license is under suspension on the effective date of this section, the Commissioner of Motor Vehicles may reduce the term of suspension
prescribed in subsection (g) of this section and place a restriction on
the operator's license of such person that restricts the holder of such
license to the operation of a motor vehicle that is equipped with an
approved ignition interlock device, as defined in section 14-227j, for
the remainder of such prescribed period of suspension. (9) Any person
required to install an ignition interlock device under this section shall
be supervised by personnel of the Court Support Services Division of
the Judicial Branch while such person is subject to probation
supervision or by personnel of the Department of Motor Vehicles if
such person is not subject to probation supervision, and such person
shall be subject to any other terms and conditions as the commissioner
may prescribe and any provision of the general statutes or the
regulations adopted pursuant to subdivision (3) of this subsection not
inconsistent herewith. (10) Notwithstanding the periods prescribed in
subsection (g) of this section and subdivision (2) of subsection (k) of
section 14-111, as amended by this act, during which a person is
prohibited from operating a motor vehicle unless such motor vehicle is
equipped with a functioning, approved ignition interlock device, such
periods may be extended in accordance with the regulations adopted
pursuant to subdivision (3) of this subsection.

Sec. 503. Subsection (g) of section 14-36 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
January 1, 2012):

(g) The commissioner may place a restriction on the motor vehicle
operator's license of any person or on any special operator's permit
issued to any person in accordance with the provisions of section 14-
37a that restricts the holder of such license or permit to the operation
of a motor vehicle that is equipped with an approved ignition interlock
device, as defined in section 14-227j, for such time as the commissioner
shall prescribe, if such person has been: (1) Convicted for a first or
second time of a violation of subdivision (2) of subsection (a) of section
14-227a, and has served not less than [one year] forty-five days of the
prescribed period of suspension for such conviction, in accordance
with the provisions of subsections (g) and (i) of section 14-227a, as
amended by this act; (2) ordered by the Superior Court not to operate any motor vehicle unless it is equipped with an approved ignition interlock device, in accordance with the provisions of section 14-227j; (3) granted a reversal or reduction of such person's license suspension or revocation, in accordance with the provisions of subsection (k) of section 14-111, as amended by this act; (4) issued a motor vehicle operator's license upon the surrender of an operator's license issued by another state and such previously held license contains a restriction to the operation of a motor vehicle equipped with an ignition interlock device; (5) convicted of a violation of section 53a-56b or 53a-60d; or (6) permitted by the commissioner to be issued or to retain an operator's license subject to reporting requirements concerning such person's physical condition, in accordance with the provisions of subsection (e) of this section and sections 14-45a to 14-46g, inclusive.

Sec. 504. Subsection (k) of section 14-111 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2012):

(k) (1) Whenever any person has been convicted of any violation of section 14-110, 14-147, 14-215, 14-222 or 14-224 and such person's license has been suspended by the commissioner or, if such person has had his or her license suspended in accordance with the provisions of section 14-111c or 14-111n, such person may make application to the commissioner for the reversal or reduction of the term of such suspension. Such application shall be in writing and shall state specifically the reasons why such applicant believes that the applicant is entitled to such reversal or reduction. The commissioner shall consider each such application and the applicant's driver control record, as defined in section 14-111h, and may grant a hearing to the applicant in accordance with the provisions of chapter 54 and section 14-4a.

(2) Any person whose license has been revoked in accordance with subparagraph (C) of subdivision (3) of subsection (g) of section 14-227a, as amended by this act, may, at any time after six years from the
date of such revocation, request a hearing before the commissioner, conducted in accordance with the provisions of chapter 54, and the provisions of subdivision (1) of this subsection for reversal or reduction of such revocation. The commissioner shall require such person to provide evidence that any reversal or reduction of such revocation shall not endanger the public safety or welfare. Such evidence shall include, but not be limited to, proof that such person has successfully completed an alcohol education and treatment program, and proof that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding six years. The commissioner shall require any person, as a condition of granting such reversal or reduction, to install and maintain an approved ignition interlock device, in accordance with the provisions of subsection (i) of section 14-227a, as amended by this act. The approved ignition interlock device shall be installed and maintained [from]\ for a period of ten years after the date of the granting of such reversal or reduction.\[is granted until ten years has passed since the date of such revocation.\] The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to establish standards to implement the provisions of this section.

Sec. 505. Section 14-227k of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2012):

(a) No person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j or by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act, shall (1) request or solicit another person to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing such person with an operable motor vehicle, or (2) operate any motor vehicle not equipped with a functioning ignition interlock device or any motor vehicle that a court has ordered such person not to operate.

(b) No person shall tamper with, alter or bypass the operation of an
ignition interlock device for the purpose of providing an operable motor vehicle to a person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j or by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act.

(c) (1) Any person who violates any provision of subdivision (1) of subsection (a) or subsection (b) of this section shall be guilty of a class C misdemeanor.

(2) Any person who violates any provision of subdivision (2) of subsection (a) of this section shall be subject to the penalties set forth in subsection (c) of section 14-215, as amended by this act.

(d) Each court shall report each conviction under subsection (a) or (b) of this section to the Commissioner of Motor Vehicles, in accordance with the provisions of section 14-141. The commissioner shall suspend the motor vehicle operator's license or nonresident operating privilege of the person reported as convicted for a period of one year.

Sec. 506. Subsection (c) of section 14-215 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2012):

(c) (1) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a violation of subsection (a) of section 14-227a or section 53a-56b or 53a-60d or pursuant to section 14-227b, or in violation of a restriction placed on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act, or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than one year, and, in the absence of any mitigating circumstances as determined by the court, thirty
consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(2) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a second violation of subsection (a) of section 14-227a or section 53a-56b or 53a-60d or for the second time pursuant to section 14-227b, or in violation of a restriction placed for the second time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act, or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than two years, and, in the absence of any mitigating circumstances as determined by the court, one hundred twenty consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(3) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a third or subsequent violation of subsection (a) of section 14-227a or section 53a-56b or 53a-60d or for the third or subsequent time pursuant to section 14-227b, or in violation of a restriction placed for the third or subsequent time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act, or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than three years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced in any manner.

(4) The court shall specifically state in writing for the record the
mitigating circumstances, or the absence thereof.

Sec. 507. (Effective from passage) Not later than February 1, 2012, the Department of Motor Vehicles and the Court Support Services Division of the Judicial Branch shall jointly develop and submit to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and transportation, in accordance with section 11-4a of the general statutes, an implementation plan for requiring the installation and use of ignition interlock devices beginning January 1, 2014, for all persons who commit a violation of section 14-227a of the general statutes.

Sec. 508. Section 14-227f of the general statutes is repealed. (Effective January 1, 2012)