



General Assembly

February Session, 2012

Amendment

LCO No. 3048

SB0028003048SR0

Offered by:

SEN. RORABACK, 30th Dist.
SEN. MCKINNEY, 28th Dist.
SEN. FASANO, 34th Dist.
SEN. GUGLIELMO, 35th Dist.
SEN. KISSEL, 7th Dist.
SEN. KANE, 32nd Dist.
SEN. BOUCHER, 26th Dist.

SEN. WITKOS, 8th Dist.
SEN. FRANTZ, 36th Dist.
SEN. MCLACHLAN, 24th Dist.
SEN. MARKLEY, 16th Dist.
SEN. SUZIO, 13th Dist.
SEN. WELCH, 31st Dist.

To: Subst. Senate Bill No. 280

File No. 111

Cal. No. 113

"AN ACT REVISING THE PENALTY FOR CAPITAL FELONIES."

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

3 "Sec. 501. Section 18-98e of the 2012 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective from passage*):

6 (a) Notwithstanding any provision of the general statutes, any
7 person sentenced to a term of imprisonment for a crime committed on
8 or after October 1, 1994, and committed to the custody of the
9 Commissioner of Correction on or after said date, except a person
10 sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,

11 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-
12 60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, [or] 53a-70b, 53a-72b,
13 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102,
14 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-
15 167c, 53a-179b, 53a-179c or 53a-181c, may be eligible to earn risk
16 reduction credit toward a reduction of such person's sentence, in an
17 amount not to exceed five days per month, at the discretion of the
18 Commissioner of Correction for conduct as provided in subsection (b)
19 of this section occurring on or after April 1, 2006.

20 (b) An inmate may earn risk reduction credit for adherence to the
21 inmate's offender accountability plan, for participation in eligible
22 programs and activities, and for good conduct and obedience to
23 institutional rules as designated by the commissioner, provided (1)
24 good conduct and obedience to institutional rules alone shall not
25 entitle an inmate to such credit, [and] (2) the commissioner or the
26 commissioner's designee may, in his or her discretion, cause the loss of
27 all or any portion of such earned risk reduction credit for any act of
28 misconduct or insubordination or refusal to conform to recommended
29 programs or activities or institutional rules occurring at any time
30 during the service of the sentence or for other good cause, and (3) the
31 commissioner or the commissioner's designee shall cause the loss of all
32 such earned risk reduction credits for any person who earned such
33 credits prior to the effective date of this section while sentenced for a
34 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
35 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-
36 70b, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-101, 53a-102,
37 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-
38 167c, 53a-179b, 53a-179c or 53a-181c. If an inmate has not earned
39 sufficient risk reduction credit at the time the commissioner or the
40 commissioner's designee orders the loss of all or a portion of earned
41 credit, such loss shall be deducted from any credit earned by such
42 inmate in the future.

43 (c) The award of risk reduction credit earned for conduct occurring
44 prior to July 1, 2011, shall be phased in consistent with public safety,

45 risk reduction, administrative purposes and sound correctional
 46 practice, at the discretion of the commissioner, but shall be completed
 47 not later than July 1, 2012.

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

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	18-98e