
OLR Bill Analysis

sSB 846

AN ACT DECREASING RECIDIVISM AND PROMOTING RESPONSIBLE REINTEGRATION.

SUMMARY:

This bill makes a number of changes regarding parole and the composition and operations of the Board of Pardons and Paroles. Among other things, it:

1. eliminates a requirement that the governor appoint board members to serve on either parole or pardons panels and allows members to serve on both types of panels;
2. increases the pay of the 14 part-time board members from \$110 to \$200 for each day of work beginning July 1, 2013 (as under current law, they also receive necessary expenses);
3. changes the qualifications for members and the composition and designation of parole panels;
4. makes discretionary, rather than mandatory, parole release hearings for offenders who reach certain points in their prison sentences but requires the board to document specific reasons for not holding a hearing;
5. generally makes confidential pardon-related applications, reports, and records submitted to the board;
6. eliminates a parole release mechanism for offenders near the end of their sentences who agree to certain conditions;
7. eliminates a requirement that the board enter an agreement with the U.S. government to deport parolees who are aliens under a deportation order and accompanying procedures for

transferring these offenders; and

8. makes numerous technical and conforming changes.

EFFECTIVE DATE: July 1, 2013

§ 1 — BOARD MEMBERS

Under current law, the Board of Pardons and Paroles consists of 20 members appointed by the governor. Twelve are appointed to serve exclusively on parole panels (five of whom serve full-time), seven are appointed to serve exclusively on pardon panels, and a chairperson is appointed to serve full-time and can serve on both types of panels. The bill allows members to serve on both parole and pardon panels, as assigned by the chairperson, and eliminates the requirement that the governor specify appointments to either parole or pardon panels.

By law, members' terms are coterminous with the governor's term. The bill specifies that members can serve until a successor is appointed and qualified, rather than "chosen."

Qualifications

Currently, board members must be qualified by education, experience, or training in the administration of community corrections, parole, pardons, criminal justice, criminology, evaluation or supervision of offenders, or providing mental health services to offenders. The bill eliminates qualification through providing mental health services to offenders. It adds qualifications for membership through providing (1) public health services or (2) legal services.

Panels

By law, parole panels consist of three members. Currently, the chairperson or a full-time member designated to serve temporarily as chairperson for each correctional institution serves as one member of a panel. The bill eliminates the requirement that the member serving temporarily as chairperson be designated for each prison and eliminates a requirement that the panels be the paroling authority for the institutions they are assigned to, allowing greater flexibility in assigning panels and members for hearings.

The bill also eliminates a requirement that at least two members be present at parole hearings.

§ 2 — PAROLE RELEASE HEARINGS

Current law requires the board to hold a parole hearing for:

1. non-violent offenders eligible for parole after serving 50% of their sentences when they have served 75% of their sentences, minus any risk reduction credits and
2. violent offenders eligible for parole after serving 85% of their sentences when they have served 85% of their sentences.

The bill makes this hearing discretionary but requires the board to document and provide the offender with the specific reasons why it chooses not to hold a hearing.

By law, the board must consider the offender's suitability for release based on whether (1) there is a reasonable probability he or she will not violate the law and (2) the benefits to the person and society from release to community supervision substantially outweigh the benefits of continued incarceration. By law, the board must document why it denies parole after one of these hearings.

§ 4 — CONFIDENTIALITY OF PARDON-RELATED DOCUMENTS

The bill makes confidential and prohibits public disclosure of applications, reports, and records submitted to the board related to a pardon unless their disclosure is (1) authorized by the board, (2) requested by the subject of the record, or (3) required by court order regarding erased records.

By law, police, court, and prosecutorial records related to a (1) charge that is dismissed or nolle (the prosecutor declines to prosecute), or for which a person is found not guilty or (2) conviction for which a person received a pardon, are erased and can be only disclosed to certain people under a court order.

The law also makes confidential a staff investigate report related to

a provisional pardon application, except when disclosure is specifically authorized by statute or the board.

§ 5 — PAROLE RELEASE NEAR END OF SENTENCE

The bill eliminates the board's authority to grant parole to someone within six months of the end of his or her sentence, regardless of other parole rules, when the person agrees to (1) one year of supervision by Department of Correction (DOC) personnel and (2) return to prison for the unexpired portion of his or her term if the person violates parole. For someone convicted of a crime ineligible for parole or a violent crime eligible for parole after serving 85% of his or her sentence, this option is only currently available after the person serves 95% of his or her sentence.

§§ 3 & 5 — PAROLE AND DEPORTATION

The bill eliminates a requirement that the board enter an agreement with the U.S. government to deport parolees who are aliens and under a deportation order. The bill eliminates requirements related to such an agreement, including that:

1. DOC determine which inmates to refer to the board at intake;
2. violent offenders normally eligible for parole after serving 85% of their sentences are eligible for deportation parole after serving 50% of their sentences;
3. a sentencing court can refer an offender who is an alien, other than one convicted of capital felony or a class A felony, directly to the board for deportation;
4. a deported offender's sentence is put on hold for 10 years and if he or she returns to the U.S. during that time he or she is considered to be violating parole, the sentence is reinstated, and he or she is ineligible for parole;
5. an offender approved for deportation parole is not eligible for a bond; and

6. an approved offender is transferred to the U.S. government for deportation according to the agreement and the person waives all rights to appeal the conviction, extradition, or deportation.

By law, the DOC commissioner can release to the U. S. Immigration and Customs Enforcement any alien convicted of a crime who (1) is sentenced to a prison term of five years or less and (2) has served at least 50% of the sentence.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 13 (04/19/2013)