



General Assembly

**Amendment**

February Session, 2012

LCO No. 3184

**\*SB0028003184HR0\***

Offered by:

REP. LAVIELLE, 143<sup>rd</sup> Dist.

REP. HETHERINGTON, 125<sup>th</sup> Dist.

To: Subst. Senate Bill No. 280

File No. 111

Cal. No. 240

**"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4 statutes is repealed and the following is substituted in lieu thereof  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 July 1, 2012, and applicable to eligibility to earn risk reduction*  
6 *credits on or after said date*):

7 (a) Notwithstanding any provision of the general statutes, any  
8 person sentenced to a term of imprisonment for a crime committed on  
9 or after October 1, 1994, and committed to the custody of the  
10 Commissioner of Correction on or after said date, except a person  
11 sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,  
12 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-70a or 53a-100aa, may be  
13 eligible to earn risk reduction credit toward a reduction of such  
14 person's sentence, in an amount not to exceed five days per month, at  
15 the discretion of the Commissioner of Correction for conduct as

16 provided in subsection (b) of this section occurring on or after April 1,  
17 2006.

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

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

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

45 (e) The commissioner shall adopt policies and procedures to  
46 determine the amount of credit an inmate may earn toward a  
47 reduction in his or her sentence and to phase in the awarding of

48 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>July 1, 2012, and applicable to eligibility to earn risk reduction credits on or after said date</i>	18-98e