



General Assembly

Bill No. 7104

June Special Session, 2015

LCO No. 9650



Referred to Committee on No Committee

Introduced by:

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

***AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR
THE BIENNIUM ENDING JUNE 30, 2017 CONCERNING GENERAL
GOVERNMENT PROVISIONS RELATING TO CRIMINAL JUSTICE.***

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

1 Section 1. Section 21a-279 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) (1) Any person who possesses or has under [his] such person's
4 control any quantity of any [narcotic] controlled substance, except less
5 than one-half ounce of a cannabis-type substance and except as
6 authorized in this chapter, [for a first offense, may be imprisoned not
7 more than seven years or be fined not more than fifty thousand
8 dollars, or be both fined and imprisoned; and for a second offense,
9 may be imprisoned not more than fifteen years or be fined not more
10 than one hundred thousand dollars, or be both fined and imprisoned;
11 and for any subsequent offense, may be imprisoned not more than

12 twenty-five years or be fined not more than two hundred fifty
13 thousand dollars, or be both fined and imprisoned] shall be guilty of a
14 class A misdemeanor.

15 (2) For a second offense of subdivision (1) of this subsection, the
16 court shall evaluate such person and, if the court determines such
17 person is a drug-dependent person, the court may suspend
18 prosecution of such person and order such person to undergo a
19 substance abuse treatment program.

20 (3) For any subsequent offense of subdivision (1) of this subsection,
21 the court may find such person to be a persistent offender for
22 possession of a controlled substance in accordance with section 53a-40,
23 as amended by this act.

24 [(b) Any person who possesses or has under his control any
25 quantity of a hallucinogenic substance other than marijuana or four
26 ounces or more of a cannabis-type substance, except as authorized in
27 this chapter, for a first offense, shall be guilty of a class D felony, and
28 for a subsequent offense shall be guilty of a class C felony.

29 (c) Any person who possesses or has under his control any quantity
30 of any controlled substance other than a narcotic substance, or a
31 hallucinogenic substance other than marijuana or who possesses or has
32 under his control one-half ounce or more but less than four ounces of a
33 cannabis-type substance, except as authorized in this chapter, (1) for a
34 first offense, may be fined not more than one thousand dollars or be
35 imprisoned not more than one year, or be both fined and imprisoned;
36 and (2) for a subsequent offense, shall be guilty of a class D felony.]

37 [(d)] (b) Any person who violates subsection (a) [, (b) or (c)] of this
38 section in or on, or within one thousand five hundred feet of, the real
39 property comprising a public or private elementary or secondary
40 school and who is not enrolled as a student in such school or a licensed
41 child day care center, as defined in section 19a-77, that is identified as a
42 child day care center by a sign posted in a conspicuous place shall be

43 [imprisoned for a term of two years, which shall not be suspended and
44 shall be in addition and consecutive to any term of imprisonment
45 imposed for violation of subsection (a), (b) or (c) of this section] guilty
46 of a class A misdemeanor and shall be sentenced to a term of
47 imprisonment and a period of probation during which such person
48 shall perform community service as a condition of such probation, in a
49 manner ordered by the court.

50 [(e) As an alternative to the sentences specified in subsections (a)
51 and (b) and specified for a subsequent offense under subsection (c) of
52 this section, the court may sentence the person to the custody of the
53 Commissioner of Correction for an indeterminate term not to exceed
54 three years or the maximum term specified for the offense, whichever
55 is the lesser, and at any time within such indeterminate term and
56 without regard to any other provision of law regarding minimum term
57 of confinement, the Commissioner of Correction may release the
58 convicted person so sentenced subject to such conditions as he may
59 impose including, but not limited to, supervision by suitable authority.
60 At any time during such indeterminate term, the Commissioner of
61 Correction may revoke any such conditional release in his discretion
62 for violation of the conditions imposed and return the convicted
63 person to a correctional institution.]

64 [(f)] (c) To the extent that it is possible, medical treatment rather
65 than criminal sanctions shall be afforded individuals who breathe,
66 inhale, sniff or drink the volatile substances [defined] described in
67 subdivision (49) of section 21a-240.

68 [(g)] (d) The provisions of [subsections] subsection (a) [to (c),
69 inclusive,] of this section shall not apply to any person (1) who in good
70 faith, seeks medical assistance for another person who such person
71 reasonably believes is experiencing an overdose from the ingestion,
72 inhalation or injection of intoxicating liquor or any drug or substance,
73 (2) for whom another person, in good faith, seeks medical assistance,
74 reasonably believing such person is experiencing an overdose from the

75 ingestion, inhalation or injection of intoxicating liquor or any drug or
76 substance, or (3) who reasonably believes he or she is experiencing an
77 overdose from the ingestion, inhalation or injection of intoxicating
78 liquor or any drug or substance and, in good faith, seeks medical
79 assistance for himself or herself, if evidence of the possession or
80 control of a controlled substance in violation of subsection (a) [, (b) or
81 (c)] of this section was obtained as a result of the seeking of such
82 medical assistance. For the purposes of this subsection, "good faith"
83 does not include seeking medical assistance during the course of the
84 execution of an arrest warrant or search warrant or a lawful search.

85 (e) No provision of this section shall be construed to alter or modify
86 the meaning of the provisions of section 21a-278.

87 Sec. 2. Subsection (c) of section 7-294d of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective*
89 *October 1, 2015*):

90 (c) (1) The council may refuse to renew any certificate if the holder
91 fails to meet the requirements for renewal of his or her certification.

92 (2) The council may cancel or revoke any certificate if: (A) The
93 certificate was issued by administrative error, (B) the certificate was
94 obtained through misrepresentation or fraud, (C) the holder falsified
95 any document in order to obtain or renew any certificate, (D) the
96 holder has been convicted of a felony, (E) the holder has been found
97 not guilty of a felony by reason of mental disease or defect pursuant to
98 section 53a-13, (F) the holder has been convicted of a violation of
99 [subsection (c) of] section 21a-279, as amended by this act, (G) the
100 holder has been refused issuance of a certificate or similar
101 authorization or has had his or her certificate or other authorization
102 cancelled or revoked by another jurisdiction on grounds which would
103 authorize cancellation or revocation under the provisions of this
104 subdivision, (H) the holder has been found by a law enforcement unit,
105 pursuant to procedures established by such unit, to have used a

106 firearm in an improper manner which resulted in the death or serious
107 physical injury of another person, or (I) the holder has been found by a
108 law enforcement unit, pursuant to procedures established by such
109 unit, to have committed any act that would constitute tampering with
110 or fabricating physical evidence in violation of section 53a-155, perjury
111 in violation of section 53a-156 or false statement in violation of section
112 53a-157b. Whenever the council believes there is a reasonable basis for
113 cancellation or revocation of the certification of a police officer, police
114 training school or law enforcement instructor, it shall give notice and
115 an adequate opportunity for a hearing prior to such cancellation or
116 revocation. The council may cancel or revoke any certificate if, after a
117 de novo review, it finds by clear and convincing evidence (i) a basis set
118 forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii)
119 that the holder of the certificate committed an act set forth in
120 subparagraph (H) or (I) of this subdivision. Any police officer or law
121 enforcement instructor whose certification is cancelled or revoked
122 pursuant to this section may reapply for certification no sooner than
123 two years after the date on which the cancellation or revocation order
124 becomes final. Any police training school whose certification is
125 cancelled or revoked pursuant to this section may reapply for
126 certification at any time after the date on which such order becomes
127 final.

128 Sec. 3. Subsection (b) of section 29-28 of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective*
130 *October 1, 2015*):

131 (b) Upon the application of any person having a bona fide
132 permanent residence within the jurisdiction of any such authority,
133 such chief of police, warden or selectman may issue a temporary state
134 permit to such person to carry a pistol or revolver within the state,
135 provided such authority shall find that such applicant intends to make
136 no use of any pistol or revolver which such applicant may be
137 permitted to carry under such permit other than a lawful use and that
138 such person is a suitable person to receive such permit. No state or

139 temporary state permit to carry a pistol or revolver shall be issued
140 under this subsection if the applicant (1) has failed to successfully
141 complete a course approved by the Commissioner of Emergency
142 Services and Public Protection in the safety and use of pistols and
143 revolvers including, but not limited to, a safety or training course in
144 the use of pistols and revolvers available to the public offered by a law
145 enforcement agency, a private or public educational institution or a
146 firearms training school, utilizing instructors certified by the National
147 Rifle Association or the Department of Energy and Environmental
148 Protection and a safety or training course in the use of pistols or
149 revolvers conducted by an instructor certified by the state or the
150 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
151 on or after October 1, 1994, a violation of [subsection (c) of] section 21a-
152 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,
153 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been
154 convicted as delinquent for the commission of a serious juvenile
155 offense, as defined in section 46b-120, (4) has been discharged from
156 custody within the preceding twenty years after having been found
157 not guilty of a crime by reason of mental disease or defect pursuant to
158 section 53a-13, (5) (A) has been confined in a hospital for persons with
159 psychiatric disabilities, as defined in section 17a-495, within the
160 preceding sixty months by order of a probate court, or (B) has been
161 voluntarily admitted on or after October 1, 2013, to a hospital for
162 persons with psychiatric disabilities, as defined in section 17a-495,
163 within the preceding six months for care and treatment of a psychiatric
164 disability and not solely for being an alcohol-dependent person or a
165 drug-dependent person as those terms are defined in section 17a-680,
166 (6) is subject to a restraining or protective order issued by a court in a
167 case involving the use, attempted use or threatened use of physical
168 force against another person, (7) is subject to a firearms seizure order
169 issued pursuant to subsection (d) of section 29-38c after notice and
170 hearing, (8) is prohibited from shipping, transporting, possessing or
171 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien
172 illegally or unlawfully in the United States, or (10) is less than twenty-

173 one years of age. Nothing in this section shall require any person who
174 holds a valid permit to carry a pistol or revolver on October 1, 1994, to
175 participate in any additional training in the safety and use of pistols
176 and revolvers. No person may apply for a temporary state permit to
177 carry a pistol or revolver more than once within any twelve-month
178 period, and no temporary state permit to carry a pistol or revolver
179 shall be issued to any person who has applied for such permit more
180 than once within the preceding twelve months. Any person who
181 applies for a temporary state permit to carry a pistol or revolver shall
182 indicate in writing on the application, under penalty of false statement
183 in such manner as the issuing authority prescribes, that such person
184 has not applied for a temporary state permit to carry a pistol or
185 revolver within the past twelve months. Upon issuance of a temporary
186 state permit to carry a pistol or revolver to the applicant, the local
187 authority shall forward the original application to the commissioner.
188 Not later than sixty days after receiving a temporary state permit, an
189 applicant shall appear at a location designated by the commissioner to
190 receive the state permit. The commissioner may then issue, to any
191 holder of any temporary state permit, a state permit to carry a pistol or
192 revolver within the state. Upon issuance of the state permit, the
193 commissioner shall make available to the permit holder a copy of the
194 law regarding the permit holder's responsibility to report the loss or
195 theft of a firearm and the penalties associated with the failure to
196 comply with such law. Upon issuance of the state permit, the
197 commissioner shall forward a record of such permit to the local
198 authority issuing the temporary state permit. The commissioner shall
199 retain records of all applications, whether approved or denied. The
200 copy of the state permit delivered to the permittee shall be laminated
201 and shall contain a full-face photograph of such permittee. A person
202 holding a state permit issued pursuant to this subsection shall notify
203 the issuing authority within two business days of any change of such
204 person's address. The notification shall include the old address and the
205 new address of such person.

206 Sec. 4. Subsection (b) of section 29-36f of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective*
208 *October 1, 2015*):

209 (b) The Commissioner of Emergency Services and Public Protection
210 shall issue an eligibility certificate unless said commissioner finds that
211 the applicant: (1) Has failed to successfully complete a course
212 approved by the Commissioner of Emergency Services and Public
213 Protection in the safety and use of pistols and revolvers including, but
214 not limited to, a safety or training course in the use of pistols and
215 revolvers available to the public offered by a law enforcement agency,
216 a private or public educational institution or a firearms training school,
217 utilizing instructors certified by the National Rifle Association or the
218 Department of Energy and Environmental Protection and a safety or
219 training course in the use of pistols or revolvers conducted by an
220 instructor certified by the state or the National Rifle Association; (2)
221 has been convicted of a felony or of a violation of [subsection (c) of]
222 section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-
223 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)
224 has been convicted as delinquent for the commission of a serious
225 juvenile offense, as defined in section 46b-120; (4) has been discharged
226 from custody within the preceding twenty years after having been
227 found not guilty of a crime by reason of mental disease or defect
228 pursuant to section 53a-13; (5) (A) has been confined in a hospital for
229 persons with psychiatric disabilities, as defined in section 17a-495,
230 within the preceding sixty months by order of a probate court; or (B)
231 has been voluntarily admitted on or after October 1, 2013, to a hospital
232 for persons with psychiatric disabilities, as defined in section 17a-495,
233 within the preceding six months for care and treatment of a psychiatric
234 disability and not solely for being an alcohol-dependent person or a
235 drug-dependent person as those terms are defined in section 17a-680,
236 (6) is subject to a restraining or protective order issued by a court in a
237 case involving the use, attempted use or threatened use of physical
238 force against another person; (7) is subject to a firearms seizure order

239 issued pursuant to subsection (d) of section 29-38c after notice and
240 hearing; (8) is prohibited from shipping, transporting, possessing or
241 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien
242 illegally or unlawfully in the United States.

243 Sec. 5. Subsection (b) of section 29-37p of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective*
245 *October 1, 2015*):

246 (b) The Commissioner of Emergency Services and Public Protection
247 shall issue a long gun eligibility certificate unless said commissioner
248 finds that the applicant: (1) Has failed to successfully complete a
249 course approved by the Commissioner of Emergency Services and
250 Public Protection in the safety and use of firearms including, but not
251 limited to, a safety or training course in the use of firearms available to
252 the public offered by a law enforcement agency, a private or public
253 educational institution or a firearms training school, utilizing
254 instructors certified by the National Rifle Association or the
255 Department of Energy and Environmental Protection and a safety or
256 training course in the use of firearms conducted by an instructor
257 certified by the state or the National Rifle Association; (2) has been
258 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
259 of [subsection (c) of] section 21a-279, as amended by this act, or section
260 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178
261 or 53a-181d; (3) has been convicted as delinquent for the commission
262 of a serious juvenile offense, as defined in section 46b-120; (4) has been
263 discharged from custody within the preceding twenty years after
264 having been found not guilty of a crime by reason of mental disease or
265 defect pursuant to section 53a-13; (5) has been confined in a hospital
266 for persons with psychiatric disabilities, as defined in section 17a-495,
267 within the preceding sixty months by order of a probate court; (6) has
268 been voluntarily admitted to a hospital for persons with psychiatric
269 disabilities, as defined in section 17a-495, within the preceding six
270 months for care and treatment of a psychiatric disability and not solely
271 for being an alcohol-dependent person or a drug-dependent person as

272 those terms are defined in section 17a-680; (7) is subject to a restraining
273 or protective order issued by a court in a case involving the use,
274 attempted use or threatened use of physical force against another
275 person; (8) is subject to a firearms seizure order issued pursuant to
276 subsection (d) of section 29-38c after notice and hearing; (9) is
277 prohibited from shipping, transporting, possessing or receiving a
278 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or
279 unlawfully in the United States.

280 Sec. 6. Subsection (a) of section 53a-217 of the general statutes is
281 repealed and the following is substituted in lieu thereof (*Effective*
282 *October 1, 2015*):

283 (a) A person is guilty of criminal possession of a firearm,
284 ammunition or an electronic defense weapon when such person
285 possesses a firearm, ammunition or an electronic defense weapon and
286 (1) has been convicted of a felony committed prior to, on or after
287 October 1, 2013, or of a violation of [subsection (c) of] section 21a-279,
288 as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-
289 63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after
290 October 1, 2013, (2) has been convicted as delinquent for the
291 commission of a serious juvenile offense, as defined in section 46b-120,
292 (3) has been discharged from custody within the preceding twenty
293 years after having been found not guilty of a crime by reason of mental
294 disease or defect pursuant to section 53a-13, (4) knows that such
295 person is subject to (A) a restraining or protective order of a court of
296 this state that has been issued against such person, after notice and an
297 opportunity to be heard has been provided to such person, in a case
298 involving the use, attempted use or threatened use of physical force
299 against another person, or (B) a foreign order of protection, as defined
300 in section 46b-15a, that has been issued against such person in a case
301 involving the use, attempted use or threatened use of physical force
302 against another person, (5) (A) has been confined on or after October 1,
303 2013, in a hospital for persons with psychiatric disabilities, as defined
304 in section 17a-495, within the preceding sixty months by order of a

305 probate court, or with respect to any person who holds a valid permit
306 or certificate that was issued or renewed under the provisions of
307 section 29-28, as amended by this act, or 29-36f, as amended by this act,
308 in effect prior to October 1, 2013, such person has been confined in
309 such hospital within the preceding twelve months, or (B) has been
310 voluntarily admitted on or after October 1, 2013, to a hospital for
311 persons with psychiatric disabilities, as defined in section 17a-495,
312 within the preceding six months for care and treatment of a psychiatric
313 disability and not solely for being an alcohol-dependent person or a
314 drug-dependent person as those terms are defined in section 17a-680,
315 (6) knows that such person is subject to a firearms seizure order issued
316 pursuant to subsection (d) of section 29-38c after notice and an
317 opportunity to be heard has been provided to such person, or (7) is
318 prohibited from shipping, transporting, possessing or receiving a
319 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
320 "convicted" means having a judgment of conviction entered by a court
321 of competent jurisdiction, "ammunition" means a loaded cartridge,
322 consisting of a primed case, propellant or projectile, designed for use
323 in any firearm, and a motor vehicle violation for which a sentence to a
324 term of imprisonment of more than one year may be imposed shall be
325 deemed an unclassified felony.

326 Sec. 7. Subsection (a) of section 53a-217c of the general statutes is
327 repealed and the following is substituted in lieu thereof (*Effective*
328 *October 1, 2015*):

329 (a) A person is guilty of criminal possession of a pistol or revolver
330 when such person possesses a pistol or revolver, as defined in section
331 29-27, and (1) has been convicted of a felony committed prior to, on or
332 after October 1, 2013, or of a violation of [subsection (c) of] section 21a-
333 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,
334 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
335 after October 1, 1994, (2) has been convicted as delinquent for the
336 commission of a serious juvenile offense, as defined in section 46b-120,
337 (3) has been discharged from custody within the preceding twenty

338 years after having been found not guilty of a crime by reason of mental
339 disease or defect pursuant to section 53a-13, (4) (A) has been confined
340 prior to October 1, 2013, in a hospital for persons with psychiatric
341 disabilities, as defined in section 17a-495, within the preceding twelve
342 months by order of a probate court, or has been confined on or after
343 October 1, 2013, in a hospital for persons with psychiatric disabilities,
344 as defined in section 17a-495, within the preceding sixty months by
345 order of a probate court, or, with respect to any person who holds a
346 valid permit or certificate that was issued or renewed under the
347 provisions of section 29-28, as amended by this act, or 29-36f, as
348 amended by this act, in effect prior to October 1, 2013, such person has
349 been confined in such hospital within the preceding twelve months, or
350 (B) has been voluntarily admitted on or after October 1, 2013, to a
351 hospital for persons with psychiatric disabilities, as defined in section
352 17a-495, within the preceding six months for care and treatment of a
353 psychiatric disability and not solely for being an alcohol-dependent
354 person or a drug-dependent person as those terms are defined in
355 section 17a-680, (5) knows that such person is subject to (A) a
356 restraining or protective order of a court of this state that has been
357 issued against such person, after notice and an opportunity to be heard
358 has been provided to such person, in a case involving the use,
359 attempted use or threatened use of physical force against another
360 person, or (B) a foreign order of protection, as defined in section 46b-
361 15a, that has been issued against such person in a case involving the
362 use, attempted use or threatened use of physical force against another
363 person, (6) knows that such person is subject to a firearms seizure
364 order issued pursuant to subsection (d) of section 29-38c after notice
365 and an opportunity to be heard has been provided to such person, (7)
366 is prohibited from shipping, transporting, possessing or receiving a
367 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
368 unlawfully in the United States. For the purposes of this section,
369 "convicted" means having a judgment of conviction entered by a court
370 of competent jurisdiction.

371 Sec. 8. Subsection (b) of section 18-100h of the general statutes is
372 repealed and the following is substituted in lieu thereof (*Effective*
373 *October 1, 2015*):

374 (b) Notwithstanding any provision of the general statutes,
375 whenever a person is sentenced to a term of imprisonment for a
376 violation of section 21a-267 or [subsection (c) of section] 21a-279, as
377 amended by this act, and committed by the court to the custody of the
378 Commissioner of Correction, the commissioner may, after admission
379 and a risk and needs assessment, release such person to such person's
380 residence subject to the condition that such person not leave such
381 residence unless otherwise authorized. Based upon the assessment of
382 such person, the commissioner may require such person to be subject
383 to electronic monitoring, which may include the use of a global
384 positioning system and continuous monitoring for alcohol
385 consumption, to drug testing on a random basis, and to any other
386 conditions that the commissioner may impose. Any person released
387 pursuant to this subsection shall remain in the custody of the
388 commissioner and shall be supervised by employees of the department
389 during the period of such release. Upon the violation by such person of
390 any condition of such release, the commissioner may revoke such
391 release and return such person to confinement in a correctional facility.
392 For purposes of this subsection, "continuous monitoring for alcohol
393 consumption" means automatically testing breath, blood or
394 transdermal alcohol concentration levels and tamper attempts at least
395 once every hour regardless of the location of the person being
396 monitored.

397 Sec. 9. Section 54-124a of the general statutes is repealed and the
398 following is substituted in lieu thereof (*Effective June 30, 2015*):

399 (a) (1) There shall be a Board of Pardons and Paroles within the
400 Department of Correction, for administrative purposes only. [On and
401 after July 1, 2008, and prior to July 1, 2010, the board shall consist of
402 eighteen members, and on and after July 1, 2010, the] On and after July

403 1, 2015, the board shall consist of [twenty members. The Governor
404 shall appoint all members of the board] ten full-time and up to five
405 part-time members appointed by the Governor with the advice and
406 consent of both houses of the General Assembly. [On and after July 1,
407 2008, twelve of the members shall serve exclusively on parole release
408 panels, five of the members shall serve exclusively on pardons panels
409 and the chairperson may serve on both parole release panels and
410 pardons panels, except that on and after July 1, 2010, seven of the
411 members shall serve exclusively on pardons panels.] The term of any
412 part-time member serving on the board on June 30, 2015, shall expire
413 on said date. On or after July 1, 2015, the Governor may appoint up to
414 five persons to serve as part-time members. In the appointment of the
415 members, the Governor shall specify if the member is being appointed
416 as [chairperson, the full-time and part-time members being appointed
417 to serve on parole release panels and the members being appointed to
418 serve on pardons panels] full-time or part-time. In the appointment of
419 the members, the Governor shall comply with the provisions of section
420 4-9b. The Governor shall appoint a chairperson from among the
421 membership. The members of the board [appointed on or after
422 February 1, 2008,] shall be qualified by education, experience or
423 training in the administration of community corrections, parole or
424 pardons, criminal justice, criminology, the evaluation or supervision of
425 offenders or the provision of mental health services to offenders. Each
426 appointment of a member of the board submitted by the Governor to
427 the General Assembly, except as provided in subdivision (2) of this
428 subsection, shall be referred, without debate, to the [committee on]
429 joint standing committee of the General Assembly having cognizance
430 of matters relating to the judiciary which shall report [thereon] on each
431 appointment not later than thirty legislative days after the date of
432 reference.

433 (2) If, not later than September 1, 2015, the Governor appoints a
434 part-time member and such member was previously a member whose
435 term expired June 30, 2015, such appointment shall take effect

436 immediately without confirmation by the General Assembly.

437 (b) The term of each [appointed member of the board serving on
438 June 30, 2008, who had been assigned by the chairperson exclusively to
439 parole hearings, shall expire on said date. The term of each] member of
440 the board [serving on June 30, 2008, who had been appointed
441 chairperson, had been assigned by the chairperson exclusively to
442 pardons hearings or has been appointed by the Governor on or after
443 February 1, 2008,] shall be coterminous with the term of the Governor
444 or until a successor is chosen, whichever is later. Any vacancy in the
445 membership of the board shall be filled for the unexpired portion of
446 the term by the Governor.

447 (c) [The chairperson and five of the members of the board appointed
448 by the Governor on or after February 1, 2008, to serve on parole release
449 panels] Ten of the members of the board shall devote full time to the
450 performance of their duties under this section and shall be
451 compensated therefor in such amount as the Commissioner of
452 Administrative Services determines, subject to the provisions of section
453 4-40. The other members of the board shall receive one hundred ten
454 dollars for each day spent in the performance of their duties and shall
455 be reimbursed for necessary expenses incurred in the performance of
456 such duties. The chairperson or, in the chairperson's absence or
457 inability to act, a member designated by the chairperson to serve
458 temporarily as chairperson, shall be present at all meetings of the
459 board and participate in all decisions. [thereof.]

460 (d) The chairperson shall be the executive and administrative head
461 of said board and shall have the authority and responsibility for (1)
462 overseeing all administrative affairs of the board, (2) assigning
463 members to panels, (3) establishing procedural rules for members to
464 follow when conducting hearings, reviewing recommendations made
465 by employees of the board and making decisions, (4) adopting policies
466 in all areas of pardons and paroles including, but not limited to,
467 granting pardons, commutations of punishments or releases,

468 conditioned or absolute, in the case of any person convicted of any
469 offense against the state and commutations from the penalty of death,
470 risk-based structured decision making and release criteria, (5)
471 consulting with the Department of Correction on shared issues
472 including, but not limited to, prison overcrowding, (6) consulting with
473 the Judicial Branch on shared issues of community supervision, and (7)
474 signing and issuing subpoenas to compel the attendance and
475 testimony of witnesses at parole proceedings. Any such subpoena shall
476 be enforceable to the same extent as subpoenas issued pursuant to
477 section 52-143.

478 (e) [Of the members appointed prior to February 1, 2008, the
479 chairperson shall assign seven members exclusively to parole release
480 hearings and shall assign five members exclusively to pardons
481 hearings. Except for the chairperson, no member assigned to parole
482 release hearings may be assigned subsequently to pardons hearings
483 and no member assigned to pardons hearings may be assigned
484 subsequently to parole release hearings. Prior to July 1, 2008, each
485 parole release panel shall be composed of two members from among
486 the members assigned by the chairperson exclusively to parole release
487 hearings or the members appointed by the Governor on or after
488 February 1, 2008, to serve exclusively on parole release panels, and the
489 chairperson or a member designated to serve temporarily as
490 chairperson, for each correctional institution. On and after July 1, 2008,
491 and prior to October 5, 2009, each parole release panel shall be
492 composed of two members appointed by the Governor on or after
493 February 1, 2008, to serve on parole release panels, at least one of
494 whom is a full-time member, and the chairperson or a full-time
495 member designated to serve temporarily as chairperson, for each
496 correctional institution. On and after October 5, 2009, each] Each parole
497 release panel shall be composed of two members [appointed by the
498 Governor to serve on parole release panels] and the chairperson or a
499 full-time member designated by the chairperson to serve temporarily
500 as chairperson. [, for each correctional institution. Such parole release

501 panels shall be the paroling authority for the institutions to which they
502 are assigned and] On and after January 1, 2016, not less than [two]
503 three members shall be present at each parole hearing. Each pardons
504 panel shall be composed of three members, [from among the members
505 assigned by the chairperson exclusively to pardons hearings or the
506 members appointed by the Governor on or after February 1, 2008, to
507 serve on pardons panels,] one of whom may be the chairperson, except
508 that for hearings on commutations from the penalty of death, one
509 member of the panel shall be the chairperson.

510 (f) The Board of Pardons and Paroles shall have independent
511 decision-making authority to (1) grant or deny parole in accordance
512 with sections 54-125, 54-125a, as amended by this act, 54-125e and 54-
513 125g, as amended by this act, (2) establish conditions of parole or
514 special parole supervision in accordance with section 54-126, (3)
515 rescind or revoke parole or special parole in accordance with sections
516 54-127 and 54-128, (4) grant commutations of punishment or releases,
517 conditioned or absolute, in the case of any person convicted of any
518 offense against the state and commutations from the penalty of death
519 in accordance with section 54-130a.

520 (g) The Department of Correction shall be responsible for the
521 supervision of any person transferred to the jurisdiction of the Board
522 of Pardons and Paroles during such person's period of parole or
523 special parole.

524 (h) The chairperson, or the chairperson's designee, and two
525 members of the board [from among the members assigned by the
526 chairperson to serve exclusively on parole release panels or the
527 members appointed by the Governor on or after February 1, 2008, to
528 serve on parole release panels,] shall conduct all parole release
529 hearings, and shall approve or deny all (1) parole revocations and
530 parole rescissions recommended by an employee of the board
531 pursuant to section 54-127a, and (2) recommendations for parole
532 pursuant to section 11 of this act. No panel of the Board of Pardons

533 and Paroles shall hold a hearing to determine the suitability for parole
534 release of any person unless the chairperson of the board has made
535 reasonable efforts to determine the existence of and obtain all
536 information deemed pertinent to the panel's decision and has certified
537 that all such pertinent information determined to exist has been
538 obtained or is unavailable.

539 (i) The chairperson of the board shall appoint an executive director.
540 The executive director shall oversee the administration of the agency
541 and, at the discretion of the chairperson, shall: (1) Direct and supervise
542 all administrative affairs of the board, (2) prepare the budget and
543 annual operation plan, (3) assign staff to administrative reviews, (4)
544 organize pardons and parole release hearing calendars, (5) implement
545 a uniform case filing and processing system, and (6) create programs
546 for staff and board member development, training and education.

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

549 (1) Parole revocation and rescission hearings that include
550 implementing due process requirements;

551 (2) An [administrative] expedited pardons [process] review that
552 allows an applicant convicted of a crime to be granted a pardon with
553 respect to such crime without a hearing, unless a victim of such crime
554 requests such a hearing, if such applicant was [:] convicted of a
555 nonviolent crime;

556 [(A) Convicted of a misdemeanor and (i) such conduct no longer
557 constitutes a crime, (ii) such applicant was under twenty-one years of
558 age at the time of conviction and has not been convicted of a crime
559 during the five years preceding the date on which the pardon is
560 granted, or (iii) such conviction occurred prior to the effective date of
561 the establishment of a program under sections 17a-692 to 17a-701,
562 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-
563 56j for which the applicant would have been eligible had such program

564 existed at the time of conviction, provided the chairperson determines
565 the applicant would likely have been granted entry into such program;
566 or

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

572 (3) Requiring board members [assigned to pardons hearings] to
573 issue written statements containing the reasons for rejecting any
574 application for a pardon.

575 (k) The Board of Pardons and Paroles shall hold a pardons hearing
576 at least once every three months and shall hold such hearings in
577 various geographical areas of the state. The board shall not hold a
578 pardons hearing within or on the grounds of a correctional facility
579 except when solely for the benefit of applicants who are incarcerated at
580 the time of such hearing.

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

582 (1) In consultation with the Department of Correction, a parole
583 orientation program for all parole-eligible inmates upon their transfer
584 to the custody of the Commissioner of Correction that will provide
585 general information on the laws and policies regarding parole release,
586 calculation of time-served standards, general conditions of release,
587 supervision practices, revocation and rescission policies, and
588 procedures for administrative review and panel hearings, and any
589 other information that the board deems relevant for preparing inmates
590 for parole;

591 (2) An incremental sanctions system for parole violations including,
592 but not limited to, reincarceration based on the type, severity and
593 frequency of the violation and specific periods of incarceration for

594 certain types of violations; and

595 (3) A formal training program for members of the board and parole
596 officers that shall include, but not be limited to, an overview of the
597 criminal justice system, the parole system including factors to be
598 considered in granting parole, victim rights and services, reentry
599 strategies, risk assessment, case management and mental health issues.
600 Each member shall complete such training annually.

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

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

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

613 (p) Any decision of the board or a panel of the board shall be made
614 by a majority of those members present.

615 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
616 the Board of Pardons and Paroles shall develop a pardon eligibility
617 notice containing written explanatory text of the pardons process set
618 forth in chapter 961 of the general statutes. The board, in conjunction
619 with the Judicial Department and Department of Correction, shall
620 ensure that such notice is provided to a person at the time such person
621 (1) is sentenced, (2) is released by the Department of Correction,
622 including any pretrial release pursuant to section 18-100f of the general
623 statutes, (3) has completed or been discharged from a period of parole,

624 and (4) has completed a period of probation or conditional discharge
625 pursuant to section 53a-29 or 53a-33 of the general statutes. The board
626 shall update such notice as deemed necessary by the board.

627 Sec. 11. (NEW) (*Effective July 1, 2015*) (a) An inmate (1) not convicted
628 of a crime for which there is a victim, as defined in section 54-201 of
629 the general statutes or section 54-226 of the general statutes, who is
630 known by the Board of Pardons and Paroles, (2) whose eligibility for
631 parole release is not subject to the provisions of subsection (b) of
632 section 54-125a of the general statutes, (3) who was not convicted of a
633 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
634 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb,
635 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa,
636 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,
637 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c of the general
638 statutes, and (4) who is not otherwise prohibited from being granted
639 parole for any reason, may be allowed to go at large on parole in
640 accordance with the provisions of section 54-125a of the general
641 statutes, as amended by this act, or section 54-125g of the general
642 statutes, as amended by this act, pursuant to the provisions of
643 subsections (b) and (c) of this section.

644 (b) A member of the board, or an employee of the board qualified
645 by education, experience or training in the administration of
646 community corrections, parole, pardons, criminal justice, criminology,
647 the evaluation or supervision of offenders or the provision of mental
648 health services to offenders, may evaluate whether parole should be
649 granted to an inmate pursuant to this section. The board member or
650 employee shall (1) use risk-based structured decision making and
651 release criteria developed under policies adopted by the board
652 pursuant to subsection (d) of section 54-124a of the general statutes, as
653 amended by this act, and (2) review the inmate's offender
654 accountability plan, including, but not limited to, the environment to
655 which the inmate plans to return upon release, to determine whether
656 parole should be recommended for such inmate.

657 (c) If the board member or qualified employee recommends parole
658 for an inmate, the chairperson of the board shall present such
659 recommendation and all pertinent information to a parole release
660 panel for approval. No parole release panel may review such
661 recommendation and determine the suitability for parole release of an
662 inmate unless the chairperson has made reasonable efforts to
663 determine the existence of and obtain all information deemed
664 pertinent to the panel's decision and has certified that all such
665 pertinent information determined to exist has been obtained or is
666 unavailable. No applicant may be granted parole pursuant to this
667 section unless each board member or parole officer who reviewed such
668 inmate's file certifies that he or she reviewed such recommendation
669 and all such pertinent information.

670 Sec. 12. Subsection (a) of section 54-125a of the general statutes is
671 repealed and the following is substituted in lieu thereof (*Effective July*
672 *1, 2015*):

673 (a) A person convicted of one or more crimes who is incarcerated on
674 or after October 1, 1990, who received a definite sentence or aggregate
675 sentence of more than two years, and who has been confined under
676 such sentence or sentences for not less than one-half of the aggregate
677 sentence less any risk reduction credit earned under the provisions of
678 section 18-98e or one-half of the most recent sentence imposed by the
679 court less any risk reduction credit earned under the provisions of
680 section 18-98e, whichever is greater, may be allowed to go at large on
681 parole (1) in accordance with the provisions of section 11 of this act, or
682 (2) in the discretion of [the] a panel of the Board of Pardons and
683 Paroles, [for the institution in which the person is confined,] if [(1)] (A)
684 it appears from all available information, including any reports from
685 the Commissioner of Correction that the panel may require, that there
686 is reasonable probability that such inmate will live and remain at
687 liberty without violating the law, and [(2)] (B) such release is not
688 incompatible with the welfare of society. At the discretion of the panel,
689 and under the terms and conditions as may be prescribed by the panel

690 including requiring the parolee to submit personal reports, the parolee
691 shall be allowed to return to the parolee's home or to reside in a
692 residential community center, or to go elsewhere. The parolee shall,
693 while on parole, remain under the jurisdiction of the board until the
694 expiration of the maximum term or terms for which the parolee was
695 sentenced less any risk reduction credit earned under the provisions of
696 section 18-98e. Any parolee released on the condition that the parolee
697 reside in a residential community center may be required to contribute
698 to the cost incidental to such residence. Each order of parole shall fix
699 the limits of the parolee's residence, which may be changed in the
700 discretion of the board and the Commissioner of Correction. Within
701 three weeks after the commitment of each person sentenced to more
702 than two years, the state's attorney for the judicial district shall send to
703 the Board of Pardons and Paroles the record, if any, of such person.

704 Sec. 13. Subsection (a) of section 54-125a of the general statutes, as
705 amended by section 1 of public act 15-84, is repealed and the following
706 is substituted in lieu thereof (*Effective October 1, 2015*):

707 (a) A person convicted of one or more crimes who is incarcerated on
708 or after October 1, 1990, who received a definite sentence or total
709 effective sentence of more than two years, and who has been confined
710 under such sentence or sentences for not less than one-half of the total
711 effective sentence less any risk reduction credit earned under the
712 provisions of section 18-98e or one-half of the most recent sentence
713 imposed by the court less any risk reduction credit earned under the
714 provisions of section 18-98e, whichever is greater, may be allowed to
715 go at large on parole (1) in accordance with the provisions of section 11
716 of this act, or (2) in the discretion of [the] a panel of the Board of
717 Pardons and Paroles, [for the institution in which the person is
718 confined,] if [(1)] (A) it appears from all available information,
719 including any reports from the Commissioner of Correction that the
720 panel may require, that there is a reasonable probability that such
721 inmate will live and remain at liberty without violating the law, and
722 [(2)] (B) such release is not incompatible with the welfare of society. At

723 the discretion of the panel, and under the terms and conditions as may
724 be prescribed by the panel including requiring the parolee to submit
725 personal reports, the parolee shall be allowed to return to the parolee's
726 home or to reside in a residential community center, or to go
727 elsewhere. The parolee shall, while on parole, remain under the
728 jurisdiction of the board until the expiration of the maximum term or
729 terms for which the parolee was sentenced less any risk reduction
730 credit earned under the provisions of section 18-98e. Any parolee
731 released on the condition that the parolee reside in a residential
732 community center may be required to contribute to the cost incidental
733 to such residence. Each order of parole shall fix the limits of the
734 parolee's residence, which may be changed in the discretion of the
735 board and the Commissioner of Correction. Within three weeks after
736 the commitment of each person sentenced to more than two years, the
737 state's attorney for the judicial district shall send to the Board of
738 Pardons and Paroles the record, if any, of such person.

739 Sec. 14. Subsection (e) of section 54-125a of the general statutes is
740 repealed and the following is substituted in lieu thereof (*Effective July*
741 *1, 2015*):

742 (e) The Board of Pardons and Paroles may hold a hearing to
743 determine the suitability for parole release of any person whose
744 eligibility for parole release is subject to the provisions of subdivision
745 (2) of subsection (b) of this section upon completion by such person of
746 eighty-five per cent of such person's definite or aggregate sentence. An
747 employee of the board or, if deemed necessary by the chairperson, a
748 panel of the board shall assess the suitability for parole release of such
749 person based on the following standards: (1) Whether there is
750 reasonable probability that such person will live and remain at liberty
751 without violating the law, and (2) whether the benefits to such person
752 and society that would result from such person's release to community
753 supervision substantially outweigh the benefits to such person and
754 society that would result from such person's continued incarceration. If
755 a hearing is held, and if the board determines that continued

756 confinement is necessary, the board shall articulate for the record the
757 specific reasons why such person and the public would not benefit
758 from such person serving a period of parole supervision while
759 transitioning from incarceration to the community. No hearing
760 pursuant to the provisions of this subsection may proceed unless the
761 parole release panel is in possession of the complete file for such
762 applicant, including any documentation from the Department of
763 Correction, the trial transcript, the sentencing record and any file of
764 any previous parole hearing. Each member of the panel shall certify
765 that all such documentation has been reviewed in preparation for such
766 hearing. If a hearing is not held, the board shall document the specific
767 reasons for not holding a hearing and provide such reasons to such
768 person. No person shall be released on parole without receiving a
769 hearing. The decision of the board under this subsection shall not be
770 subject to appeal.

771 Sec. 15. Subsection (e) of section 54-125a of the general statutes, as
772 amended by section 1 of public act 15-84, is repealed and the following
773 is substituted in lieu thereof (*Effective October 1, 2015*):

774 (e) The Board of Pardons and Paroles may hold a hearing to
775 determine the suitability for parole release of any person whose
776 eligibility for parole release is subject to the provisions of subdivision
777 (2) of subsection (b) of this section upon completion by such person of
778 eighty-five per cent of such person's definite or total effective sentence.
779 An employee of the board or, if deemed necessary by the chairperson,
780 a panel of the board shall assess the suitability for parole release of
781 such person based on the following standards: (1) Whether there is a
782 reasonable probability that such person will live and remain at liberty
783 without violating the law, and (2) whether the benefits to such person
784 and society that would result from such person's release to community
785 supervision substantially outweigh the benefits to such person and
786 society that would result from such person's continued incarceration. If
787 a hearing is held, and if the board determines that continued
788 confinement is necessary, the board shall articulate for the record the

789 specific reasons why such person and the public would not benefit
790 from such person serving a period of parole supervision while
791 transitioning from incarceration to the community. No hearing
792 pursuant to the provisions of this subsection may proceed unless the
793 parole release panel is in possession of the complete file for such
794 applicant, including any documentation from the Department of
795 Correction, the trial transcript, the sentencing record and any file of
796 any previous parole hearing. Each member of the panel shall certify
797 that all such documentation has been reviewed in preparation for such
798 hearing. If a hearing is not held, the board shall document the specific
799 reasons for not holding a hearing and provide such reasons to such
800 person. No person shall be released on parole without receiving a
801 hearing. The decision of the board under this subsection shall not be
802 subject to appeal.

803 Sec. 16. Section 54-125g of the general statutes is repealed and the
804 following is substituted in lieu thereof (*Effective July 1, 2015*):

805 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-
806 125a, as amended by this act, any person who has six months or less to
807 the expiration of the maximum term or terms for which such person
808 was sentenced, may be allowed to go at large on parole pursuant to
809 section 11 of this act or following a hearing pursuant to section 54-
810 125a, as amended by this act, provided such person agrees (1) to be
811 subject to supervision by personnel of the Department of Correction
812 for a period of one year, and (2) to be retained in the institution from
813 which such person was paroled for a period equal to the unexpired
814 portion of the term of his or her sentence if such person is found to
815 have violated the terms or conditions of his or her parole. Any person
816 subject to the provisions of subdivision (1) or (2) of subsection (b) of
817 section 54-125a shall only be eligible to go at large on parole under this
818 section after having served ninety-five per cent of the definite sentence
819 imposed.

820 Sec. 17. Section 54-126a of the general statutes is repealed and the

821 following is substituted in lieu thereof (*Effective July 1, 2015*):

822 (a) For the purposes of this section, "victim" means a person who is
823 a victim of a crime, the legal representative of such person, a member
824 of a deceased victim's immediate family or a person designated by a
825 deceased victim in accordance with section 1-56r.

826 (b) ~~[At] (1) When~~ a hearing ~~[held by a panel of]~~ is scheduled by the
827 Board of Pardons and Paroles for the purpose of determining the
828 eligibility for parole of an inmate incarcerated for the commission of
829 any crime, the Office of Victim Services shall notify any victim of such
830 crime who is registered with the board of the time, date and location of
831 the hearing and include information that such victim may make a
832 statement or submit a written statement pursuant to this section.

833 ~~[such] (2) Such~~ panel shall permit any victim of the crime for which
834 the inmate is incarcerated to appear before the panel for the purpose of
835 making a statement for the record concerning whether the inmate
836 should be released on parole or the nature of any terms or conditions
837 to be imposed upon any such release. In lieu of such appearance, the
838 victim may submit a written statement to the panel and the panel shall
839 make such statement a part of the record at the parole hearing. At any
840 such hearing, the record shall reflect that all reasonable efforts to notify
841 registered victims were undertaken.

842 (c) If an inmate is scheduled to appear before the Board of Pardons
843 and Paroles who (1) is serving an indeterminate sentence or a sentence
844 for felony murder, and (2) was sentenced prior to July 1, 1981, the
845 Office of Victim Services shall work with the Board of Pardons and
846 Paroles to locate victims and victims' families and to notify them of the
847 date, time and location of any parole hearing that is scheduled. If the
848 victim of a crime committed by an inmate described in this subsection
849 is a peace officer, and that peace officer is deceased, the Office of
850 Victim Services shall notify the chief law enforcement officer of the
851 town in which such crime occurred of the time, date and location of

852 such hearing.

853 [(c)] (d) Nothing in this section shall be construed to prohibit the
854 board from exercising its discretion to permit a member or members of
855 a victim's immediate family to appear before the panel and make a
856 statement in accordance with subsection (b) of this section.

857 Sec. 18. Section 54-203 of the general statutes is repealed and the
858 following is substituted in lieu thereof (*Effective July 1, 2015*):

859 (a) There is established an Office of Victim Services within the
860 Judicial Department.

861 (b) The Office of Victim Services shall have the following powers
862 and duties:

863 (1) To direct each hospital, whether public or private, to display
864 prominently in its emergency room posters giving notice of the
865 availability of compensation and assistance to victims of crime or their
866 dependents pursuant to sections 54-201 to 54-233, inclusive, and to
867 direct every law enforcement agency of the state to inform victims of
868 crime or their dependents of their rights pursuant to sections 54-201 to
869 54-233, inclusive;

870 (2) To request from the office of the state's attorney, state police,
871 local police departments or any law enforcement agency such
872 investigation and data as will enable the Office of Victim Services to
873 determine if in fact the applicant was a victim of a crime or attempted
874 crime and the extent, if any, to which the victim or claimant was
875 responsible for his own injury;

876 (3) To request from the Department of Correction, other units of the
877 Judicial Department and the Board of Pardons and Paroles such
878 information as will enable the Office of Victim Services to determine if
879 in fact a person who has requested notification pursuant to section 54-
880 228 was a victim of a crime;

881 (4) To direct medical examination of victims as a requirement for
882 payment under sections 54-201 to 54-233, inclusive;

883 (5) To take or cause to be taken affidavits or depositions within or
884 without the state;

885 (6) To apply for, receive, allocate, disburse and account for grants of
886 funds made available by the United States, by the state, foundations,
887 corporations and other businesses, agencies or individuals to
888 implement a program for victim services which shall assist witnesses
889 and victims of crimes as the Office of Victim Services deems
890 appropriate within the resources available and to coordinate services
891 to victims by state and community-based agencies, with priority given
892 to victims of violent crimes, by (A) assigning, in consultation with the
893 Division of Criminal Justice, such victim advocates as are necessary to
894 provide assistance; (B) administering victim service programs; and (C)
895 awarding grants or purchase of service contracts to private nonprofit
896 organizations or local units of government for the direct delivery of
897 services, except that the provision of training and technical assistance
898 of victim service providers and the development and implementation
899 of public education campaigns may be provided by private nonprofit
900 or for-profit organizations or local units of government. Such grants
901 and contracts shall be the predominant method by which the Office of
902 Victim Services shall develop, implement and operate direct service
903 programs and provide training and technical assistance to victim
904 service providers;

905 (7) To provide each person who applies for compensation pursuant
906 to section 54-204, within ten days of the date of receipt of such
907 application, with a written list of rights of victims of crime involving
908 personal injury and the programs available in this state to assist such
909 victims. The Office of Victim Services, the state or any agent, employee
910 or officer thereof shall not be liable for the failure to supply such list or
911 any alleged inadequacies of such list. Such list shall include, but not be
912 limited to:

913 (A) Subject to the provisions of sections 18-81e and 51-286e, the
914 victim shall have the right to be informed concerning the status of his
915 or her case and to be informed of the release from custody of the
916 defendant;

917 (B) Subject to the provisions of section 54-91c, the victim shall have
918 the right to present a statement of his or her losses, injuries and wishes
919 to the prosecutor and the court prior to the acceptance by the court of a
920 plea of guilty or nolo contendere made pursuant to a plea agreement
921 with the state wherein the defendant pleads to a lesser offense than the
922 offense with which the defendant was originally charged;

923 (C) Subject to the provisions of section 54-91c, prior to the
924 imposition of sentence upon the defendant, the victim shall have the
925 right to submit a statement to the prosecutor as to the extent of any
926 injuries, financial losses and loss of earnings directly resulting from the
927 crime;

928 (D) Subject to the provisions of section 54-126a, the victim shall have
929 the right to appear before a panel of the Board of Pardons and Paroles
930 and make a statement as to whether the defendant should be released
931 on parole and any terms or conditions to be imposed upon any such
932 release;

933 (E) Subject to the provisions of section 54-36a, the victim shall have
934 the right to have any property the victim owns which was seized by
935 police in connection with an arrest to be returned;

936 (F) Subject to the provisions of sections 54-56e and 54-142c, the
937 victim shall have the right to be notified of the application by the
938 defendant for the pretrial program for accelerated rehabilitation and to
939 obtain from the court information as to whether the criminal
940 prosecution in the case has been dismissed;

941 (G) Subject to the provisions of section 54-85b, the victim cannot be
942 fired, harassed or otherwise retaliated against by an employer for

943 appearing under a subpoena as a witness in any criminal prosecution;

944 (H) Subject to the provisions of section 54-86g, the parent or legal
945 guardian of a child twelve years of age or younger who is a victim of
946 child abuse or sexual assault may request special procedural
947 considerations to be taken during the testimony of the child;

948 (I) Subject to the provisions of section 46b-15, the victim of assault
949 by a spouse or former spouse, family or household member has the
950 right to request the arrest of the offender, request a protective order
951 and apply for a restraining order;

952 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
953 the victim of sexual assault or domestic violence can expect certain
954 records to remain confidential; and

955 (K) Subject to the provisions of section 53a-32, the victim and any
956 victim advocate assigned to assist the victim may receive notification
957 from a probation officer whenever the officer has notified a police
958 officer that the probation officer has probable cause to believe that the
959 offender has violated a condition of such offender's probation.

960 (8) Within available appropriations, to establish a victim's assistance
961 center which shall provide a victims' rights information clearinghouse
962 which shall be a central repository of information regarding rights of
963 victims of crime and services available to such victims and shall collect
964 and disseminate such information to assist victims;

965 (9) To provide a victims' notification clearinghouse which shall be a
966 central repository for requests for notification filed pursuant to
967 sections 54-228 and 54-229, and to notify persons who have filed such a
968 request whenever an inmate has applied for release from a correctional
969 institution or reduction of sentence or review of sentence pursuant to
970 section 54-227 or whenever an inmate is scheduled to be released from
971 a correctional institution and to provide victims of family violence
972 crimes, upon request, information concerning any modification or

973 termination of criminal orders of protection;

974 (10) To provide a telephone helpline that shall provide information
975 on referrals for various services for victims of crime and their families;

976 (11) To provide staff services to a state advisory council. The council
977 shall consist of not more than fifteen members to be appointed by the
978 Chief Justice and shall include the Chief Victim Compensation
979 Commissioner and members who represent victim populations,
980 including but not limited to, homicide survivors, family violence
981 victims, sexual assault victims, victims of drunk drivers, and assault
982 and robbery victims, and members who represent the judicial branch
983 and executive branch agencies involved with victims of crime. The
984 members shall serve for terms of four years. Any vacancy in the
985 membership shall be filled by the appointing authority for the balance
986 of the unexpired term. The members shall receive no compensation for
987 their services. The council shall meet at least six times a year. The
988 council shall recommend to the Office of Victim Services program,
989 legislative or other matters which would improve services to victims of
990 crime and develop and coordinate needs assessments for both court-
991 based and community-based victim services. The Chief Justice shall
992 appoint two members to serve as cochairmen. Not later than December
993 fifteenth of each year, the council shall report the results of its findings
994 and activities to the Chief Court Administrator;

995 (12) To utilize such voluntary and uncompensated services of
996 private individuals, agencies and organizations as may from time to
997 time be offered and needed;

998 (13) To recommend policies and make recommendations to agencies
999 and officers of the state and local subdivisions of government relative
1000 to victims of crime;

1001 (14) To provide support and assistance to state-wide victim services
1002 coalitions and groups;

1003 (15) Within available appropriations to establish a crime victims'
1004 information clearinghouse which shall be a central repository for
1005 information collected pursuant to subdivision (9) of this subsection
1006 and information made available through the criminal justice
1007 information system, to provide a toll-free telephone number for access
1008 to such information and to develop a plan, in consultation with all
1009 agencies required to provide notification to victims, outlining any
1010 needed statutory changes, resources and working agreements
1011 necessary to make the Office of Victim Services the lead agency for
1012 notification of victims, which plan shall be submitted to the General
1013 Assembly not later than February 15, 2000;

1014 (16) To provide a training program for judges, prosecutors, police,
1015 probation and parole personnel, bail commissioners, intake,
1016 assessment and referral specialists, officers from the Department of
1017 Correction and judicial marshals to inform them of victims' rights and
1018 available services;

1019 (17) To establish a sexual assault forensic examiners program that
1020 will train and make available sexual assault forensic examiners to
1021 adolescent and adult victims of sexual assault who are patients at
1022 participating acute care hospitals. In order to establish and implement
1023 such program, the Office of Victim Services may apply for, receive,
1024 allocate, disburse and account for grants of funds made available by
1025 the United States, the state, foundations, corporations and other
1026 businesses, agencies or individuals; [and]

1027 (18) To provide victims of crime and the general public with
1028 information detailing the process by which a victim may register to
1029 receive notices of hearings of the Board of Pardons and Paroles; and

1030 (19) To submit to the joint standing committee of the General
1031 Assembly having cognizance of matters relating to victim services, in
1032 accordance with the provisions of section 11-4a, on or before January
1033 15, 2000, and biennially thereafter a report of its activities under

1034 sections 54-201 to 54-233, inclusive, including, but not limited to,
1035 implementation of training activities and mandates. Such report shall
1036 include the types of training provided, entities providing training and
1037 recipients of training.

1038 Sec. 19. Section 53a-40 of the general statutes is repealed and the
1039 following is substituted in lieu thereof (*Effective October 1, 2015*):

1040 (a) A persistent dangerous felony offender is a person who:

1041 (1) (A) Stands convicted of manslaughter, arson, kidnapping,
1042 robbery in the first or second degree, assault in the first degree, home
1043 invasion, burglary in the first degree or burglary in the second degree
1044 with a firearm, and (B) has been, prior to the commission of the present
1045 crime, convicted of and imprisoned under a sentence to a term of
1046 imprisonment of more than one year or of death, in this state or in any
1047 other state or in a federal correctional institution, for any of the
1048 following crimes: (i) The crimes enumerated in subparagraph (A) of
1049 this subdivision or an attempt to commit any of said crimes; or (ii)
1050 murder, sexual assault in the first or third degree, aggravated sexual
1051 assault in the first degree or sexual assault in the third degree with a
1052 firearm, or an attempt to commit any of said crimes; or (iii) prior to
1053 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
1054 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
1055 prior to October 1, 1971, in this state, assault with intent to kill under
1056 section 54-117, or any of the crimes enumerated in sections 53-9, 53-10,
1057 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80,
1058 inclusive, 53-82, 53-83, 53-86, 53-238 and 53-239 of the general statutes,
1059 revision of 1958, revised to 1968, or any predecessor statutes in this
1060 state, or an attempt to commit any of said crimes; or (iv) in any other
1061 state, any crimes the essential elements of which are substantially the
1062 same as any of the crimes enumerated in subparagraph (A) of this
1063 subdivision or this subparagraph; or

1064 (2) (A) Stands convicted of sexual assault in the first or third degree,

1065 aggravated sexual assault in the first degree or sexual assault in the
1066 third degree with a firearm, and (B) has been, prior to the commission
1067 of the present crime, convicted of and imprisoned under a sentence to
1068 a term of imprisonment of more than one year or of death, in this state
1069 or in any other state or in a federal correctional institution, for any of
1070 the following crimes: (i) Murder, manslaughter, arson, kidnapping,
1071 robbery in the first or second degree, assault in the first degree, home
1072 invasion, burglary in the first degree or burglary in the second degree
1073 with a firearm, or an attempt to commit any of said crimes; or (ii) prior
1074 to October 1, 1971, in this state, assault with intent to kill under section
1075 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11,
1076 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive,
1077 53-82, 53-83 and 53-86 of the general statutes, revision of 1958, revised
1078 to 1968, or any predecessor statutes in this state, or an attempt to
1079 commit any of said crimes; or (iii) in any other state, any crimes the
1080 essential elements of which are substantially the same as any of the
1081 crimes enumerated in subparagraph (A) of this subdivision or this
1082 subparagraph.

1083 (b) A persistent dangerous sexual offender is a person who (1)
1084 stands convicted of sexual assault in the first or third degree,
1085 aggravated sexual assault in the first degree or sexual assault in the
1086 third degree with a firearm, and (2) has been, prior to the commission
1087 of the present crime, convicted of and imprisoned under a sentence to
1088 a term of imprisonment of more than one year, in this state or in any
1089 other state or in a federal correctional institution, for (A) any of the
1090 crimes enumerated in subdivision (1) of this subsection, or (B) prior to
1091 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
1092 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
1093 prior to October 1, 1971, in this state, any of the crimes enumerated in
1094 section 53-238 or 53-239 of the general statutes, revision of 1958,
1095 revised to 1968, or any predecessor statutes in this state, or an attempt
1096 to commit any of said crimes, or (C) in any other state, any crimes the
1097 essential elements of which are substantially the same as any of the

1098 crimes enumerated in subdivision (1) of this subsection or this
1099 subdivision.

1100 (c) A persistent serious felony offender is a person who (1) stands
1101 convicted of a felony, and (2) has been, prior to the commission of the
1102 present felony, convicted of and imprisoned under an imposed term of
1103 more than one year or of death, in this state or in any other state or in a
1104 federal correctional institution, for a crime. This subsection shall not
1105 apply where the present conviction is for a crime enumerated in
1106 subdivision (1) of subsection (a) of this section and the prior conviction
1107 was for a crime other than those enumerated in subsection (a) of this
1108 section.

1109 (d) A persistent serious sexual offender is a person, other than a
1110 person who qualifies as a persistent dangerous sexual offender under
1111 subsection (b) of this section, who qualifies as a persistent serious
1112 felony offender under subsection (c) of this section and the felony of
1113 which such person presently stands convicted is a violation of
1114 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-
1115 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for
1116 a violation of section 53-21 of the general statutes, revised to January 1,
1117 1995, involving sexual contact, committed prior to October 1, 1995, a
1118 violation of subdivision (2) of section 53-21 of the general statutes,
1119 committed on or after October 1, 1995, and prior to October 1, 2000, a
1120 violation of subdivision (2) of subsection (a) of section 53-21 or a
1121 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

1122 (e) A persistent larceny offender is a person who (1) stands
1123 convicted of larceny in the third degree in violation of the provisions of
1124 section 53a-124 in effect prior to October 1, 1982, or larceny in the
1125 fourth, fifth or sixth degree, and (2) has been, at separate times prior to
1126 the commission of the present larceny, twice convicted of the crime of
1127 larceny.

1128 (f) A persistent offender for possession of a controlled substance is a

1129 person who (1) stands convicted of possession of a controlled
1130 substance in violation of the provisions of section 21a-279, as amended
1131 by this act, and (2) has been, at separate times prior to the commission
1132 of the present possession of a controlled substance, twice convicted of
1133 the crime of possession of a controlled substance.

1134 [(f)] (g) A persistent felony offender is a person who (1) stands
1135 convicted of a felony other than a class D felony, and (2) has been, at
1136 separate times prior to the commission of the present felony, twice
1137 convicted of a felony other than a class D felony.

1138 [(g)] (h) It shall be an affirmative defense to the charge of being a
1139 persistent offender under this section that (1) as to any prior conviction
1140 on which the state is relying the defendant was pardoned on the
1141 ground of innocence, and (2) without such conviction, the defendant
1142 was not two or more times convicted and imprisoned as required by
1143 this section.

1144 [(h)] (i) When any person has been found to be a persistent
1145 dangerous felony offender, the court, in lieu of imposing the sentence
1146 of imprisonment authorized by the general statutes for the crime of
1147 which such person presently stands convicted, shall (1) sentence such
1148 person to a term of imprisonment that is not (A) less than twice the
1149 minimum term of imprisonment authorized for such crime or (B) more
1150 than twice the maximum term of imprisonment authorized for such
1151 crime or forty years, whichever is greater, provided, if a mandatory
1152 minimum term of imprisonment is authorized for such crime, such
1153 sentence shall include a mandatory minimum term of imprisonment
1154 that is twice such authorized mandatory minimum term of
1155 imprisonment, and (2) if such person has, at separate times prior to the
1156 commission of the present crime, been twice convicted of and
1157 imprisoned for any of the crimes enumerated in subsection (a) of this
1158 section, sentence such person to a term of imprisonment that is not less
1159 than three times the minimum term of imprisonment authorized for
1160 such crime or more than life, provided, if a mandatory minimum term

1161 of imprisonment is authorized for such crime, such sentence shall
1162 include a mandatory minimum term of imprisonment that is three
1163 times such authorized mandatory minimum term of imprisonment.

1164 [(i)] (j) When any person has been found to be a persistent
1165 dangerous sexual offender, the court, in lieu of imposing the sentence
1166 of imprisonment authorized by section 53a-35a for the crime of which
1167 such person presently stands convicted, shall sentence such person to a
1168 term of imprisonment and a period of special parole pursuant to
1169 subsection (b) of section 53a-28 which together constitute a sentence of
1170 imprisonment for life, as defined in section 53a-35b.

1171 [(j)] (k) When any person has been found to be a persistent serious
1172 felony offender, the court in lieu of imposing the sentence of
1173 imprisonment authorized by section 53a-35 for the crime of which such
1174 person presently stands convicted, or authorized by section 53a-35a if
1175 the crime of which such person presently stands convicted was
1176 committed on or after July 1, 1981, may impose the sentence of
1177 imprisonment authorized by said section for the next more serious
1178 degree of felony.

1179 [(k)] (l) When any person has been found to be a persistent serious
1180 sexual offender, the court, in lieu of imposing the sentence of
1181 imprisonment authorized by section 53a-35a for the crime of which
1182 such person presently stands convicted, may impose a sentence of
1183 imprisonment and a period of special parole pursuant to subsection (b)
1184 of section 53a-28 which together constitute the maximum sentence
1185 specified by section 53a-35a for the next more serious degree of felony.

1186 [(l)] (m) When any person has been found to be a persistent larceny
1187 offender, the court, in lieu of imposing the sentence authorized by
1188 section 53a-36 for the crime of which such person presently stands
1189 convicted, may impose the sentence of imprisonment for a class D
1190 felony authorized by section 53a-35, if the crime of which such person
1191 presently stands convicted was committed prior to July 1, 1981, or

1192 authorized by section 53a-35a, if the crime of which such person
1193 presently stands convicted was committed on or after July 1, 1981.

1194 (n) When any person has been found to be a persistent offender for
1195 possession of a controlled substance, the court, in lieu of imposing the
1196 sentence authorized by section 53a-36 for the crime of which such
1197 person presently stands convicted, may impose the sentence of
1198 imprisonment for a class E felony authorized by section 53a-35.

1199 ~~[(m)]~~ (o) When any person has been found to be a persistent felony
1200 offender, the court, in lieu of imposing the sentence authorized by
1201 section 53a-35a for the crime of which such person presently stands
1202 convicted, may impose the sentence of imprisonment authorized by
1203 said section for the next more serious degree of felony; provided the
1204 sentence imposed may not be less than three years, and provided
1205 further three years of the sentence so imposed may not be suspended
1206 or reduced by the court.

1207 ~~[(n)]~~ (p) (1) Whenever a person is arrested for any of the crimes
1208 enumerated in subsection (a) of this section, the prosecuting authority
1209 shall investigate and ascertain whether such person has, at separate
1210 times prior to the commission of the present crime, been twice
1211 convicted of and imprisoned for any of the crimes enumerated in said
1212 subsection (a) and would be eligible to be sentenced under subsection
1213 ~~[(h)]~~ (i) of this section if convicted of such crime.

1214 (2) If the prosecuting authority ascertains that such person has, at
1215 separate times prior to the commission of the present crime, been twice
1216 convicted of and imprisoned for any of the crimes enumerated in
1217 subsection (a) of this section and such person has been presented to a
1218 geographical area courthouse, the prosecuting authority shall cause
1219 such person to be transferred to a judicial district courthouse.

1220 (3) No court shall accept a plea of guilty, not guilty or nolo
1221 contendere from a person arrested for any of the crimes enumerated in
1222 subsection (a) of this section unless it finds that the prosecuting

1223 authority has complied with the requirements of subdivision (1) of this
1224 subsection.

1225 (4) If the prosecuting authority ascertains that such person has, at
1226 separate times prior to the commission of the present crime, been twice
1227 convicted of and imprisoned for any of the crimes enumerated in
1228 subsection (a) of this section but decides not to initiate proceedings to
1229 seek the sentence enhancement provided by subsection [(h)] (i) of this
1230 section, the prosecuting authority shall state for the record the specific
1231 reason or reasons for not initiating such proceedings.

1232 (5) If the prosecuting authority ascertains that such person has, at
1233 separate times prior to the commission of the present crime, been twice
1234 convicted of and imprisoned for any of the crimes enumerated in
1235 subsection (a) of this section and initiates proceedings to seek the
1236 sentence enhancement provided by subsection [(h)] (i) of this section,
1237 but subsequently decides to terminate such proceedings, the
1238 prosecuting authority shall state for the record the specific reason or
1239 reasons for terminating such proceedings.

1240 Sec. 20. Subsection (c) of section 54-125e of the general statutes is
1241 repealed and the following is substituted in lieu thereof (*Effective*
1242 *October 1, 2015*):

1243 (c) The period of special parole shall be not less than one year or
1244 more than ten years, except that such period may be for more than ten
1245 years for a person convicted of a violation of subdivision (2) of section
1246 53-21 of the general statutes in effect prior to October 1, 2000,
1247 subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-
1248 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a persistent
1249 dangerous felony offender pursuant to subsection [(h)] (i) of section
1250 53a-40, as amended by this act, or as a persistent serious felony
1251 offender pursuant to subsection [(j)] (k) of section 53a-40, as amended
1252 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	21a-279
Sec. 2	<i>October 1, 2015</i>	7-294d(c)
Sec. 3	<i>October 1, 2015</i>	29-28(b)
Sec. 4	<i>October 1, 2015</i>	29-36f(b)
Sec. 5	<i>October 1, 2015</i>	29-37p(b)
Sec. 6	<i>October 1, 2015</i>	53a-217(a)
Sec. 7	<i>October 1, 2015</i>	53a-217c(a)
Sec. 8	<i>October 1, 2015</i>	18-100h(b)
Sec. 9	<i>June 30, 2015</i>	54-124a
Sec. 10	<i>July 1, 2015</i>	New section
Sec. 11	<i>July 1, 2015</i>	New section
Sec. 12	<i>July 1, 2015</i>	54-125a(a)
Sec. 13	<i>October 1, 2015</i>	54-125a(a)
Sec. 14	<i>July 1, 2015</i>	54-125a(e)
Sec. 15	<i>October 1, 2015</i>	54-125a(e)
Sec. 16	<i>July 1, 2015</i>	54-125g
Sec. 17	<i>July 1, 2015</i>	54-126a
Sec. 18	<i>July 1, 2015</i>	54-203
Sec. 19	<i>October 1, 2015</i>	53a-40
Sec. 20	<i>October 1, 2015</i>	54-125e(c)