



General Assembly

January Session, 2013

Raised Bill No. 238

LCO No. 1501

01501_____JUD

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.

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

1 Section 1. Section 18-84a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) The Commissioner of Correction shall require each inmate
4 sentenced to a term of incarceration by a court of this state to
5 accumulate savings to be paid to the inmate on the inmate's
6 [discharge] release from incarceration by establishing a discharge
7 savings account on behalf of the inmate. Any inmate sentenced to a
8 term of incarceration by a court of this state but confined in a facility
9 outside this state shall be exempt from such requirement while
10 confined in such facility.

11 (b) For the purpose of establishing such discharge savings account,
12 the commissioner may impose a deduction of up to ten per cent on all
13 deposits [made] credited to the inmate's individual account, provided
14 the commissioner (1) [transfers] credits such deduction to the inmate's
15 discharge savings account, and (2) ceases imposition [and transfer] of

16 such deduction whenever the amount in the inmate's discharge
17 savings account [is equal to] equals one thousand dollars.

18 (c) [If] Whenever the amount in the inmate's discharge savings
19 account [is equal to] equals one thousand dollars, the commissioner
20 shall impose a deduction of ten per cent on all deposits [made]
21 credited to the inmate's individual account to the extent necessary to
22 reimburse the state for the costs of the inmate's incarceration pursuant
23 to section 18-85a, as amended by this act, and [the] regulations
24 adopted [pursuant to] in accordance with said section. [18-85a.]

25 (d) Disbursement to the inmate from the inmate's discharge savings
26 account upon the inmate's release from incarceration shall not be
27 reduced by any disbursement required by sections 18-85, as amended
28 by this act, 18-85b, 18-85c and 18-101, as amended by this act.

29 (e) The commissioner may adopt regulations, in accordance with the
30 provisions of chapter 54, to implement this section.

31 Sec. 2. Section 18-85 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2013*):

33 (a) The Commissioner of Correction, after consultation with the
34 Commissioner of Administrative Services and the Secretary of the
35 Office of Policy and Management, shall establish a schedule of
36 compensation for services performed on behalf of the state by inmates
37 of any institution or facility of the department. Such schedule shall
38 recognize degrees of merit, diligence and skill in order to encourage
39 inmate incentive and industry.

40 (b) Compensation so earned shall be deposited, under the direction
41 of the [administrative head of such institution or facility, in an inmate's
42 individual account] Commissioner of Correction, in an account in a
43 savings bank or state bank and trust company in this state [, and funds
44 from such account may be transferred to the inmate's discharge
45 savings account pursuant to section 18-84a. Any amount in such

46 accounts] or an account administered by the State Treasurer. Any
47 compensation so earned shall be paid to the inmate on the inmate's
48 [discharge] release from incarceration, except that the [warden or
49 Community Correctional Center Administrator] commissioner may,
50 while the inmate is in custody, disburse any compensation earned by
51 such inmate in accordance with the following priorities: (1) Federal
52 taxes due; (2) restitution or payment of compensation to a crime victim
53 ordered by any court of competent jurisdiction; (3) payment of a civil
54 judgment rendered in favor of a crime victim by any court of
55 competent jurisdiction; (4) victims compensation through the criminal
56 injuries account administered by the Office of Victim Services; (5) state
57 taxes due; (6) support of the inmate's dependents, if any; (7) the
58 inmate's necessary travel expense to and from work and other
59 incidental expenses; (8) deposits credited to the inmate's discharge
60 savings account under section 18-84a, as amended by this act; (9) costs
61 of such inmate's incarceration under section 18-85a, as amended by
62 this act, and regulations adopted in accordance with said section; and
63 [(9)] (10) payment to the clerk of the court in which an inmate, [of a
64 community correctional center, held] confined in a correctional facility
65 only for payment of a fine, was convicted, such portion of such
66 compensation as is necessary to pay such fine. Any interest that
67 accrues shall be credited to any institutional fund established for the
68 welfare of inmates. Compensation under this section shall be in
69 addition to any compensation received or credited under section 18-50.

70 Sec. 3. Section 18-85a of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective July 1, 2013*):

72 (a) The Commissioner of Correction shall adopt regulations, in
73 accordance with the provisions of chapter 54, concerning the
74 assessment of inmates of correctional institutions or facilities for the
75 costs of their incarceration.

76 (b) The state shall have a claim against each inmate for the costs of
77 such inmate's incarceration under this section, and regulations

78 adopted in accordance with this section, for which the state has not
 79 been reimbursed. Any property owned by such inmate may be used to
 80 satisfy such claim, except property that is: (1) Exempt pursuant to
 81 section 52-352b or 52-352d, except as provided in subsection (b) of
 82 section 52-321a; (2) subject to the provisions of section 54-218; (3)
 83 acquired by such inmate after the inmate is released from
 84 incarceration, but not including property so acquired that is subject to
 85 the provisions of section 18-85b, 18-85c or 52-367c, and except as
 86 provided in subsection (b) of section 52-321a; (4) acquired by such
 87 inmate for work performed during incarceration as part of a program
 88 designated or defined in regulations adopted by the Commissioner of
 89 Correction, in accordance with the provisions of chapter 54, as a job
 90 training, skill development or career opportunity or enhancement
 91 program, other than a pilot program established pursuant to section
 92 18-90b, as amended by this act, except that the commissioner may
 93 assess a fee for participation in any such pilot program; or (5)
 94 [deposited in] credited to a discharge savings account pursuant to
 95 section 18-84a, as amended by this act, not in excess of one thousand
 96 dollars. In addition to other remedies available at law, the Attorney
 97 General, on request of the Commissioner of Correction, may bring an
 98 action in the superior court for the judicial district of Hartford to
 99 enforce such claim, provided no such action shall be brought but
 100 within two years from the date the inmate is released from
 101 incarceration or, if the inmate dies while in the custody of the
 102 commissioner, within two years from the date of the inmate's death,
 103 except that such limitation period shall not apply if such property was
 104 fraudulently concealed from the state.

105 Sec. 4. Section 18-101 of the general statutes is repealed and the
 106 following is substituted in lieu thereof (*Effective July 1, 2013*):

107 (a) [When any person] Whenever any inmate to whom privileges
 108 have been granted under section [18-90b or] 18-100 is employed for
 109 compensation, the Commissioner of Correction or the commissioner's
 110 designee shall collect such compensation or require such [person]

111 inmate to deliver to the commissioner or the commissioner's designee
112 the full amount of such compensation when received. The
113 commissioner or [such] the commissioner's designee shall deposit such
114 funds in [trust in] an account in a savings bank or state bank and trust
115 company in this state or an account administered by the State
116 Treasurer and shall credit such funds to the inmate's individual
117 account and shall keep a record showing the status of the account of
118 each [person. Compensation received by such person during such
119 person's term of imprisonment shall not be subject to levy or
120 attachment] inmate.

121 (b) On granting privileges to any [person] inmate under section [18-
122 90b or] 18-100, the commissioner or the commissioner's designee shall
123 disburse any compensation earned by such [person] inmate in
124 accordance with the following priorities: (1) Federal taxes due; (2)
125 restitution or payment of compensation to a crime victim ordered by
126 any court of competent jurisdiction; (3) payment of a civil judgment
127 rendered in favor of a crime victim by any court of competent
128 jurisdiction; (4) victims compensation through the criminal injuries
129 account administered by the Office of Victim Services; (5) state taxes
130 due; (6) support of such [person's] inmate's dependents, if any; (7) such
131 [person's] inmate's necessary travel expense to and from work and
132 other incidental expenses; [and] (8) deposits credited to the inmate's
133 discharge savings account under section 18-84a, as amended by this
134 act; and (9) costs of such [person's] inmate's incarceration under
135 section 18-85a, as amended by this act, and regulations adopted in
136 accordance with said section. The commissioner shall pay any balance
137 remaining to such [person] inmate upon the [person's discharge]
138 inmate's release from incarceration including any amount [transferred]
139 credited to a discharge savings account pursuant to section 18-84a, as
140 amended by this act. Each [person] inmate gainfully self-employed
141 shall pay to the commissioner the costs of such [person's] inmate's
142 incarceration under section 18-85a, as amended by this act, and
143 regulations adopted in accordance with said section, and on default in

144 payment thereof the [person's] inmate's participation under section 18-
145 100 shall be revoked.

146 (c) The commissioner or the commissioner's designee shall notify
147 the Commissioner of Social Services and the welfare department of the
148 town where the dependents of any [person] inmate employed under
149 the provisions of section 18-90b, as amended by this act, or 18-100
150 reside of the amounts of any payments being made to such
151 dependents.

152 Sec. 5. Section 18-90b of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2013*):

154 (a) The Commissioner of Correction [is authorized to] may establish
155 a pilot program involving the use of inmate labor in private industry
156 consistent with governing federal guidelines.

157 (b) The commissioner may enter into such contracts as may be
158 necessary to fully implement the pilot program. Such contractual
159 agreements may include rental or lease agreements for state buildings
160 or portions thereof on the grounds of any institution or facility of the
161 Department of Correction and for any real property needed for
162 reasonable access to and egress from any such building for the purpose
163 of establishing and operating a factory for the manufacturing and
164 processing of goods, wares or merchandise or the provision of service
165 or any other business or commercial enterprise deemed by the
166 commissioner to enhance the general welfare of the inmate population.

167 (c) An inmate may participate in the pilot program established
168 pursuant to this section only on a voluntary basis and only after he has
169 been informed of the conditions of his employment.

170 (d) No inmate participating in the pilot program shall be paid less
171 than the prevailing wage for work of similar nature in private
172 industry.

173 (e) Inmate participation in the pilot program shall not result in the
174 displacement of employed workers and shall not impair existing
175 contracts for services.

176 (f) Nothing [contained] in this section shall be deemed to restore in
177 whole or in part the civil rights of any inmate. No inmate compensated
178 for participation in the program shall be considered to be an employee
179 of the state or exempt from the provisions of (1) section 18-84a, as
180 amended by this act, or (2) section 18-85a, as amended by this act, and
181 regulations adopted in accordance with said section.

182 (g) The provisions of subsection (j) of section 18-88 shall not apply to
183 any articles, materials or products manufactured or produced by
184 institutional inmates pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	18-84a
Sec. 2	<i>July 1, 2013</i>	18-85
Sec. 3	<i>July 1, 2013</i>	18-85a
Sec. 4	<i>July 1, 2013</i>	18-101
Sec. 5	<i>July 1, 2013</i>	18-90b

Statement of Purpose:

To make clarifying, technical and conforming changes to provisions concerning the establishment, accumulation and disbursement of inmate discharge savings accounts that are payable to the inmate upon release from incarceration.

[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.]