



General Assembly

January Session, 2013

Governor's Bill No. 846

LCO No. 2969



Referred to Committee on JUDICIARY

Introduced by:

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

AN ACT DECREASING RECIDIVISM AND PROMOTING RESPONSIBLE REINTEGRATION.

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

1 Section 1. Section 54-124a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) There shall be a Board of Pardons and Paroles within the
4 Department of Correction, for administrative purposes only. On [and
5 after July 1, 2008, and prior to July 1, 2010, the board shall consist of
6 eighteen members, and on] and after July 1, 2010, the board shall
7 consist of twenty members, including the chairperson. The Governor
8 shall appoint all members of the board with the advice and consent of
9 both houses of the General Assembly. [On and after July 1, 2008,
10 twelve of the members shall serve exclusively on parole release panels,
11 five of the members shall serve exclusively on pardons panels and the

12 chairperson may serve on both parole release panels and pardons
13 panels, except that on and after July 1, 2010, seven of the members
14 shall serve exclusively on pardons panels.] In the appointment of the
15 members, the Governor shall specify the member being appointed as
16 chairperson, [the full-time and part-time members being appointed to
17 serve on parole release panels and the members being appointed to
18 serve on pardons panels.] In the appointment of the members, the
19 Governor shall comply with the provisions of section 4-9b. [The
20 Governor shall appoint a chairperson from among the membership.]
21 The members of the board appointed on or after [February 1, 2008]
22 July 1, 2013, shall be qualified by education, experience or training in
23 the administration of community corrections, parole or pardons,
24 criminal justice, criminology, the evaluation or supervision of
25 offenders or the provision of [mental] public health services [to
26 offenders] or legal services. All members of the board may serve on
27 both parole release panels and pardons panels as assigned by the
28 chairperson. Each appointment of a member of the board submitted by
29 the Governor to the General Assembly shall be referred, without
30 debate, to the [committee on] joint standing committee of the General
31 Assembly having cognizance of matters relating to the judiciary which
32 shall report thereon not later than thirty legislative days after the date
33 of reference.

34 (b) [The term of each appointed member of the board serving on
35 June 30, 2008, who had been assigned by the chairperson exclusively to
36 parole hearings, shall expire on said date.] The term of each member of
37 the board [serving on June 30, 2008, who had been appointed
38 chairperson, had been assigned by the chairperson exclusively to
39 pardons hearings or has been appointed by the Governor on or after
40 February 1, 2008,] shall be coterminous with the term of the Governor
41 or until a successor is [chosen] appointed and has qualified, whichever
42 is later. Any vacancy in the membership of the board shall be filled for
43 the unexpired portion of the term by the Governor.

44 (c) (1) The chairperson [and five of the members of the board

45 appointed by the Governor on or after February 1, 2008, to serve on
46 parole release panels] shall devote full time to the performance of
47 [their] his or her duties under this section and shall be compensated
48 therefor in such amount as the Commissioner of Administrative
49 Services determines, subject to the provisions of section 4-40.

50 (2) The members of the board appointed by the Governor prior to
51 July 1, 2013, as full-time members to serve on parole release panels
52 who are serving on July 1, 2013, shall continue to devote full time to
53 the performance of their duties until the expiration of their terms and
54 shall be compensated therefor in such amount as the Commissioner of
55 Administrative Services determines, subject to the provisions of section
56 4-40.

57 (3) The [other] members of the board who are serving on July 1,
58 2013, other than the chairperson and the members specified in
59 subdivision (2) of this subsection, and any members of the board
60 appointed or reappointed on or after July 1, 2013, other than the
61 member appointed as chairperson, shall receive [one hundred ten] two
62 hundred dollars for each day spent in the performance of their duties
63 on and after July 1, 2013, and shall be reimbursed for necessary
64 expenses incurred in the performance of such duties.

65 (4) The chairperson or, in the chairperson's absence or inability to
66 act, a member designated by the chairperson to serve temporarily as
67 chairperson, shall be present at all meetings of the board and
68 participate in all decisions thereof.

69 (d) The chairperson shall be the executive and administrative head
70 of said board and shall have the authority and responsibility for (1)
71 overseeing all administrative affairs of the board, (2) assigning
72 members to panels, (3) establishing procedural rules for members to
73 follow when conducting hearings, reviewing recommendations made
74 by employees of the board and making decisions, (4) adopting policies
75 in all areas of pardons and paroles including, but not limited to,

76 granting pardons, commutations of punishments or releases,
77 conditioned or absolute, in the case of any person convicted of any
78 offense against the state and commutations from the penalty of death,
79 risk-based structured decision making and release criteria, (5)
80 consulting with the Department of Correction on shared issues
81 including, but not limited to, prison overcrowding, (6) consulting with
82 the Judicial Department on shared issues of community supervision,
83 and (7) signing and issuing subpoenas to compel the attendance and
84 testimony of witnesses at parole proceedings. Any such subpoena shall
85 be enforceable to the same extent as subpoenas issued pursuant to
86 section 52-143.

87 (e) [Of the members appointed prior to February 1, 2008, the
88 chairperson shall assign seven members exclusively to parole release
89 hearings and shall assign five members exclusively to pardons
90 hearings. Except for the chairperson, no member assigned to parole
91 release hearings may be assigned subsequently to pardons hearings
92 and no member assigned to pardons hearings may be assigned
93 subsequently to parole release hearings. Prior to July 1, 2008, each
94 parole release panel shall be composed of two members from among
95 the members assigned by the chairperson exclusively to parole release
96 hearings or the members appointed by the Governor on or after
97 February 1, 2008, to serve exclusively on parole release panels, and the
98 chairperson or a member designated to serve temporarily as
99 chairperson, for each correctional institution. On and after July 1, 2008,
100 and prior to October 5, 2009, each parole release panel shall be
101 composed of two members appointed by the Governor on or after
102 February 1, 2008, to serve on parole release panels, at least one of
103 whom is a full-time member, and the chairperson or a full-time
104 member designated to serve temporarily as chairperson, for each
105 correctional institution. On and after October 5, 2009, each] Each parole
106 release panel shall be composed of two members [appointed by the
107 Governor to serve on parole release panels] and the chairperson or a
108 [full-time] member designated to serve temporarily as chairperson.]

109 for each correctional institution. Such parole release panels shall be the
110 paroling authority for the institutions to which they are assigned and
111 not less than two members shall be present at each parole hearing.]
112 Each pardons panel shall be composed of three members, [from among
113 the members assigned by the chairperson exclusively to pardons
114 hearings or the members appointed by the Governor on or after
115 February 1, 2008, to serve on pardons panels,] one of whom may be the
116 chairperson, except that for hearings on commutations from the
117 penalty of death, one member of the panel shall be the chairperson.

118 (f) The Board of Pardons and Paroles shall have independent
119 decision-making authority to (1) grant or deny parole in accordance
120 with sections 54-125, 54-125a, as amended by this act, and 54-125e,
121 [and 54-125g,] (2) establish conditions of parole or special parole
122 supervision in accordance with section 54-126, (3) rescind or revoke
123 parole or special parole in accordance with sections 54-127 and 54-128,
124 (4) grant commutations of punishment or releases, conditioned or
125 absolute, in the case of any person convicted of any offense against the
126 state and commutations from the penalty of death in accordance with
127 section 54-130a.

128 (g) The Department of Correction shall be responsible for the
129 supervision of any person transferred to the jurisdiction of the Board
130 of Pardons and Paroles during such person's period of parole or
131 special parole.

132 (h) The chairperson, or the chairperson's designee, and two
133 members of the board [from among the members assigned by the
134 chairperson to serve exclusively on parole release panels or the
135 members appointed by the Governor on or after February 1, 2008, to
136 serve on parole release panels,] shall conduct all parole release
137 hearings, and shall approve or deny all parole revocations and parole
138 rescissions recommended by an employee of the board pursuant to
139 section 54-127a, as amended by this act. No panel of the Board of
140 Pardons and Paroles shall hold a hearing to determine the suitability

141 for parole release of any person unless the chairperson of the board has
142 made reasonable efforts to determine the existence of and obtain all
143 information deemed pertinent to the panel's decision and has certified
144 that all such pertinent information determined to exist has been
145 obtained or is unavailable.

146 (i) The chairperson of the board shall appoint an executive director.
147 The executive director shall oversee the administration of the agency
148 and, at the discretion of the chairperson, shall: (1) Direct and supervise
149 all administrative affairs of the board, (2) prepare the budget and
150 annual operation plan, (3) assign staff to administrative reviews, (4)
151 organize pardons and parole release hearing calendars, (5) implement
152 a uniform case filing and processing system, and (6) create programs
153 for staff and board member development, training and education.

154 (j) The chairperson, in consultation with the executive director, shall
155 adopt regulations, in accordance with chapter 54, concerning:

156 (1) Parole revocation and rescission hearings that include
157 implementing due process requirements;

158 (2) An administrative pardons process that allows an applicant
159 convicted of a crime to be granted a pardon with respect to such crime
160 without a hearing, unless a victim of such crime requests such a
161 hearing, if such applicant was:

162 (A) Convicted of a misdemeanor and (i) such conduct no longer
163 constitutes a crime, (ii) such applicant was under twenty-one years of
164 age at the time of conviction and has not been convicted of a crime
165 during the five years preceding the date on which the pardon is
166 granted, or (iii) such conviction occurred prior to the effective date of
167 the establishment of a program under sections 17a-692 to 17a-701,
168 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-
169 56j for which the applicant would have been eligible had such program
170 existed at the time of conviction, provided the chairperson determines
171 the applicant would likely have been granted entry into such program;

172 or

173 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279
174 and such applicant has not been convicted of a crime during the five
175 years preceding the date on which the pardon is granted, provided
176 such date is at least ten years after the date of such conviction or such
177 applicant's release from incarceration, whichever is later; and

178 (3) Requiring board members assigned to pardons hearings to issue
179 written statements containing the reasons for rejecting any application
180 for a pardon.

181 (k) The Board of Pardons and Paroles shall hold a pardons hearing
182 at least once every three months and shall hold such hearings in
183 various geographical areas of the state. The board shall not hold a
184 pardons hearing within or on the grounds of a correctional facility
185 except when solely for the benefit of applicants who are incarcerated at
186 the time of such hearing.

187 (l) The chairperson and executive director shall establish:

188 (1) In consultation with the Department of Correction, a parole
189 orientation program for all parole-eligible inmates upon their transfer
190 to the custody of the Commissioner of Correction that will provide
191 general information on the laws and policies regarding parole release,
192 calculation of time-served standards, general conditions of release,
193 supervision practices, revocation and rescission policies, and
194 procedures for administrative review and panel hearings, and any
195 other information that the board deems relevant for preparing inmates
196 for parole;

197 (2) An incremental sanctions system for parole violations including,
198 but not limited to, reincarceration based on the type, severity and
199 frequency of the violation and specific periods of incarceration for
200 certain types of violations; and

201 (3) A formal training program for members of the board and parole
202 officers that shall include, but not be limited to, an overview of the
203 criminal justice system, the parole system including factors to be
204 considered in granting parole, victim rights and services, reentry
205 strategies, risk assessment, case management and mental health issues.

206 (m) The board shall employ at least one psychologist with expertise
207 in risk assessment and recidivism of criminal offenders who shall be
208 under the supervision of the chairperson and assist the board in its
209 parole release decisions.

210 (n) In the event of the temporary inability of any member other than
211 the chairperson to perform his or her duties, the Governor, at the
212 request of the board, may appoint a qualified person to serve as a
213 temporary member during such period of inability.

214 (o) The chairperson of the Board of Pardons and Paroles shall: (1)
215 Adopt an annual budget and plan of operation, (2) adopt such rules as
216 deemed necessary for the internal affairs of the board, and (3) submit
217 an annual report to the Governor and General Assembly.

218 Sec. 2. Subsections (d) and (e) of section 54-125a of the general
219 statutes are repealed and the following is substituted in lieu thereof
220 (*Effective July 1, 2013*):

221 (d) The Board of Pardons and Paroles [~~shall~~] may hold a hearing to
222 determine the suitability for parole release of any person whose
223 eligibility for parole release is not subject to the provisions of
224 subsection (b) of this section upon completion by such person of
225 seventy-five per cent of such person's definite or aggregate sentence
226 less any risk reduction credit earned under the provisions of section
227 18-98e. An employee of the board or, if deemed necessary by the
228 chairperson, a panel of the board shall [~~reassess~~] assess the suitability
229 for parole release of such person based on the following standards: (1)
230 Whether there is reasonable probability that such person will live and
231 remain at liberty without violating the law, and (2) whether the

232 benefits to such person and society that would result from such
233 person's release to community supervision substantially outweigh the
234 benefits to such person and society that would result from such
235 person's continued incarceration. [After hearing,] If a hearing is held,
236 and if the board determines that continued confinement is necessary,
237 [it] the board shall articulate for the record the specific reasons why
238 such person and the public would not benefit from such person
239 serving a period of parole supervision while transitioning from
240 incarceration to the community. The decision of the board under this
241 subsection shall not be subject to appeal.

242 (e) The Board of Pardons and Paroles [shall] may hold a hearing to
243 determine the suitability for parole release of any person whose
244 eligibility for parole release is subject to the provisions of subdivision
245 (2) of subsection (b) of this section upon completion by such person of
246 eighty-five per cent of such person's definite or aggregate sentence less
247 any risk reduction credit earned under the provisions of section 18-98e.
248 An employee of the board or, if deemed necessary by the chairperson,
249 a panel of the board shall assess the suitability for parole release of
250 such person based on the following standards: (1) Whether there is
251 reasonable probability that such person will live and remain at liberty
252 without violating the law, and (2) whether the benefits to such person
253 and society that would result from such person's release to community
254 supervision substantially outweigh the benefits to such person and
255 society that would result from such person's continued incarceration.
256 [After hearing,] If a hearing is held, and if the board determines that
257 continued confinement is necessary, [it] the board shall articulate for
258 the record the specific reasons why such person and the public would
259 not benefit from such person serving a period of parole supervision
260 while transitioning from incarceration to the community. The decision
261 of the board under this subsection shall not be subject to appeal.

262 Sec. 3. (NEW) (*Effective July 1, 2013*) (a) A person whose eligibility
263 for parole release is not subject to the provisions of subsection (b) of
264 section 54-125a of the general statutes, may be allowed to go on parole

265 in accordance with section 54-125a of the general statutes, as amended
266 by this act, without a parole hearing being conducted by a panel of the
267 Board of Pardons and Paroles if (1) an employee of the Board of
268 Pardons and Paroles has reviewed the inmate's case and recommended
269 parole be granted to such person, and (2) such recommendation has
270 been approved by at least two members of a panel of the board. A
271 parole hearing shall be conducted by a panel of the Board of Pardons
272 and Paroles if the chairperson of the board deems such a hearing to be
273 necessary or if a victim, as defined in sections 54-201 and 54-226 of the
274 general statutes, requests such a hearing.

275 (b) The chairperson of the Board of Pardons and Paroles shall adopt
276 regulations, in accordance with chapter 54 of the general statutes, to
277 establish criteria and procedures for the administrative review and
278 release of inmates without a parole hearing as provided in this section.

279 Sec. 4. Section 54-131k of the general statutes is repealed and the
280 following is substituted in lieu thereof (*Effective July 1, 2013*):

281 (a) The Board of Pardons and Paroles may grant a compassionate
282 parole release to any inmate serving any sentence of imprisonment,
283 except an inmate convicted of a capital felony under the provisions of
284 section 53a-54b in effect prior to April 25, 2012, or murder with special
285 circumstances under the provisions of section 53a-54b in effect on or
286 after April 25, 2012, if it finds that such inmate [(1)] is so physically or
287 mentally debilitated, incapacitated or infirm as a result of advanced
288 age or as a result of a condition, disease or syndrome that is not
289 terminal as to be physically incapable of presenting a danger to
290 society. [and (2) (A) has served not less than one-half of such inmate's
291 definite or aggregate sentence, or (B) has served not less than one-half
292 of such inmate's remaining definite or aggregate sentence after
293 commutation of the original sentence by the Board of Pardons and
294 Paroles.]

295 (b) Any person granted a compassionate parole release pursuant to

296 this section shall be released subject to such terms and conditions as
297 may be established by the Board of Pardons and Paroles and shall be
298 supervised by the Department of Correction.

299 Sec. 5. Section 54-127a of the general statutes is repealed and the
300 following is substituted in lieu thereof (*Effective July 1, 2013*):

301 All parole revocation and rescission hearings shall be conducted by
302 an employee of the Board of Pardons and Paroles. The parole of a
303 person who has been allowed to go on parole in accordance with
304 subsection (a) of section 54-125a or section 54-125g of the general
305 statutes, revision of 1958, revised to January 1, 2013, or who has been
306 sentenced to a period of special parole in accordance with subdivision
307 (9) of subsection (b) of section 53a-28, shall be revoked or rescinded if,
308 after such hearing, the employee recommends such revocation or
309 rescission and such recommendation is approved by at least two
310 members of a panel of the board.

311 Sec. 6. Section 54-130a of the general statutes is amended by adding
312 subsection (g) as follows (*Effective July 1, 2013*):

313 (NEW) (g) Any application, report or other record submitted to the
314 board for consideration with respect to the granting of a pardon shall
315 be confidential and not disclosed except upon (1) order of a court
316 pursuant to section 54-142a, (2) the request of the individual who is the
317 subject of such record, or (3) specific authorization of the board.

318 Sec. 7. Sections 54-125d and 54-125g of the general statutes are
319 repealed. (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	54-124a
Sec. 2	<i>July 1, 2013</i>	54-125a(d) and (e)
Sec. 3	<i>July 1, 2013</i>	New section
Sec. 4	<i>July 1, 2013</i>	54-131k

Sec. 5	July 1, 2013	54-127a
Sec. 6	July 1, 2013	54-130a
Sec. 7	July 1, 2013	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]