



# House of Representatives

**File No. 923**

General Assembly

January Session, 2015

**(Reprint of File No. 688)**

Substitute House Bill No. 7027  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 30, 2015

**AN ACT CONCERNING RISK REDUCTION CREDITS, CARRY PERMITS AND PAROLE OFFICER ACCESS TO STATE FIREARMS DATABASE.**

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

1 Section 1. (NEW) (*Effective October 1, 2015*) Not later than January 1,  
2 2016, and quarterly thereafter, the Commissioner of Correction, after  
3 consultation with the Criminal Justice Policy and Planning Division  
4 within the Office of Policy and Management, shall, in accordance with  
5 the provisions of section 11-4a of the general statutes, report to the  
6 General Assembly details about earned risk reduction credits awarded  
7 to reduce an inmate's sentence pursuant to section 18-98e of the  
8 general statutes, as amended by this act. Such report shall include: (1)  
9 The number of inmates released overall and the number of inmates  
10 released early as a result of the award of such credit; (2) the crimes for  
11 which such released inmates were convicted; (3) the amount of risk  
12 reduction credit earned by inmates released early pursuant to such  
13 credit; and (4) any recidivism data regarding inmates who were  
14 released early pursuant to such credit, including any data such as rate

15 of reentry into the correctional system, elapsed time between release  
16 and such reentry, and the crimes for which such inmates were  
17 convicted that resulted in such reentry. Not later than thirty days after  
18 submission of the report to the General Assembly, said commissioner  
19 shall post the report on the Department of Correction's Internet web  
20 site.

21 Sec. 2. Subsection (b) of section 29-35 of the general statutes is  
22 repealed and the following is substituted in lieu thereof (*Effective*  
23 *October 1, 2015*):

24 (b) The holder of a permit issued pursuant to section 29-28, as  
25 amended by this act, shall carry such permit upon one's person while  
26 carrying such pistol or revolver. Such holder shall present his or her  
27 permit upon the request of a law enforcement officer who has  
28 reasonable suspicion of a crime for purposes of verification of the  
29 validity of the permit or identification of the holder, provided such  
30 holder is carrying a pistol or revolver that is observed by such law  
31 enforcement officer.

32 Sec. 3. Subsection (d) of section 29-28 of the general statutes is  
33 repealed and the following is substituted in lieu thereof (*Effective*  
34 *October 1, 2015*):

35 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the  
36 name and address of a person issued a permit to sell at retail pistols  
37 and revolvers pursuant to subsection (a) of this section or a state or a  
38 temporary state permit to carry a pistol or revolver pursuant to  
39 subsection (b) of this section, or a local permit to carry pistols and  
40 revolvers issued by local authorities prior to October 1, 2001, shall be  
41 confidential and shall not be disclosed, except (1) such information  
42 may be disclosed to law enforcement officials acting in the  
43 performance of their duties, including, but not limited to, employees of  
44 the United States Probation Office acting in the performance of their  
45 duties and parole officers within the Department of Correction acting  
46 in the performance of their duties, (2) the issuing authority may

47 disclose such information to the extent necessary to comply with a  
48 request made pursuant to section 29-33, 29-37a or 29-38m for  
49 verification that such state or temporary state permit is still valid and  
50 has not been suspended or revoked, and the local authority may  
51 disclose such information to the extent necessary to comply with a  
52 request made pursuant to section 29-33, 29-37a or 29-38m for  
53 verification that a local permit is still valid and has not been suspended  
54 or revoked, and (3) such information may be disclosed to the  
55 Commissioner of Mental Health and Addiction Services to carry out  
56 the provisions of subsection (c) of section 17a-500.

57 Sec. 4. Subsection (e) of section 29-36g of the general statutes is  
58 repealed and the following is substituted in lieu thereof (*Effective*  
59 *October 1, 2015*):

60 (e) Notwithstanding the provisions of sections 1-210 and 1-211, the  
61 name and address of a person issued an eligibility certificate for a  
62 pistol or revolver under the provisions of section 29-36f shall be  
63 confidential and shall not be disclosed, except (1) such information  
64 may be disclosed to law enforcement officials acting in the  
65 performance of their duties, including, but not limited to, employees of  
66 the United States Probation Office acting in the performance of their  
67 duties and parole officers within the Department of Correction acting  
68 in the performance of their duties, (2) the Commissioner of Emergency  
69 Services and Public Protection may disclose such information to the  
70 extent necessary to comply with a request made pursuant to section  
71 29-33, 29-37a or 29-38m for verification that such certificate is still valid  
72 and has not been suspended or revoked, and (3) such information may  
73 be disclosed to the Commissioner of Mental Health and Addiction  
74 Services to carry out the provisions of subsection (c) of section 17a-500.

75 Sec. 5. Subdivision (5) of subsection (a) of section 53-202d of the  
76 general statutes is repealed and the following is substituted in lieu  
77 thereof (*Effective October 1, 2015*):

78 (5) The department shall adopt regulations, in accordance with the

79 provisions of chapter 54, to establish procedures with respect to the  
80 application for and issuance of certificates of possession pursuant to  
81 this section. Notwithstanding the provisions of sections 1-210 and 1-  
82 211, the name and address of a person issued a certificate of possession  
83 shall be confidential and shall not be disclosed, except such records  
84 may be disclosed to (A) law enforcement agencies and employees of  
85 the United States Probation Office acting in the performance of their  
86 duties and parole officers within the Department of Correction acting  
87 in the performance of their duties, and (B) the Commissioner of Mental  
88 Health and Addiction Services to carry out the provisions of  
89 subsection (c) of section 17a-500.

90 Sec. 6. Subsection (e) of section 29-38n of the general statutes is  
91 repealed and the following is substituted in lieu thereof (*Effective*  
92 *October 1, 2015*):

93 (e) Notwithstanding the provisions of sections 1-210 and 1-211, the  
94 name and address of a person issued an ammunition certificate under  
95 this section shall be confidential and shall not be disclosed, except (1)  
96 such information may be disclosed to law enforcement officials acting  
97 in the performance of their duties, including, but not limited to,  
98 employees of the United States Probation Office acting in the  
99 performance of their duties and parole officers within the Department  
100 of Correction acting in the performance of their duties, (2) the  
101 Commissioner of Emergency Services and Public Protection may  
102 disclose such information to the extent necessary to comply with a  
103 request made pursuant to section 29-38m for verification that such  
104 certificate is still valid and has not been suspended or revoked, and (3)  
105 such information may be disclosed to the Commissioner of Mental  
106 Health and Addiction Services to carry out the provisions of  
107 subsection (c) of section 17a-500.

108 Sec. 7. Subsection (d) of section 29-37q of the general statutes is  
109 repealed and the following is substituted in lieu thereof (*Effective*  
110 *October 1, 2015*):

111 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the  
112 name and address of a person issued a long gun eligibility certificate  
113 under the provisions of section 29-37p shall be confidential and shall  
114 not be disclosed, except (1) such information may be disclosed to law  
115 enforcement officials acting in the performance of their duties,  
116 including, but not limited to, employees of the United States Probation  
117 Office acting in the performance of their duties and parole officers  
118 within the Department of Correction acting in the performance of their  
119 duties, (2) the Commissioner of Emergency Services and Public  
120 Protection may disclose such information to the extent necessary to  
121 comply with a request made pursuant to section 29-37a or 29-38m for  
122 verification that such certificate is still valid and has not been  
123 suspended or revoked, and (3) such information may be disclosed to  
124 the Commissioner of Mental Health and Addiction Services to carry  
125 out the provisions of subsection (c) of section 17a-500.

126 Sec. 8. Subsection (c) of section 53-202x of the general statutes is  
127 repealed and the following is substituted in lieu thereof (*Effective*  
128 *October 1, 2015*):

129 (c) The department may adopt regulations, in accordance with the  
130 provisions of chapter 54, to establish procedures with respect to  
131 applications under this section. Notwithstanding the provisions of  
132 sections 1-210 and 1-211, the name and address of a person who has  
133 declared possession of a large capacity magazine shall be confidential  
134 and shall not be disclosed, except such records may be disclosed to (1)  
135 law enforcement agencies and employees of the United States  
136 Probation Office acting in the performance of their duties and parole  
137 officers within the Department of Correction acting in the performance  
138 of their duties, and (2) the Commissioner of Mental Health and  
139 Addiction Services to carry out the provisions of subsection (c) of  
140 section 17a-500.

141 Sec. 9. Section 18-98e of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective October 1, 2015*):

143 (a) Notwithstanding any provision of the general statutes, any  
144 person sentenced to a term of imprisonment for a crime committed on  
145 or after October 1, 1994, and committed to the custody of the  
146 Commissioner of Correction on or after said date, except a person  
147 sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,  
148 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or is a persistent  
149 dangerous felony offender or persistent dangerous sexual offender  
150 pursuant to section 53a-40, may be eligible to earn risk reduction credit  
151 toward a reduction of such person's sentence, in an amount not to  
152 exceed five days per month, at the discretion of the Commissioner of  
153 Correction for conduct as provided in subsection (b) of this section  
154 occurring on or after April 1, 2006.

155 (b) An inmate may earn risk reduction credit for adherence to the  
156 inmate's offender accountability plan, for participation in eligible  
157 programs and activities, and for good conduct and obedience to  
158 institutional rules as designated by the commissioner, provided (1)  
159 good conduct and obedience to institutional rules alone shall not  
160 entitle an inmate to such credit, and (2) the commissioner or the  
161 commissioner's designee may, in his or her discretion, cause the loss of  
162 all or any portion of such earned risk reduction credit for any act of  
163 misconduct or insubordination or refusal to conform to recommended  
164 programs or activities or institutional rules occurring at any time  
165 during the service of the sentence or for other good cause. If an inmate  
166 has not earned sufficient risk reduction credit at the time the  
167 commissioner or the commissioner's designee orders the loss of all or a  
168 portion of earned credit, such loss shall be deducted from any credit  
169 earned by such inmate in the future.

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

175 (d) Any credit earned under this section may only be earned during

176 the period of time that the inmate is sentenced to a term of  
 177 imprisonment and committed to the custody of the commissioner and  
 178 may not be transferred or applied to a subsequent term of  
 179 imprisonment. In no event shall any credit earned under this section be  
 180 applied by the commissioner so as to reduce a mandatory minimum  
 181 term of imprisonment such inmate is required to serve by statute.

182 (e) Prior to release of any inmate whose sentence is being reduced  
 183 due to risk reduction credits earned pursuant to this section, the  
 184 warden of the correctional facility from which such inmate is to be  
 185 released shall review such inmate's records and verify that the inmate  
 186 earned the risk reduction credits being applied to reduce such inmate's  
 187 sentence.

188 [(e)] (f) The commissioner shall adopt policies and procedures to  
 189 determine the amount of credit an inmate may earn toward a  
 190 reduction in his or her sentence and to phase in the awarding of  
 191 retroactive credit authorized by subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section
Sec. 2	October 1, 2015	29-35(b)
Sec. 3	October 1, 2015	29-28(d)
Sec. 4	October 1, 2015	29-36g(e)
Sec. 5	October 1, 2015	53-202d(a)(5)
Sec. 6	October 1, 2015	29-38n(e)
Sec. 7	October 1, 2015	29-37q(d)
Sec. 8	October 1, 2015	53-202x(c)
Sec. 9	October 1, 2015	18-98e

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Correction, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill results in a cost to the Department of Correction by limiting the Risk Reduction Earned Credit to exclude inmates convicted of certain offenses. To the extent that offenders are incarcerated longer under the changes to the risk reduction credit program, potential costs for incarceration will result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender. There is no fiscal impact associated with requiring reporting on the risk reduction program or for requiring the warden of a correctional facility to review the risk reduction credits earned by inmates prior to their release.

House Amendment "A" strikes the underlying bill and its associated fiscal impact and results in the impact described above.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 7027 (as amended by House "A")\*****AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL STATUTES.****SUMMARY:**

This bill makes several unrelated changes.

Regarding risk reduction credits earned by inmates, it:

1. prohibits someone convicted of 1<sup>st</sup> degree manslaughter, 1<sup>st</sup> degree manslaughter with a firearm, or aggravated sexual assault of a minor, or as a persistent dangerous felony offender or persistent dangerous sexual offender, from earning the credits;
2. requires wardens to verify that an inmate being released from a prison earned the credits that are reducing his or her sentence; and
3. requires the Department of Correction (DOC) commissioner, quarterly beginning by January 1, 2016, to report to the General Assembly and post on its website certain information about inmates earning risk reduction credits.

The bill requires a pistol or revolver permit holder to present his or her permit when a law enforcement officer (1) observes the person carrying a pistol or revolver and (2) has reasonable suspicion of a crime for purposes of verifying the validity of person's permit and his or her identity. Current law requires permit holders to carry their permits while carrying a pistol or revolver (see BACKGROUND).

It also allows parole officers, in performance of their duties, to

access the names and addresses of people (1) issued permits to carry or sell handguns, handgun or long gun eligibility certificates, assault weapon possession certificates, or ammunition certificates and (2) who declared possession of large capacity magazines. This information is confidential and current law allows disclosure only to: (1) law enforcement officials, including U.S. probation officers performing their duties; (2) the mental health and addiction services commissioner to carry out statutory gun-related responsibilities; and (3) gun or ammunition sellers, as necessary for the relevant government agency to verify a prospective gun or ammunition buyer's credential. (This does not apply to information in assault weapon certificates or large capacity magazine declarations.)

\*House Amendment "A" (1) eliminates provisions making U.S. marshals and deputy marshals "peace officers" and increasing the value of the property that must be damaged to be charged with certain types of criminal mischief and (2) adds the provisions on showing a handgun permit, disclosing information to parole officers, prohibiting inmates convicted of certain crimes from earning credits, and requiring wardens to verify inmates' credits.

EFFECTIVE DATE: October 1, 2015

## **RISK REDUCTION CREDIT**

### ***Earning Credits***

The bill prohibits someone convicted of 1<sup>st</sup> degree manslaughter, 1<sup>st</sup> degree manslaughter with a firearm, or aggravated sexual assault of a minor, or as a persistent dangerous felony offender or persistent dangerous sexual offender (see BACKGROUND), from earning risk reduction credits. By law, inmates convicted of the following crimes cannot earn these credits: murder, murder with special circumstances, felony murder, arson murder, 1<sup>st</sup> degree aggravated sexual assault, or home invasion.

By law, an eligible inmate can earn up to five days per month to reduce his or her maximum prison sentence at the DOC

commissioner's discretion for adhering to offender accountability plans, participating in programs and activities, and good conduct and obeying rules (although this alone does not entitle an inmate to credits). Inmates convicted of a violent crime or 2<sup>nd</sup> degree burglary cannot use the credits to become eligible for parole sooner than they otherwise would. Inmates convicted of non-violent crimes have their parole eligibility based on their sentences as reduced by the credits.

The bill requires the warden of a facility, before releasing an inmate who earned credits, to review the inmate's records to verify that he or she earned the credits to reduce his or her prison sentence.

### **Reports**

The bill requires DOC, after consulting with the Office of Policy and Management's Criminal Justice Policy and Planning Division, to issue a quarterly report to the legislature including:

1. the (a) total number of inmates released and (b) number released early as a result of earning risk reduction credits;
2. the criminal convictions of the released inmates;
3. the amount of credits earned by inmates released early because of the credits; and
4. any recidivism data about inmates released early because of the credits, such as rates of reentry into prisons, time between release and return to prison, and the criminal convictions that resulted in their return to prison.

DOC must post the report on its website within 30 days of submitting each report.

### **BACKGROUND**

#### ***Persistent Dangerous Felony Offenders***

By law, a persistent dangerous felony offender is someone who stands convicted of certain serious crimes and has a prior conviction of

certain serious crimes. For those with one of the required prior convictions, the law generally requires the judge to impose a sentence within a range between double the minimum and maximum penalty for the crime the person stands convicted of. For those with two of the required prior convictions, the judge must impose a sentence within a range between three times the minimum penalty for the crime the person stands convicted of and life in prison (statutorily defined as 60 years).

### ***Persistent Dangerous Sexual Offenders***

By law, a persistent dangerous sexual offender is someone who:

1. stands convicted of 1<sup>st</sup> or 3<sup>rd</sup> degree sexual assault, 1<sup>st</sup> degree aggravated sexual assault, or 3<sup>rd</sup> degree sexual assault with a firearm and
2. has a prior conviction which resulted in a prison sentence of a least one year in Connecticut, another state, or in a federal institution for (a) one of the crimes listed above, similar predecessor crimes, or attempt to commit any of them or (b) crimes in other states similar to those listed above.

The law requires the court to sentence a persistent dangerous sexual offender to a period of imprisonment and special parole which combine for a life sentence, which is statutorily defined as 60 years. (CGS §§ 53a-40(b) and (i)).

### ***Related Case***

At least one Superior Court ruled that the statute requiring someone to carry his or her firearm permit does not also require showing it to a police officer when requested to do so (*DESPP v. Board of Firearms Permit Examiners, et al*, No. HHB CV 14-6026730S, May 13, 2015).

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 11 (04/06/2015)