



General Assembly

Amendment

February Session, 2014

LCO No. 5336

HB0522105336SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. KISSEL, 7th Dist.

To: Subst. House Bill No. 5221

File No. 147

Cal. No. 346

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 54-125a of the 2014 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2014*):

6 (a) A person convicted of one or more crimes who is incarcerated on
7 or after October 1, 1990, who received a definite sentence or aggregate
8 sentence of more than two years, and who has been confined under
9 such sentence or sentences for not less than one-half of the aggregate
10 sentence less any risk reduction credit earned under the provisions of
11 section 18-98e, as amended by this act, or one-half of the most recent

12 sentence imposed by the court less any risk reduction credit earned
13 under the provisions of section 18-98e, as amended by this act,
14 whichever is greater, may be allowed to go at large on parole in the
15 discretion of the panel of the Board of Pardons and Paroles for the
16 institution in which the person is confined, if (1) it appears from all
17 available information, including any reports from the Commissioner of
18 Correction that the panel may require, that there is a reasonable
19 probability that such inmate will live and remain at liberty without
20 violating the law, and (2) such release is not incompatible with the
21 welfare of society. At the discretion of the panel, and under the terms
22 and conditions as may be prescribed by the panel including requiring
23 the parolee to submit personal reports, the parolee shall be allowed to
24 return to the parolee's home or to reside in a residential community
25 center, or to go elsewhere. The parolee shall, while on parole, remain
26 under the jurisdiction of the board until the expiration of the
27 maximum term or terms for which the parolee was sentenced less any
28 risk reduction credit earned under the provisions of section 18-98e, as
29 amended by this act. Any parolee released on the condition that the
30 parolee reside in a residential community center may be required to
31 contribute to the cost incidental to such residence. Each order of parole
32 shall fix the limits of the parolee's residence, which may be changed in
33 the discretion of the board and the Commissioner of Correction.
34 Within three weeks after the commitment of each person sentenced to
35 more than two years, the state's attorney for the judicial district shall
36 send to the Board of Pardons and Paroles the record, if any, of such
37 person.

38 (b) (1) No person convicted of any of the following offenses, which
39 was committed on or after July 1, 1981, shall be eligible for parole
40 under subsection (a) of this section: (A) Capital felony, as provided
41 under the provisions of section 53a-54b, as amended by this act, in
42 effect prior to April 25, 2012, (B) murder with special circumstances, as
43 provided under the provisions of section 53a-54b, as amended by this
44 act, in effect on or after April 25, 2012, (C) felony murder, as provided
45 in section 53a-54c, (D) arson murder, as provided in section 53a-54d, as

46 amended by this act, (E) murder, as provided in section 53a-54a, as
47 amended by this act, or (F) aggravated sexual assault in the first
48 degree, as provided in section 53a-70a. (2) A person convicted of (A) a
49 violation of section 53a-100aa or 53a-102, or (B) an offense, other than
50 an offense specified in subdivision (1) of this subsection, where the
51 underlying facts and circumstances of the offense involve the use,
52 attempted use or threatened use of physical force against another
53 person shall be ineligible for parole under subsection (a) of this section
54 until such person has served not less than eighty-five per cent of the
55 definite sentence imposed.

56 (c) The Board of Pardons and Paroles shall, not later than July 1,
57 1996, adopt regulations in accordance with chapter 54 to ensure that a
58 person convicted of an offense described in subdivision (2) of
59 subsection (b) of this section is not released on parole until such person
60 has served eighty-five per cent of the definite sentence imposed by the
61 court. Such regulations shall include guidelines and procedures for
62 classifying a person as a violent offender that are not limited to a
63 consideration of the elements of the offense or offenses for which such
64 person was convicted.

65 (d) The Board of Pardons and Paroles may hold a hearing to
66 determine the suitability for parole release of any person whose
67 eligibility for parole release is not subject to the provisions of
68 subsection (b) of this section upon completion by such person of
69 seventy-five per cent of such person's definite or aggregate sentence
70 less any risk reduction credit earned under the provisions of section
71 18-98e, as amended by this act. An employee of the board or, if
72 deemed necessary by the chairperson, a panel of the board shall assess
73 the suitability for parole release of such person based on the following
74 standards: (1) Whether there is reasonable probability that such person
75 will live and remain at liberty without violating the law, and (2)
76 whether the benefits to such person and society that would result from
77 such person's release to community supervision substantially
78 outweigh the benefits to such person and society that would result

79 from such person's continued incarceration. If a hearing is held, and if
80 the board determines that continued confinement is necessary, the
81 board shall articulate for the record the specific reasons why such
82 person and the public would not benefit from such person serving a
83 period of parole supervision while transitioning from incarceration to
84 the community. If a hearing is not held, the board shall document the
85 specific reasons for not holding a hearing and provide such reasons to
86 such person. No person shall be released on parole without receiving a
87 hearing. The decision of the board under this subsection shall not be
88 subject to appeal.

89 (e) The Board of Pardons and Paroles may hold a hearing to
90 determine the suitability for parole release of any person whose
91 eligibility for parole release is subject to the provisions of subdivision
92 (2) of subsection (b) of this section upon completion by such person of
93 eighty-five per cent of such person's definite or aggregate sentence. An
94 employee of the board or, if deemed necessary by the chairperson, a
95 panel of the board shall assess the suitability for parole release of such
96 person based on the following standards: (1) Whether there is a
97 reasonable probability that such person will live and remain at liberty
98 without violating the law, and (2) whether the benefits to such person
99 and society that would result from such person's release to community
100 supervision substantially outweigh the benefits to such person and
101 society that would result from such person's continued incarceration. If
102 a hearing is held, and if the board determines that continued
103 confinement is necessary, the board shall articulate for the record the
104 specific reasons why such person and the public would not benefit
105 from such person serving a period of parole supervision while
106 transitioning from incarceration to the community. If a hearing is not
107 held, the board shall document the specific reasons for not holding a
108 hearing and provide such reasons to such person. No person shall be
109 released on parole without receiving a hearing. The decision of the
110 board under this subsection shall not be subject to appeal.

111 (f) (1) Notwithstanding the provisions of subsections (a) to (e),

112 inclusive, of this section, a person convicted of one or more crimes
113 committed while such person was under eighteen years of age, who is
114 incarcerated on or after October 1, 2014, and who received a total
115 effective sentence of more than ten years for such crime or crimes prior
116 to, on or after October 1, 2014, may be allowed to go at large on parole
117 in the discretion of the panel of the Board of Pardons and Paroles for
118 the institution in which such person is confined, provided (A) if such
119 person is serving a sentence of fifty years or less, such person shall be
120 eligible for parole after serving sixty per cent of the sentence or twelve
121 years, whichever is greater, or (B) if such person is serving a sentence
122 of more than fifty years, such person shall be eligible for parole after
123 serving thirty years. Nothing in this subsection shall limit a person's
124 eligibility for parole release under the provisions of subsections (a) to
125 (e), inclusive, of this section if such person would be eligible for parole
126 release at an earlier date under any of such provisions.

127 (2) The board shall apply the parole eligibility rules of this
128 subsection only with respect to the sentence for a crime or crimes
129 committed while a person was under eighteen years of age. Any
130 portion of a sentence that is based on a crime or crimes committed
131 while a person was eighteen years of age or older shall be subject to
132 the applicable parole eligibility, suitability and release rules set forth in
133 subsections (a) to (e), inclusive, of this section.

134 (3) Whenever a person becomes eligible for parole release pursuant
135 to this subsection, the board shall hold a hearing to determine such
136 person's suitability for parole release. At least twelve months prior to
137 such hearing, the board shall notify the office of Chief Public Defender,
138 the appropriate state's attorney, the Victim Services Unit within the
139 Department of Correction, the Office of the Victim Advocate and the
140 Office of Victim Services within the Judicial Department of such
141 person's eligibility for parole release pursuant to this subsection. The
142 office of Chief Public Defender shall assign counsel for such person
143 pursuant to section 51-296 if such person is indigent. At any hearing to
144 determine such person's suitability for parole release pursuant to this

145 subsection, the board shall permit (A) such person to make a statement
146 on such person's behalf, (B) counsel for such person and the state's
147 attorney to submit reports and other documents, and (C) any victim of
148 the crime or crimes to make a statement pursuant to section 54-126a.
149 The board may request testimony from mental health professionals or
150 other relevant witnesses, and reports from the Commissioner of
151 Correction or other persons, as the board may require. The board shall
152 use validated risk assessment and needs assessment tools and its risk-
153 based structured decision making and release criteria established
154 pursuant to subsection (d) of section 54-124a in making a
155 determination pursuant to this subsection.

156 (4) After such hearing, the board may allow such person to go at
157 large on parole with respect to any portion of a sentence that was
158 based on a crime or crimes committed while such person was under
159 eighteen years of age if the board finds that such parole release would
160 be consistent with the factors set forth in subdivisions (1) to (4),
161 inclusive, of subsection (c) of section 54-300 and if it appears, from all
162 available information, including, but not limited to, any reports from
163 the Commissioner of Correction, that (A) there is a reasonable
164 probability that such person will live and remain at liberty without
165 violating the law; (B) the benefits to such person and society that
166 would result from such person's release to community supervision
167 substantially outweigh the benefits to such person and society that
168 would result from such person's continued incarceration; and (C) such
169 person has demonstrated substantial rehabilitation since the date such
170 crime or crimes were committed considering such person's character,
171 background and history, as demonstrated by factors, including, but
172 not limited to, such person's correctional record, the age and
173 circumstances of such person as of the date of the commission of the
174 crime or crimes, whether such person has demonstrated remorse and
175 increased maturity since the date of the commission of the crime or
176 crimes, such person's contributions to the welfare of other persons
177 through service, such person's efforts to overcome substance abuse,
178 addiction, trauma, lack of education or obstacles that such person may

179 have faced as a child or youth in the adult correctional system, the
180 opportunities for rehabilitation in the adult correctional system and the
181 overall degree of such person's rehabilitation considering the nature
182 and circumstances of the crime or crimes.

183 (5) After such hearing, the board shall articulate for the record its
184 decision and the reasons for its decision. If the board determines that
185 continued confinement is necessary, the board may reassess such
186 person's suitability for a new parole hearing at a later date to be
187 determined at the discretion of the board, but not earlier than two
188 years after the date of its decision.

189 (6) The decision of the board under this subsection shall not be
190 subject to appeal.

191 ~~[(f)]~~ (g) Any person released on parole under this section shall
192 remain in the custody of the Commissioner of Correction and be
193 subject to supervision by personnel of the Department of Correction
194 during such person's period of parole.

195 Sec. 2. (NEW) (Effective October 1, 2014) (a) If the case of a child, as
196 defined in section 46b-120 of the general statutes, is transferred to the
197 regular criminal docket of the Superior Court pursuant to section 46b-
198 127 of the general statutes, as amended by this act, and the child is
199 convicted of a class A or B felony pursuant to such transfer, at the time
200 of sentencing, the court shall:

201 (1) Consider, in addition to any other information relevant to
202 sentencing, any scientific and psychological evidence showing the
203 differences between a child's brain development and an adult's brain
204 development, including, but not limited to, evidence showing, as
205 compared to an adult: (A) A child's lack of maturity and
206 underdeveloped sense of responsibility, including evidence showing a
207 child's recklessness, impulsivity and risk-taking tendencies; (B) a
208 child's vulnerability to negative influences and outside pressures from
209 peers or family members, or both; (C) a child's increased capacity for

210 change and rehabilitation; and (D) a child's reduced competency in (i)
211 appreciating the risks and consequences of his or her own actions, (ii)
212 negotiating the complexities of the criminal justice system, and (iii)
213 assisting in his or her own defense; and

214 (2) Consider, if the court proposes to sentence the child to a lengthy
215 sentence under which it is likely that the child will die while
216 incarcerated, how the scientific and psychological evidence described
217 in subdivision (1) of this subsection counsels against such a sentence.

218 (b) Notwithstanding the provisions of section 54-91a of the general
219 statutes, no presentence investigation or report may be waived with
220 respect to a child convicted of a class A or B felony. Any presentence
221 report prepared with respect to a child convicted of a class A or B
222 felony shall address the factors set forth in subparagraphs (A) to (D),
223 inclusive, of subdivision (1) of subsection (a) of this section.

224 (c) The Court Support Services Division of the Judicial Branch shall
225 establish reference materials relating to adolescent psychological and
226 brain development to assist courts in sentencing children pursuant to
227 this section.

228 Sec. 3. Subsection (c) of section 46b-127 of the 2014 supplement to
229 the general statutes is repealed and the following is substituted in lieu
230 thereof (*Effective October 1, 2014*):

231 (c) Upon the effectuation of the transfer, such child shall stand trial
232 and be sentenced, if convicted, as if such child were eighteen years of
233 age, subject to the requirements of section 2 of this act. Such child shall
234 receive credit against any sentence imposed for time served in a
235 juvenile facility prior to the effectuation of the transfer. A child who
236 has been transferred may enter a guilty plea to a lesser offense if the
237 court finds that such plea is made knowingly and voluntarily. Any
238 child transferred to the regular criminal docket who pleads guilty to a
239 lesser offense shall not resume such child's status as a juvenile
240 regarding such offense. If the action is dismissed or nolleed or if such

241 child is found not guilty of the charge for which such child was
242 transferred or of any lesser included offenses, the child shall resume
243 such child's status as a juvenile until such child attains the age of
244 eighteen years.

245 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is
246 repealed and the following is substituted in lieu thereof (*Effective*
247 *October 1, 2014*):

248 (f) Whenever a proceeding has been designated a serious juvenile
249 repeat offender prosecution pursuant to subsection (b) of this section
250 and the child does not waive such child's right to a trial by jury, the
251 court shall transfer the case from the docket for juvenile matters to the
252 regular criminal docket of the Superior Court. Upon transfer, such
253 child shall stand trial and be sentenced, if convicted, as if such child
254 were eighteen years of age, subject to the requirements of section 2 of
255 this act, except that no such child shall be placed in a correctional
256 facility but shall be maintained in a facility for children and youths
257 until such child attains eighteen years of age or until such child is
258 sentenced, whichever occurs first. Such child shall receive credit
259 against any sentence imposed for time served in a juvenile facility
260 prior to the effectuation of the transfer. A child who has been
261 transferred may enter a guilty plea to a lesser offense if the court finds
262 that such plea is made knowingly and voluntarily. Any child
263 transferred to the regular criminal docket who pleads guilty to a lesser
264 offense shall not resume such child's status as a juvenile regarding
265 such offense. If the action is dismissed or nolleed or if such child is
266 found not guilty of the charge for which such child was transferred,
267 the child shall resume such child's status as a juvenile until such child
268 attains eighteen years of age.

269 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is
270 repealed and the following is substituted in lieu thereof (*Effective*
271 *October 1, 2014*):

272 (f) When a proceeding has been designated a serious sexual

273 offender prosecution pursuant to subsection (c) of this section and the
274 child does not waive the right to a trial by jury, the court shall transfer
275 the case from the docket for juvenile matters to the regular criminal
276 docket of the Superior Court. Upon transfer, such child shall stand trial
277 and be sentenced, if convicted, as if such child were eighteen years of
278 age, subject to the requirements of section 2 of this act, except that no
279 such child shall be placed in a correctional facility but shall be
280 maintained in a facility for children and youths until such child attains
281 eighteen years of age or until such child is sentenced, whichever occurs
282 first. Such child shall receive credit against any sentence imposed for
283 time served in a juvenile facility prior to the effectuation of the
284 transfer. A child who has been transferred may enter a guilty plea to a
285 lesser offense if the court finds that such plea is made knowingly and
286 voluntarily. Any child transferred to the regular criminal docket who
287 pleads guilty to a lesser offense shall not resume such child's status as
288 a juvenile regarding such offense. If the action is dismissed or nolle or
289 if such child is found not guilty of the charge for which such child was
290 transferred, the child shall resume such child's status as a juvenile until
291 such child attains eighteen years of age.

292 Sec. 6. Section 53a-46a of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective October 1, 2014, and*
294 *applicable to any person convicted prior to, on or after said date*):

295 (a) A person shall be subjected to the penalty of death for a capital
296 felony committed prior to April 25, 2012, under the provisions of
297 section 53a-54b, as amended by this act, in effect prior to April 25,
298 2012, only if (1) a hearing is held in accordance with the provisions of
299 this section, and (2) such person was eighteen years of age or older at
300 the time the offense was committed.

301 (b) For the purpose of determining the sentence to be imposed when
302 a defendant is convicted of or pleads guilty to a capital felony, the
303 judge or judges who presided at the trial or before whom the guilty
304 plea was entered shall conduct a separate hearing to determine the
305 existence of any mitigating factor concerning the defendant's character,

306 background and history, or the nature and circumstances of the crime,
307 and any aggravating factor set forth in subsection (i) of this section.
308 Such hearing shall not be held if the state stipulates that none of the
309 aggravating factors set forth in subsection (i) of this section exists or
310 that any factor set forth in subsection (h) of this section exists. Such
311 hearing shall be conducted (1) before the jury which determined the
312 defendant's guilt, or (2) before a jury impaneled for the purpose of
313 such hearing if (A) the defendant was convicted upon a plea of guilty;
314 (B) the defendant was convicted after a trial before three judges as
315 provided in subsection (b) of section 53a-45; or (C) if the jury which
316 determined the defendant's guilt has been discharged by the court for
317 good cause, or (3) before the court, on motion of the defendant and
318 with the approval of the court and the consent of the state.

319 (c) In such hearing the court shall disclose to the defendant or his
320 counsel all material contained in any presentence report which may
321 have been prepared. No presentence information withheld from the
322 defendant shall be considered in determining the existence of any
323 mitigating or aggravating factor. Any information relevant to any
324 mitigating factor may be presented by either the state or the defendant,
325 regardless of its admissibility under the rules governing admission of
326 evidence in trials of criminal matters, but the admissibility of
327 information relevant to any of the aggravating factors set forth in
328 subsection (i) of this section shall be governed by the rules governing
329 the admission of evidence in such trials. The state and the defendant
330 shall be permitted to rebut any information received at the hearing and
331 shall be given fair opportunity to present argument as to the adequacy
332 of the information to establish the existence of any mitigating or
333 aggravating factor. The burden of establishing any of the aggravating
334 factors set forth in subsection (i) of this section shall be on the state.
335 The burden of establishing any mitigating factor shall be on the
336 defendant.

337 (d) In determining whether a mitigating factor exists concerning the
338 defendant's character, background or history, or the nature and

339 circumstances of the crime, pursuant to subsection (b) of this section,
340 the jury or, if there is no jury, the court shall first determine whether a
341 particular factor concerning the defendant's character, background or
342 history, or the nature and circumstances of the crime, has been
343 established by the evidence, and shall determine further whether that
344 factor is mitigating in nature, considering all the facts and
345 circumstances of the case. Mitigating factors are such as do not
346 constitute a defense or excuse for the capital felony of which the
347 defendant has been convicted, but which, in fairness and mercy, may
348 be considered as tending either to extenuate or reduce the degree of his
349 culpability or blame for the offense or to otherwise constitute a basis
350 for a sentence less than death.

351 (e) The jury or, if there is no jury, the court shall return a special
352 verdict setting forth its findings as to the existence of any factor set
353 forth in subsection (h) of this section, the existence of any aggravating
354 factor or factors set forth in subsection (i) of this section and whether
355 any aggravating factor or factors outweigh any mitigating factor or
356 factors found to exist pursuant to subsection (d) of this section.

357 (f) If the jury or, if there is no jury, the court finds that (1) none of
358 the factors set forth in subsection (h) of this section exist, (2) one or
359 more of the aggravating factors set forth in subsection (i) of this section
360 exist, and (3) (A) no mitigating factor exists, or (B) one or more
361 mitigating factors exist but are outweighed by one or more
362 aggravating factors set forth in subsection (i) of this section, the court
363 shall sentence the defendant to death.

364 (g) If the jury or, if there is no jury, the court finds that (1) any of the
365 factors set forth in subsection (h) of this section exist, or (2) none of the
366 aggravating factors set forth in subsection (i) of this section exists, or
367 (3) one or more of the aggravating factors set forth in subsection (i) of
368 this section exist and one or more mitigating factors exist, but the one
369 or more aggravating factors set forth in subsection (i) of this section do
370 not outweigh the one or more mitigating factors, the court shall impose
371 a sentence of life imprisonment without the possibility of release.

372 (h) The court shall not impose the sentence of death on the
373 defendant if the jury or, if there is no jury, the court finds by a special
374 verdict, as provided in subsection (e) of this section, that at the time of
375 the offense (1) the defendant was [under the age of eighteen years, or
376 (2) the defendant was] a person with intellectual disability, as defined
377 in section 1-1g, or [(3)] (2) the defendant's mental capacity was
378 significantly impaired or the defendant's ability to conform the
379 defendant's conduct to the requirements of law was significantly
380 impaired but not so impaired in either case as to constitute a defense to
381 prosecution, or [(4)] (3) the defendant was criminally liable under
382 sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed
383 by another, but the defendant's participation in such offense was
384 relatively minor, although not so minor as to constitute a defense to
385 prosecution, or [(5)] (4) the defendant could not reasonably have
386 foreseen that the defendant's conduct in the course of commission of
387 the offense of which the defendant was convicted would cause, or
388 would create a grave risk of causing, death to another person.

389 (i) The aggravating factors to be considered shall be limited to the
390 following: (1) The defendant committed the offense during the
391 commission or attempted commission of, or during the immediate
392 flight from the commission or attempted commission of, a felony and
393 the defendant had previously been convicted of the same felony; or (2)
394 the defendant committed the offense after having been convicted of
395 two or more state offenses or two or more federal offenses or of one or
396 more state offenses and one or more federal offenses for each of which
397 a penalty of more than one year imprisonment may be imposed, which
398 offenses were committed on different occasions and which involved
399 the infliction of serious bodily injury upon another person; or (3) the
400 defendant committed the offense and in such commission knowingly
401 created a grave risk of death to another person in addition to the
402 victim of the offense; or (4) the defendant committed the offense in an
403 especially heinous, cruel or depraved manner; or (5) the defendant
404 procured the commission of the offense by payment, or promise of
405 payment, of anything of pecuniary value; or (6) the defendant

406 committed the offense as consideration for the receipt, or in
407 expectation of the receipt, of anything of pecuniary value; or (7) the
408 defendant committed the offense with an assault weapon, as defined
409 in section 53-202a; or (8) the defendant committed the offense set forth
410 in subdivision (1) of section 53a-54b, as amended by this act, to avoid
411 arrest for a criminal act or prevent detection of a criminal act or to
412 hamper or prevent the victim from carrying out any act within the
413 scope of the victim's official duties or to retaliate against the victim for
414 the performance of the victim's official duties.

415 Sec. 7. Section 53a-54b of the general statutes is repealed and the
416 following is substituted in lieu thereof (*Effective October 1, 2014, and*
417 *applicable to any person convicted prior to, on or after said date*):

418 A person is guilty of murder with special circumstances who is
419 convicted of any of the following and was eighteen years of age or
420 older when such person committed the murder: (1) Murder of a
421 member of the Division of State Police within the Department of
422 Emergency Services and Public Protection or of any local police
423 department, a chief inspector or inspector in the Division of Criminal
424 Justice, a state marshal who is exercising authority granted under any
425 provision of the general statutes, a judicial marshal in performance of
426 the duties of a judicial marshal, a constable who performs criminal law
427 enforcement duties, a special policeman appointed under section 29-
428 18, a conservation officer or special conservation officer appointed by
429 the Commissioner of Energy and Environmental Protection under the
430 provisions of section 26-5, an employee of the Department of
431 Correction or a person providing services on behalf of said department
432 when such employee or person is acting within the scope of such
433 employee's or person's employment or duties in a correctional
434 institution or facility and the actor is confined in such institution or
435 facility, or any firefighter, while such victim was acting within the
436 scope of such victim's duties; (2) murder committed by a defendant
437 who is hired to commit the same for pecuniary gain or murder
438 committed by one who is hired by the defendant to commit the same

439 for pecuniary gain; (3) murder committed by one who has previously
440 been convicted of intentional murder or of murder committed in the
441 course of commission of a felony; (4) murder committed by one who
442 was, at the time of commission of the murder, under sentence of life
443 imprisonment; (5) murder by a kidnapper of a kidnapped person
444 during the course of the kidnapping or before such person is able to
445 return or be returned to safety; (6) murder committed in the course of
446 the commission of sexual assault in the first degree; (7) murder of two
447 or more persons at the same time or in the course of a single
448 transaction; or (8) murder of a person under sixteen years of age.

449 Sec. 8. Section 53a-54d of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective October 1, 2014, and*
451 *applicable to any person convicted prior to, on or after said date*):

452 A person is guilty of murder when, acting either alone or with one
453 or more persons, he commits arson and, in the course of such arson,
454 causes the death of a person. Notwithstanding any other provision of
455 the general statutes, any person convicted of murder under this section
456 who was eighteen years of age or older at the time of the offense shall
457 be punished by life imprisonment and shall not be eligible for parole.

458 Sec. 9. Subsection (c) of section 53a-54a of the general statutes is
459 repealed and the following is substituted in lieu thereof (*Effective*
460 *October 1, 2014, and applicable to any person convicted prior to, on or after*
461 *said date*):

462 (c) Murder is punishable as a class A felony in accordance with
463 subdivision (2) of section 53a-35a unless it is (1) a capital felony
464 committed prior to April 25, 2012, by a person who was eighteen years
465 of age or older at the time of the offense, punishable in accordance
466 with subparagraph (A) of subdivision (1) of section 53a-35a, (2) murder
467 with special circumstances committed on or after April 25, 2012, by a
468 person who was eighteen years of age or older at the time of the
469 offense, punishable as a class A felony in accordance with
470 subparagraph (B) of subdivision (1) of section 53a-35a, or (3) murder

471 under section 53a-54d, as amended by this act, committed by a person
472 who was eighteen years of age or older at the time of the offense.

473 Sec. 10. (NEW) (*Effective October 1, 2014*) (a) For the purposes of this
474 section: (1) "Earliest possible release date" means the date, calculated as
475 of the date of sentencing, on which a defendant convicted of a crime
476 that is subject to a term of imprisonment would be eligible to be
477 released from incarceration or eligible for parole release, considering:
478 (A) The term of the sentence; (B) the term of any other sentence that
479 the defendant must serve, either concurrently or consecutively; (C)
480 credit that the defendant has earned before sentencing that may reduce
481 the defendant's period of incarceration, including, but not limited to,
482 any credit for presentence confinement earned pursuant to section 18-
483 98d of the general statutes; and (D) the maximum amount of credit
484 such defendant may be eligible to earn as an inmate, including, but not
485 limited to, risk reduction credit under the provisions of section 18-98e
486 of the general statutes, as amended by this act; (2) "credit" means any
487 time that may be credited to an inmate to reduce such inmate's period
488 of incarceration; and (3) "inmate" means an inmate, as defined in
489 section 18-84 of the general statutes.

490 (b) At the time of sentencing of a defendant, the sentencing judge
491 shall indicate the maximum period of incarceration that may apply to
492 the defendant, the earliest possible release date for the defendant, and
493 the earliest possible date of parole release eligibility for the defendant
494 under section 54-125a of the general statutes, as amended by this act,
495 based on the information available on the date of sentencing. The
496 judge shall indicate whether the defendant may be eligible to earn risk
497 reduction credit pursuant to section 18-98e of the general statutes, as
498 amended by this act, and shall indicate the maximum amount of credit
499 that such defendant may earn under said section, if eligible.

500 Sec. 11. Subsection (d) of section 54-91c of the general statutes is
501 repealed and the following is substituted in lieu thereof (*Effective*
502 *October 1, 2014*):

503 (d) Upon the request of a victim, prior to the acceptance by the court
504 of a plea of a defendant pursuant to a proposed plea agreement, the
505 state's attorney, assistant state's attorney or deputy assistant state's
506 attorney in charge of the case shall provide such victim with the terms
507 of such proposed plea agreement in writing, including, but not limited
508 to, the maximum period of incarceration that may apply to the
509 defendant, the earliest possible release date for the defendant, and the
510 earliest possible date of parole release eligibility for the defendant,
511 calculated in accordance with subsection (b) of section 10 of this act.

512 Sec. 12. Section 18-98e of the general statutes is repealed and the
513 following is substituted in lieu thereof (*Effective July 1, 2014, and*
514 *applicable to eligibility to earn risk reduction credits on or after said date*):

515 (a) Notwithstanding any provision of the general statutes, any
516 person sentenced to a term of imprisonment for a crime committed on
517 or after October 1, 1994, and committed to the custody of the
518 Commissioner of Correction on or after said date, except a person
519 sentenced for a violation of section 53a-54a, as amended by this act,
520 53a-54b, as amended by this act, 53a-54c, 53a-54d, as amended by this
521 act, 53a-55, 53a-55a, 53a-70a or 53a-100aa, may be eligible to earn risk
522 reduction credit toward a reduction of such person's sentence, in an
523 amount not to exceed five days per month, at the discretion of the
524 Commissioner of Correction for conduct as provided in subsection (b)
525 of this section occurring on or after April 1, 2006.

526 (b) An inmate may earn risk reduction credit for adherence to the
527 inmate's offender accountability plan, for participation in eligible
528 programs and activities, and for good conduct and obedience to
529 institutional rules as designated by the commissioner, provided (1)
530 good conduct and obedience to institutional rules alone shall not
531 entitle an inmate to such credit, and (2) the commissioner or the
532 commissioner's designee may, in his or her discretion, cause the loss of
533 all or any portion of such earned risk reduction credit for any act of
534 misconduct or insubordination or refusal to conform to recommended
535 programs or activities or institutional rules occurring at any time

536 during the service of the sentence or for other good cause. If an inmate
 537 has not earned sufficient risk reduction credit at the time the
 538 commissioner or the commissioner's designee orders the loss of all or a
 539 portion of earned credit, such loss shall be deducted from any credit
 540 earned by such inmate in the future.

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

546 (d) Any credit earned under this section may only be earned during
 547 the period of time that the inmate is sentenced to a term of
 548 imprisonment and committed to the custody of the commissioner and
 549 may not be transferred or applied to a subsequent term of
 550 imprisonment. In no event shall any credit earned under this section be
 551 applied by the commissioner so as to reduce a mandatory minimum
 552 term of imprisonment such inmate is required to serve by statute.

553 (e) The commissioner shall adopt policies and procedures to
 554 determine the amount of credit an inmate may earn toward a
 555 reduction in his or her sentence and to phase in the awarding of
 556 retroactive credit authorized by subsection (c) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	54-125a
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	46b-127(c)
Sec. 4	<i>October 1, 2014</i>	46b-133c(f)
Sec. 5	<i>October 1, 2014</i>	46b-133d(f)
Sec. 6	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-46a

Sec. 7	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54b
Sec. 8	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54d
Sec. 9	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54a(c)
Sec. 10	<i>October 1, 2014</i>	New section
Sec. 11	<i>October 1, 2014</i>	54-91c(d)
Sec. 12	<i>July 1, 2014, and applicable to eligibility to earn risk reduction credits on or after said date</i>	18-98e