



General Assembly

January Session, 2013

Raised Bill No. 6657

LCO No. 4739



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING SENTENCING AND RISK REDUCTION CREDITS.

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

1 Section 1. Section 54-125a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person convicted of one or more crimes who is incarcerated on
4 or after October 1, 1990, who received a definite sentence or aggregate
5 sentence of more than two years, and who has been confined under
6 such sentence or sentences for not less than one-half of the aggregate
7 sentence less any risk reduction credit earned under the provisions of
8 section 18-98e or one-half of the most recent sentence imposed by the
9 court less any risk reduction credit earned under the provisions of
10 section 18-98e, whichever is greater, may be allowed to go at large on
11 parole in the discretion of the panel of the Board of Pardons and
12 Paroles for the institution in which the person is confined, if (1) it
13 appears from all available information, including any reports from the
14 Commissioner of Correction that the panel may require, that there is
15 reasonable probability that such inmate will live and remain at liberty

16 without violating the law, and (2) such release is not incompatible with
17 the welfare of society. At the discretion of the panel, and under the
18 terms and conditions as may be prescribed by the panel including
19 requiring the parolee to submit personal reports, the parolee shall be
20 allowed to return to the parolee's home or to reside in a residential
21 community center, or to go elsewhere. The parolee shall, while on
22 parole, remain under the jurisdiction of the board until the expiration
23 of the maximum term or terms for which the parolee was sentenced
24 less any risk reduction credit earned under the provisions of section
25 18-98e. Any parolee released on the condition that the parolee reside in
26 a residential community center may be required to contribute to the
27 cost incidental to such residence. Each order of parole shall fix the
28 limits of the parolee's residence, which may be changed in the
29 discretion of the board and the Commissioner of Correction. Within
30 three weeks after the commitment of each person sentenced to more
31 than two years, the state's attorney for the judicial district shall send to
32 the Board of Pardons and Paroles the record, if any, of such person.

33 (b) (1) No person convicted of any of the following offenses, which
34 was committed on or after July 1, 1981, shall be eligible for parole
35 under subsection (a) of this section: (A) Capital felony, as provided
36 under the provisions of section 53a-54b in effect prior to April 25, 2012,
37 (B) murder with special circumstances, as provided under the
38 provisions of section 53a-54b in effect on or after April 25, 2012, (C)
39 felony murder, as provided in section 53a-54c, (D) arson murder, as
40 provided in section 53a-54d, (E) murder, as provided in section 53a-
41 54a, or (F) aggravated sexual assault in the first degree, as provided in
42 section 53a-70a. (2) A person convicted of (A) a violation of section 53a-
43 100aa or 53a-102, or (B) an offense, other than an offense specified in
44 subdivision (1) of this subsection, where the underlying facts and
45 circumstances of the offense involve the use, attempted use or
46 threatened use of physical force against another person shall be
47 ineligible for parole under subsection (a) of this section until such
48 person has served not less than eighty-five per cent of the definite

49 sentence imposed. [less any risk reduction credit earned under the
50 provisions of section 18-98e.]

51 (c) The Board of Pardons and Paroles shall, not later than July 1,
52 1996, adopt regulations in accordance with chapter 54 to ensure that a
53 person convicted of an offense described in subdivision (2) of
54 subsection (b) of this section is not released on parole until such person
55 has served eighty-five per cent of the definite sentence imposed by the
56 court. [less any risk reduction credit earned under the provisions of
57 section 18-98e.] Such regulations shall include guidelines and
58 procedures for classifying a person as a violent offender that are not
59 limited to a consideration of the elements of the offense or offenses for
60 which such person was convicted.

61 (d) The Board of Pardons and Paroles shall hold a hearing to
62 determine the suitability for parole release of any person whose
63 eligibility for parole release is not subject to the provisions of
64 subsection (b) of this section upon completion by such person of
65 seventy-five per cent of such person's definite or aggregate sentence
66 less any risk reduction credit earned under the provisions of section
67 18-98e. An employee of the board or, if deemed necessary by the
68 chairperson, a panel of the board shall reassess the suitability for
69 parole release of such person based on the following standards: (1)
70 Whether there is reasonable probability that such person will live and
71 remain at liberty without violating the law, and (2) whether the
72 benefits to such person and society that would result from such
73 person's release to community supervision substantially outweigh the
74 benefits to such person and society that would result from such
75 person's continued incarceration. After hearing, if the board
76 determines that continued confinement is necessary, it shall articulate
77 for the record the specific reasons why such person and the public
78 would not benefit from such person serving a period of parole
79 supervision while transitioning from incarceration to the community.
80 The decision of the board under this subsection shall not be subject to
81 appeal.

82 (e) The Board of Pardons and Paroles shall hold a hearing to
83 determine the suitability for parole release of any person whose
84 eligibility for parole release is subject to the provisions of subdivision
85 (2) of subsection (b) of this section upon completion by such person of
86 eighty-five per cent of such person's definite or aggregate sentence,
87 [less any risk reduction credit earned under the provisions of section
88 18-98e.] An employee of the board or, if deemed necessary by the
89 chairperson, a panel of the board shall assess the suitability for parole
90 release of such person based on the following standards: (1) Whether
91 there is reasonable probability that such person will live and remain at
92 liberty without violating the law, and (2) whether the benefits to such
93 person and society that would result from such person's release to
94 community supervision substantially outweigh the benefits to such
95 person and society that would result from such person's continued
96 incarceration. After hearing, if the board determines that continued
97 confinement is necessary, it shall articulate for the record the specific
98 reasons why such person and the public would not benefit from such
99 person serving a period of parole supervision while transitioning from
100 incarceration to the community. The decision of the board under this
101 subsection shall not be subject to appeal.

102 (f) Any person released on parole under this section shall remain in
103 the custody of the Commissioner of Correction and be subject to
104 supervision by personnel of the Department of Correction during such
105 person's period of parole.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	54-125a

Statement of Purpose:

To provide that any inmate serving a sentence for a violent offense shall not be released on parole prior to serving eighty-five per cent of the definite or aggregate sentence imposed by the court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]