



General Assembly

Amendment

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LCO No. 7534

HB0665007534SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

REP. FOX, 146th Dist.

To: House Bill No. 6650

File No.

Cal. No.

"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
2 thereof:

3 "Sec. 22. (NEW) (*Effective July 1, 2011*) (a) Notwithstanding any
4 provision of the general statutes, any person sentenced to a term of
5 imprisonment for a crime committed on or after October 1, 1994, and
6 committed to the custody of the Commissioner of Correction on or
7 after said date, except a person sentenced for a violation of section 53a-
8 54a, 53a-54b, 53a-54c, 53a-54d, 53a-70a or 53a-100aa, may be eligible to
9 earn risk reduction credit toward a reduction of such person's
10 sentence, in an amount not to exceed five days per month, at the
11 discretion of the Commissioner of Correction for conduct as provided
12 in subsection (b) of this section occurring on or after April 1, 2006.

13 (b) An inmate may earn risk reduction credit for adherence to the
14 inmate's offender accountability plan, for participation in eligible
15 programs and activities, and for good conduct and obedience to
16 institutional rules as designated by the commissioner, provided (1)
17 good conduct and obedience to institutional rules alone shall not
18 entitle an inmate to such credit, and (2) the commissioner or the
19 commissioner's designee may, in his or her discretion, cause the loss of
20 all or any portion of such earned risk reduction credit for any act of
21 misconduct or insubordination or refusal to conform to recommended
22 programs or activities or institutional rules occurring at any time
23 during the service of the sentence or for other good cause. If an inmate
24 has not earned sufficient risk reduction credit at the time the
25 commissioner or the commissioner's designee orders the loss of all or a
26 portion of earned credit, such loss shall be deducted from any credit
27 earned by such inmate in the future.

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

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

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

44 After the last section, add the following and renumber sections and

45 internal references accordingly:

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

49 (g) Any person who violates any provision of subsection (a) of this
50 section shall: (1) For conviction of a first violation, (A) be fined not less
51 than five hundred dollars or more than one thousand dollars, and (B)
52 be (i) imprisoned not more than six months, forty-eight consecutive
53 hours of which may not be suspended or reduced in any manner, or
54 (ii) imprisoned not more than six months, with the execution of such
55 sentence of imprisonment suspended entirely and a period of
56 probation imposed requiring as a condition of such probation that
57 such person perform one hundred hours of community service, as
58 defined in section 14-227e, and (C) have such person's motor vehicle
59 operator's license or nonresident operating privilege suspended for
60 [one year] forty-five days and, as a condition for the restoration of such
61 license, be required to install an ignition interlock device on each
62 motor vehicle owned or operated by such person and, upon such
63 restoration, be prohibited for the one-year period following such
64 restoration from operating a motor vehicle unless such motor vehicle is
65 equipped with a functioning, approved ignition interlock device, as
66 defined in section 14-227j; (2) for conviction of a second violation
67 within ten years after a prior conviction for the same offense, (A) be
68 fined not less than one thousand dollars or more than four thousand
69 dollars, (B) be imprisoned not more than two years, one hundred
70 twenty consecutive days of which may not be suspended or reduced in
71 any manner, and sentenced to a period of probation requiring as a
72 condition of such probation that such person perform one hundred
73 hours of community service, as defined in section 14-227e, and (C) (i) if
74 such person is under twenty-one years of age at the time of the offense,
75 have such person's motor vehicle operator's license or nonresident
76 operating privilege suspended for [three years] forty-five days or until
77 the date of such person's twenty-first birthday, whichever is longer,
78 and, as a condition for the restoration of such license, be required to

79 install an ignition interlock device on each motor vehicle owned or
80 operated by such person and, upon such restoration, be prohibited for
81 the [two-year] three-year period following [completion of such period
82 of suspension] such restoration from operating a motor vehicle unless
83 such motor vehicle is equipped with a functioning, approved ignition
84 interlock device, as defined in section 14-227j, or (ii) if such person is
85 twenty-one years of age or older at the time of the offense, have such
86 person's motor vehicle operator's license or nonresident operating
87 privilege suspended for [one year] forty-five days and, as a condition
88 for the restoration of such license, be required to install an ignition
89 interlock device on each motor vehicle owned or operated by such
90 person and, upon such restoration, be prohibited for the [two-year]
91 three-year period following [completion of such period of suspension]
92 such restoration from operating a motor vehicle unless such motor
93 vehicle is equipped with a functioning, approved ignition interlock
94 device, as defined in section 14-227j; and (3) for conviction of a third
95 and subsequent violation within ten years after a prior conviction for
96 the same offense, (A) be fined not less than two thousand dollars or
97 more than eight thousand dollars, (B) be imprisoned not more than
98 three years, one year of which may not be suspended or reduced in
99 any manner, and sentenced to a period of probation requiring as a
100 condition of such probation that such person perform one hundred
101 hours of community service, as defined in section 14-227e, and (C)
102 have such person's motor vehicle operator's license or nonresident
103 operating privilege permanently revoked upon such third offense For
104 purposes of the imposition of penalties for a second or third and
105 subsequent offense pursuant to this subsection, a conviction under the
106 provisions of subsection (a) of this section in effect on October 1, 1981,
107 or as amended thereafter, a conviction under the provisions of either
108 subdivision (1) or (2) of subsection (a) of this section, a conviction
109 under the provisions of section 53a-56b or 53a-60d or a conviction in
110 any other state of any offense the essential elements of which are
111 determined by the court to be substantially the same as subdivision (1)
112 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
113 shall constitute a prior conviction for the same offense.

114 Sec. 502. Subsection (i) of section 14-227a of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective*
116 *January 1, 2012*):

117 (i) (1) The Commissioner of Motor Vehicles shall permit a person
118 whose license has been suspended in accordance with the provisions
119 of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii)
120 of subdivision (2) of subsection (g) of this section to operate a motor
121 vehicle if (A) such person has served the suspension required under
122 said subparagraph, [(C)(i) or (C)(ii),] notwithstanding that such person
123 has not completed serving any suspension required under subsection
124 (i) of section 14-227b, and (B) such person has installed an approved
125 ignition interlock device in each motor vehicle owned or to be
126 operated by such person. Except as provided in sections 53a-56b and
127 53a-60d, no person whose license is suspended by the commissioner
128 for any other reason shall be eligible to operate a motor vehicle
129 equipped with an approved ignition interlock device. (2) All costs of
130 installing and maintaining an ignition interlock device shall be borne
131 by the person required to install such device. No court sentencing a
132 person convicted of a violation of subsection (a) of this section may
133 waive any fees or costs associated with the installation and
134 maintenance of an ignition interlock device. (3) The commissioner shall
135 adopt regulations, in accordance with the provisions of chapter 54, to
136 implement the provisions of this subsection. The regulations shall
137 establish procedures for the approval of ignition interlock devices, for
138 the proper calibration and maintenance of such devices and for the
139 installation of such devices by any firm approved and authorized by
140 the commissioner and shall specify acts by persons required to install
141 and use such devices that constitute a failure to comply with the
142 requirements for the installation and use of such devices, the
143 conditions under which such noncompliance will result in an
144 extension of the period during which such persons are restricted to the
145 operation of motor vehicles equipped with such devices and the
146 duration of any such extension. The commissioner shall ensure that
147 such firm provide notice to both the commissioner and the Court

148 Support Services Division of the Judicial Branch whenever a person
149 required to install such device commits a violation with respect to the
150 installation, maintenance or use of such device. (4) The provisions of
151 this subsection shall not be construed to authorize the continued
152 operation of a motor vehicle equipped with an ignition interlock
153 device by any person whose operator's license or nonresident
154 operating privilege is withdrawn, suspended or revoked for any other
155 reason. (5) The provisions of this subsection shall apply to any person
156 whose license has been suspended in accordance with the provisions
157 of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii)
158 of subdivision (2) of subsection (g) of this section on or after
159 [September 1, 2003] the effective date of this section. (6) Whenever a
160 person is permitted by the commissioner under this subsection to
161 operate a motor vehicle if such person has installed an approved
162 ignition interlock device in each motor vehicle owned or to be
163 operated by such person, the commissioner shall indicate in the
164 electronic record maintained by the commissioner pertaining to such
165 person's operator's license or driving history that such person is
166 restricted to operating a motor vehicle that is equipped with an
167 ignition interlock device and the duration of such restriction, and shall
168 ensure that such electronic record is accessible by law enforcement
169 officers. Any such person shall pay the commissioner a fee of one
170 hundred dollars prior to the installation of such device. Nothing in this
171 subsection shall be construed to require the commissioner to verify
172 that each motor vehicle owned by such person has been equipped with
173 such device. (7) There is established the ignition interlock
174 administration account which shall be a separate, nonlapsing account
175 in the General Fund. The commissioner shall deposit all fees paid
176 pursuant to subdivision (6) of this subsection in the account. Funds in
177 the account may be used by the commissioner for the administration of
178 this subsection. (8) Notwithstanding any provision of the general
179 statutes to the contrary, upon request of any person convicted of a
180 violation of subsection (a) of this section whose operator's license is
181 under suspension on the effective date of this section, the
182 Commissioner of Motor Vehicles may reduce the term of suspension

183 prescribed in subsection (g) of this section and place a restriction on
184 the operator's license of such person that restricts the holder of such
185 license to the operation of a motor vehicle that is equipped with an
186 approved ignition interlock device, as defined in section 14-227j, for
187 the remainder of such prescribed period of suspension. (9) Any person
188 required to install an ignition interlock device under this section shall
189 be supervised by personnel of the Court Support Services Division of
190 the Judicial Branch while such person is subject to probation
191 supervision or by personnel of the Department of Motor Vehicles if
192 such person is not subject to probation supervision, and such person
193 shall be subject to any other terms and conditions as the commissioner
194 may prescribe and any provision of the general statutes or the
195 regulations adopted pursuant to subdivision (3) of this subsection not
196 inconsistent herewith. (10) Notwithstanding the periods prescribed in
197 subsection (g) of this section and subdivision (2) of subsection (k) of
198 section 14-111, as amended by this act, during which a person is
199 prohibited from operating a motor vehicle unless such motor vehicle is
200 equipped with a functioning, approved ignition interlock device, such
201 periods may be extended in accordance with the regulations adopted
202 pursuant to subdivision (3) of this subsection.

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

206 (g) The commissioner may place a restriction on the motor vehicle
207 operator's license of any person or on any special operator's permit
208 issued to any person in accordance with the provisions of section 14-
209 37a that restricts the holder of such license or permit to the operation
210 of a motor vehicle that is equipped with an approved ignition interlock
211 device, as defined in section 14-227j, for such time as the commissioner
212 shall prescribe, if such person has been: (1) Convicted for a first or
213 second time of a violation of subdivision (2) of subsection (a) of section
214 14-227a, and has served not less than [one year] forty-five days of the
215 prescribed period of suspension for such conviction, in accordance
216 with the provisions of subsections (g) and (i) of section 14-227a, as

217 amended by this act; (2) ordered by the Superior Court not to operate
218 any motor vehicle unless it is equipped with an approved ignition
219 interlock device, in accordance with the provisions of section 14-227j;
220 (3) granted a reversal or reduction of such person's license suspension
221 or revocation, in accordance with the provisions of subsection (k) of
222 section 14-111, as amended by this act; (4) issued a motor vehicle
223 operator's license upon the surrender of an operator's license issued by
224 another state and such previously held license contains a restriction to
225 the operation of a motor vehicle equipped with an ignition interlock
226 device; (5) convicted of a violation of section 53a-56b or 53a-60d; or (6)
227 permitted by the commissioner to be issued or to retain an operator's
228 license subject to reporting requirements concerning such person's
229 physical condition, in accordance with the provisions of subsection (e)
230 of this section and sections 14-45a to 14-46g, inclusive.

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

234 (k) (1) Whenever any person has been convicted of any violation of
235 section 14-110, 14-147, 14-215, 14-222 or 14-224 and such person's
236 license has been suspended by the commissioner or, if such person has
237 had his or her license suspended in accordance with the provisions of
238 section 14-111c or 14-111n, such person may make application to the
239 commissioner for the reversal or reduction of the term of such
240 suspension. Such application shall be in writing and shall state
241 specifically the reasons why such applicant believes that the applicant
242 is entitled to such reversal or reduction. The commissioner shall
243 consider each such application and the applicant's driver control
244 record, as defined in section 14-111h, and may grant a hearing to the
245 applicant in accordance with the provisions of chapter 54 and section
246 14-4a.

247 (2) Any person whose license has been revoked in accordance with
248 subparagraph (C) of subdivision (3) of subsection (g) of section 14-
249 227a, as amended by this act, may, at any time after six years from the

250 date of such revocation, request a hearing before the commissioner,
251 conducted in accordance with the provisions of chapter 54, and the
252 provisions of subdivision (1) of this subsection for reversal or
253 reduction of such revocation. The commissioner shall require such
254 person to provide evidence that any reversal or reduction of such
255 revocation shall not endanger the public safety or welfare. Such
256 evidence shall include, but not be limited to, proof that such person
257 has successfully completed an alcohol education and treatment
258 program, and proof that such person has not been convicted of any
259 offense related to alcohol, controlled substances or drugs during the
260 preceding six years. The commissioner shall require any person, as a
261 condition of granting such reversal or reduction, to install and
262 maintain an approved ignition interlock device, in accordance with the
263 provisions of subsection (i) of section 14-227a, as amended by this act.
264 The approved ignition interlock device shall be installed and
265 maintained [from] for a period of ten years after the date of the
266 granting of such reversal or reduction. [is granted until ten years has
267 passed since the date of such revocation.] The commissioner may
268 adopt regulations, in accordance with the provisions of chapter 54, to
269 establish standards to implement the provisions of this section.

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

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

282 (b) No person shall tamper with, alter or bypass the operation of an

283 ignition interlock device for the purpose of providing an operable
284 motor vehicle to a person whose right to operate a motor vehicle has
285 been restricted pursuant to an order of the court under subsection (b)
286 of section 14-227j or by the Commissioner of Motor Vehicles pursuant
287 to subsection (i) of section 14-227a, as amended by this act.

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

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

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

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

303 (c) (1) Any person who operates any motor vehicle during the
304 period such person's operator's license or right to operate a motor
305 vehicle in this state is under suspension or revocation on account of a
306 violation of subsection (a) of section 14-227a or section 53a-56b or 53a-
307 60d or pursuant to section 14-227b, or in violation of a restriction
308 placed on such person's operator's license or right to operate a motor
309 vehicle in this state by the Commissioner of Motor Vehicles pursuant
310 to subsection (i) of section 14-227a, as amended by this act, or pursuant
311 to an order of the court under subsection (b) of section 14-227j, shall be
312 fined not less than five hundred dollars or more than one thousand
313 dollars and imprisoned not more than one year, and, in the absence of
314 any mitigating circumstances as determined by the court, thirty

315 consecutive days of the sentence imposed may not be suspended or
316 reduced in any manner.

317 (2) Any person who operates any motor vehicle during the period
318 such person's operator's license or right to operate a motor vehicle in
319 this state is under suspension or revocation on account of a second
320 violation of subsection (a) of section 14-227a or section 53a-56b or 53a-
321 60d or for the second time pursuant to section 14-227b, or in violation
322 of a restriction placed for the second time on such person's operator's
323 license or right to operate a motor vehicle in this state by the
324 Commissioner of Motor Vehicles pursuant to subsection (i) of section
325 14-227a, as amended by this act, or pursuant to an order of the court
326 under subsection (b) of section 14-227j, shall be fined not less than five
327 hundred dollars or more than one thousand dollars and imprisoned
328 not more than two years, and, in the absence of any mitigating
329 circumstances as determined by the court, one hundred twenty
330 consecutive days of the sentence imposed may not be suspended or
331 reduced in any manner.

332 (3) Any person who operates any motor vehicle during the period
333 such person's operator's license or right to operate a motor vehicle in
334 this state is under suspension or revocation on account of a third or
335 subsequent violation of subsection (a) of section 14-227a or section 53a-
336 56b or 53a-60d or for the third or subsequent time pursuant to section
337 14-227b, or in violation of a restriction placed for the third or
338 subsequent time on such person's operator's license or right to operate
339 a motor vehicle in this state by the Commissioner of Motor Vehicles
340 pursuant to subsection (i) of section 14-227a, as amended by this act, or
341 pursuant to an order of the court under subsection (b) of section 14-
342 227j, shall be fined not less than five hundred dollars or more than one
343 thousand dollars and imprisoned not more than three years, and, in
344 the absence of any mitigating circumstances as determined by the
345 court, one year of the sentence imposed may not be suspended or
346 reduced in any manner.

347 (4) The court shall specifically state in writing for the record the

348 mitigating circumstances, or the absence thereof.

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

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