



General Assembly

Amendment

January Session, 2015

LCO No. 9318



Offered by:

SEN. LOONEY, 11th Dist.
REP. SHARKEY, 88th Dist.
SEN. DUFF, 25th Dist.
REP. ARESIMOWICZ, 30th Dist.
SEN. FASANO, 34th Dist.
REP. KLARIDES, 114th Dist.
SEN. COLEMAN, 2nd Dist.

REP. TONG, 147th Dist.
SEN. KISSEL, 7th Dist.
REP. REBIMBAS, 70th Dist.
REP. MCCRORY, 7th Dist.
REP. MORRIS, 140th Dist.
SEN. WINFIELD, 10th Dist.

To: Subst. Senate Bill No. 952

File No. 748

Cal. No. 441

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

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

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 Section 21a-279 of the general statutes is repealed and the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

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

11 may be imprisoned not more than fifteen years or be fined not more
12 than one hundred thousand dollars, or be both fined and imprisoned;
13 and for any subsequent offense, may be imprisoned not more than
14 twenty-five years or be fined not more than two hundred fifty
15 thousand dollars, or be both fined and imprisoned] shall be guilty of a
16 class A misdemeanor.

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

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

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

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

39 [(d)] (b) Any person who violates subsection (a) [, (b) or (c)] of this
40 section in or on, or within one thousand five hundred feet of, the real
41 property comprising a public or private elementary or secondary

42 school and who is not enrolled as a student in such school or a licensed
43 child day care center, as defined in section 19a-77, that is identified as a
44 child day care center by a sign posted in a conspicuous place shall be
45 [imprisoned for a term of two years, which shall not be suspended and
46 shall be in addition and consecutive to any term of imprisonment
47 imposed for violation of subsection (a), (b) or (c) of this section] guilty
48 of a class A misdemeanor and shall be sentenced to a term of
49 imprisonment and a period of probation during which such person
50 shall perform community service as a condition of such probation, in a
51 manner ordered by the court.

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

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

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

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

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

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

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

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

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

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

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

140 such person is a suitable person to receive such permit. No state or
141 temporary state permit to carry a pistol or revolver shall be issued
142 under this subsection if the applicant (1) has failed to successfully
143 complete a course approved by the Commissioner of Emergency
144 Services and Public Protection in the safety and use of pistols and
145 revolvers including, but not limited to, a safety or training course in
146 the use of pistols and revolvers available to the public offered by a law
147 enforcement agency, a private or public educational institution or a
148 firearms training school, utilizing instructors certified by the National
149 Rifle Association or the Department of Energy and Environmental
150 Protection and a safety or training course in the use of pistols or
151 revolvers conducted by an instructor certified by the state or the
152 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
153 on or after October 1, 1994, a violation of [subsection (c) of] section 21a-
154 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,
155 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been
156 convicted as delinquent for the commission of a serious juvenile
157 offense, as defined in section 46b-120, (4) has been discharged from
158 custody within the preceding twenty years after having been found
159 not guilty of a crime by reason of mental disease or defect pursuant to
160 section 53a-13, (5) (A) has been confined in a hospital for persons with
161 psychiatric disabilities, as defined in section 17a-495, within the
162 preceding sixty months by order of a probate court, or (B) has been
163 voluntarily admitted on or after October 1, 2013, to a hospital for
164 persons with psychiatric disabilities, as defined in section 17a-495,
165 within the preceding six months for care and treatment of a psychiatric
166 disability and not solely for being an alcohol-dependent person or a
167 drug-dependent person as those terms are defined in section 17a-680,
168 (6) is subject to a restraining or protective order issued by a court in a
169 case involving the use, attempted use or threatened use of physical
170 force against another person, (7) is subject to a firearms seizure order
171 issued pursuant to subsection (d) of section 29-38c after notice and
172 hearing, (8) is prohibited from shipping, transporting, possessing or
173 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien
174 illegally or unlawfully in the United States, or (10) is less than twenty-

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

208 Sec. 4. Subsection (b) of section 29-36f of the general statutes is

209 repealed and the following is substituted in lieu thereof (*Effective*
210 *October 1, 2015*):

211 (b) The Commissioner of Emergency Services and Public Protection
212 shall issue an eligibility certificate unless said commissioner finds that
213 the applicant: (1) Has failed to successfully complete a course
214 approved by the Commissioner of Emergency Services and Public
215 Protection in the safety and use of pistols and revolvers including, but
216 not limited to, a safety or training course in the use of pistols and
217 revolvers available to the public offered by a law enforcement agency,
218 a private or public educational institution or a firearms training school,
219 utilizing instructors certified by the National Rifle Association or the
220 Department of Energy and Environmental Protection and a safety or
221 training course in the use of pistols or revolvers conducted by an
222 instructor certified by the state or the National Rifle Association; (2)
223 has been convicted of a felony or of a violation of [subsection (c) of]
224 section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-
225 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)
226 has been convicted as delinquent for the commission of a serious
227 juvenile offense, as defined in section 46b-120; (4) has been discharged
228 from custody within the preceding twenty years after having been
229 found not guilty of a crime by reason of mental disease or defect
230 pursuant to section 53a-13; (5) (A) has been confined in a hospital for
231 persons with psychiatric disabilities, as defined in section 17a-495,
232 within the preceding sixty months by order of a probate court; or (B)
233 has been voluntarily admitted on or after October 1, 2013, to a hospital
234 for persons with psychiatric disabilities, as defined in section 17a-495,
235 within the preceding six months for care and treatment of a psychiatric
236 disability and not solely for being an alcohol-dependent person or a
237 drug-dependent person as those terms are defined in section 17a-680,
238 (6) is subject to a restraining or protective order issued by a court in a
239 case involving the use, attempted use or threatened use of physical
240 force against another person; (7) is subject to a firearms seizure order
241 issued pursuant to subsection (d) of section 29-38c after notice and
242 hearing; (8) is prohibited from shipping, transporting, possessing or

243 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien
244 illegally or unlawfully in the United States.

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

248 (b) The Commissioner of Emergency Services and Public Protection
249 shall issue a long gun eligibility certificate unless said commissioner
250 finds that the applicant: (1) Has failed to successfully complete a
251 course approved by the Commissioner of Emergency Services and
252 Public Protection in the safety and use of firearms including, but not
253 limited to, a safety or training course in the use of firearms available to
254 the public offered by a law enforcement agency, a private or public
255 educational institution or a firearms training school, utilizing
256 instructors certified by the National Rifle Association or the
257 Department of Energy and Environmental Protection and a safety or
258 training course in the use of firearms conducted by an instructor
259 certified by the state or the National Rifle Association; (2) has been
260 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
261 of [subsection (c) of] section 21a-279, as amended by this act, or section
262 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178
263 or 53a-181d; (3) has been convicted as delinquent for the commission
264 of a serious juvenile offense, as defined in section 46b-120; (4) has been
265 discharged from custody within the preceding twenty years after
266 having been found not guilty of a crime by reason of mental disease or
267 defect pursuant to section 53a-13; (5) has been confined in a hospital
268 for persons with psychiatric disabilities, as defined in section 17a-495,
269 within the preceding sixty months by order of a probate court; (6) has
270 been voluntarily admitted to a hospital for persons with psychiatric
271 disabilities, as defined in section 17a-495, within the preceding six
272 months for care and treatment of a psychiatric disability and not solely
273 for being an alcohol-dependent person or a drug-dependent person as
274 those terms are defined in section 17a-680; (7) is subject to a restraining
275 or protective order issued by a court in a case involving the use,

276 attempted use or threatened use of physical force against another
277 person; (8) is subject to a firearms seizure order issued pursuant to
278 subsection (d) of section 29-38c after notice and hearing; (9) is
279 prohibited from shipping, transporting, possessing or receiving a
280 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or
281 unlawfully in the United States.

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

285 (a) A person is guilty of criminal possession of a firearm,
286 ammunition or an electronic defense weapon when such person
287 possesses a firearm, ammunition or an electronic defense weapon and
288 (1) has been convicted of a felony committed prior to, on or after
289 October 1, 2013, or of a violation of [subsection (c) of] section 21a-279,
290 as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-
291 63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after
292 October 1, 2013, (2) has been convicted as delinquent for the
293 commission of a serious juvenile offense, as defined in section 46b-120,
294 (3) has been discharged from custody within the preceding twenty
295 years after having been found not guilty of a crime by reason of mental
296 disease or defect pursuant to section 53a-13, (4) knows that such
297 person is subject to (A) a restraining or protective order of a court of
298 this state that has been issued against such person, after notice and an
299 opportunity to be heard has been provided to such person, in a case
300 involving the use, attempted use or threatened use of physical force
301 against another person, or (B) a foreign order of protection, as defined
302 in section 46b-15a, that has been issued against such person in a case
303 involving the use, attempted use or threatened use of physical force
304 against another person, (5) (A) has been confined on or after October 1,
305 2013, in a hospital for persons with psychiatric disabilities, as defined
306 in section 17a-495, within the preceding sixty months by order of a
307 probate court, or with respect to any person who holds a valid permit
308 or certificate that was issued or renewed under the provisions of

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

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

331 (a) A person is guilty of criminal possession of a pistol or revolver
332 when such person possesses a pistol or revolver, as defined in section
333 29-27, and (1) has been convicted of a felony committed prior to, on or
334 after October 1, 2013, or of a violation of [subsection (c) of] section 21a-
335 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,
336 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
337 after October 1, 1994, (2) has been convicted as delinquent for the
338 commission of a serious juvenile offense, as defined in section 46b-120,
339 (3) has been discharged from custody within the preceding twenty
340 years after having been found not guilty of a crime by reason of mental
341 disease or defect pursuant to section 53a-13, (4) (A) has been confined

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

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

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

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

401 (a) (1) There shall be a Board of Pardons and Paroles within the
402 Department of Correction, for administrative purposes only. [On and
403 after July 1, 2008, and prior to July 1, 2010, the board shall consist of
404 eighteen members, and on and after July 1, 2010, the] On and after July
405 1, 2015, the board shall consist of [twenty members. The Governor
406 shall appoint all members of the board] ten full-time and up to five
407 part-time members appointed by the Governor with the advice and
408 consent of both houses of the General Assembly. [On and after July 1,

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

435 (2) If, not later than September 1, 2015, the Governor appoints a
436 part-time member and such member was previously a member whose
437 term expired June 30, 2015, such appointment shall take effect
438 immediately without confirmation by the General Assembly.

439 (b) The term of each [appointed member of the board serving on
440 June 30, 2008, who had been assigned by the chairperson exclusively to
441 parole hearings, shall expire on said date. The term of each] member of

442 the board [serving on June 30, 2008, who had been appointed
443 chairperson, had been assigned by the chairperson exclusively to
444 pardons hearings or has been appointed by the Governor on or after
445 February 1, 2008,] shall be coterminous with the term of the Governor
446 or until a successor is chosen, whichever is later. Any vacancy in the
447 membership of the board shall be filled for the unexpired portion of
448 the term by the Governor.

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

462 (d) The chairperson shall be the executive and administrative head
463 of said board and shall have the authority and responsibility for (1)
464 overseeing all administrative affairs of the board, (2) assigning
465 members to panels, (3) establishing procedural rules for members to
466 follow when conducting hearings, reviewing recommendations made
467 by employees of the board and making decisions, (4) adopting policies
468 in all areas of pardons and paroles including, but not limited to,
469 granting pardons, commutations of punishments or releases,
470 conditioned or absolute, in the case of any person convicted of any
471 offense against the state and commutations from the penalty of death,
472 risk-based structured decision making and release criteria, (5)
473 consulting with the Department of Correction on shared issues
474 including, but not limited to, prison overcrowding, (6) consulting with

475 the Judicial Branch on shared issues of community supervision, and (7)
476 signing and issuing subpoenas to compel the attendance and
477 testimony of witnesses at parole proceedings. Any such subpoena shall
478 be enforceable to the same extent as subpoenas issued pursuant to
479 section 52-143.

480 (e) [Of the members appointed prior to February 1, 2008, the
481 chairperson shall assign seven members exclusively to parole release
482 hearings and shall assign five members exclusively to pardons
483 hearings. Except for the chairperson, no member assigned to parole
484 release hearings may be assigned subsequently to pardons hearings
485 and no member assigned to pardons hearings may be assigned
486 subsequently to parole release hearings. Prior to July 1, 2008, each
487 parole release panel shall be composed of two members from among
488 the members assigned by the chairperson exclusively to parole release
489 hearings or the members appointed by the Governor on or after
490 February 1, 2008, to serve exclusively on parole release panels, and the
491 chairperson or a member designated to serve temporarily as
492 chairperson, for each correctional institution. On and after July 1, 2008,
493 and prior to October 5, 2009, each parole release panel shall be
494 composed of two members appointed by the Governor on or after
495 February 1, 2008, to serve on parole release panels, at least one of
496 whom is a full-time member, and the chairperson or a full-time
497 member designated to serve temporarily as chairperson, for each
498 correctional institution. On and after October 5, 2009, each] Each parole
499 release panel shall be composed of two members [appointed by the
500 Governor to serve on parole release panels] and the chairperson or a
501 full-time member designated by the chairperson to serve temporarily
502 as chairperson. [, for each correctional institution. Such parole release
503 panels shall be the paroling authority for the institutions to which they
504 are assigned and] On and after January 1, 2016, not less than [two]
505 three members shall be present at each parole hearing. Each pardons
506 panel shall be composed of three members, [from among the members
507 assigned by the chairperson exclusively to pardons hearings or the
508 members appointed by the Governor on or after February 1, 2008, to

509 serve on pardons panels,] one of whom may be the chairperson, except
510 that for hearings on commutations from the penalty of death, one
511 member of the panel shall be the chairperson.

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

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

526 (h) The chairperson, or the chairperson's designee, and two
527 members of the board [from among the members assigned by the
528 chairperson to serve exclusively on parole release panels or the
529 members appointed by the Governor on or after February 1, 2008, to
530 serve on parole release panels,] shall conduct all parole release
531 hearings, and shall approve or deny all (1) parole revocations and
532 parole rescissions recommended by an employee of the board
533 pursuant to section 54-127a, and (2) recommendations for parole
534 pursuant to section 11 of this act. No panel of the Board of Pardons
535 and Paroles shall hold a hearing to determine the suitability for parole
536 release of any person unless the chairperson of the board has made
537 reasonable efforts to determine the existence of and obtain all
538 information deemed pertinent to the panel's decision and has certified
539 that all such pertinent information determined to exist has been
540 obtained or is unavailable.

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

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

551 (1) Parole revocation and rescission hearings that include
552 implementing due process requirements;

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

558 [(A) Convicted of a misdemeanor and (i) such conduct no longer
559 constitutes a crime, (ii) such applicant was under twenty-one years of
560 age at the time of conviction and has not been convicted of a crime
561 during the five years preceding the date on which the pardon is
562 granted, or (iii) such conviction occurred prior to the effective date of
563 the establishment of a program under sections 17a-692 to 17a-701,
564 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-
565 56j for which the applicant would have been eligible had such program
566 existed at the time of conviction, provided the chairperson determines
567 the applicant would likely have been granted entry into such program;
568 or

569 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279
570 and such applicant has not been convicted of a crime during the five
571 years preceding the date on which the pardon is granted, provided

572 such date is at least ten years after the date of such conviction or such
573 applicant's release from incarceration, whichever is later; and]

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

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

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

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

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

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

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

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

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

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

617 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
618 the Board of Pardons and Paroles shall develop a pardon eligibility
619 notice containing written explanatory text of the pardons process set
620 forth in chapter 961 of the general statutes. The board, in conjunction
621 with the Judicial Department and Department of Correction, shall
622 ensure that such notice is provided to a person at the time such person
623 (1) is sentenced, (2) is released by the Department of Correction,
624 including any pretrial release pursuant to section 18-100f of the general
625 statutes, (3) has completed or been discharged from a period of parole,
626 and (4) has completed a period of probation or conditional discharge
627 pursuant to section 53a-29 or 53a-33 of the general statutes. The board
628 shall update such notice as deemed necessary by the board.

629 Sec. 11. (NEW) (*Effective July 1, 2015*) (a) An inmate (1) not convicted
630 of a crime for which there is a victim, as defined in section 54-201 of
631 the general statutes or section 54-226 of the general statutes, who is
632 known by the Board of Pardons and Paroles, (2) whose eligibility for

633 parole release is not subject to the provisions of subsection (b) of
634 section 54-125a of the general statutes, (3) who was not convicted of a
635 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
636 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb,
637 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa,
638 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,
639 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c of the general
640 statutes, and (4) who is not otherwise prohibited from being granted
641 parole for any reason, may be allowed to go at large on parole in
642 accordance with the provisions of section 54-125a of the general
643 statutes, as amended by this act, or section 54-125g of the general
644 statutes, as amended by this act, pursuant to the provisions of
645 subsections (b) and (c) of this section.

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

659 (c) If the board member or qualified employee recommends parole
660 for an inmate, the chairperson of the board shall present such
661 recommendation and all pertinent information to a parole release
662 panel for approval. No parole release panel may review such
663 recommendation and determine the suitability for parole release of an
664 inmate unless the chairperson has made reasonable efforts to
665 determine the existence of and obtain all information deemed

666 pertinent to the panel's decision and has certified that all such
667 pertinent information determined to exist has been obtained or is
668 unavailable. No applicant may be granted parole pursuant to this
669 section unless each board member or parole officer who reviewed such
670 inmate's file certifies that he or she reviewed such recommendation
671 and all such pertinent information.

672 Sec. 12. Subsection (a) of section 54-125a of the general statutes is
673 repealed and the following is substituted in lieu thereof (*Effective July*
674 *1, 2015*):

675 (a) A person convicted of one or more crimes who is incarcerated on
676 or after October 1, 1990, who received a definite sentence or aggregate
677 sentence of more than two years, and who has been confined under
678 such sentence or sentences for not less than one-half of the aggregate
679 sentence less any risk reduction credit earned under the provisions of
680 section 18-98e or one-half of the most recent sentence imposed by the
681 court less any risk reduction credit earned under the provisions of
682 section 18-98e, whichever is greater, may be allowed to go at large on
683 parole in (1) accordance with the provisions of section 11 of this act, or
684 (2) the discretion of [the] a panel of the Board of Pardons and Paroles,
685 [for the institution in which the person is confined,] if [(1)] (A) it
686 appears from all available information, including any reports from the
687 Commissioner of Correction that the panel may require, that there is
688 reasonable probability that such inmate will live and remain at liberty
689 without violating the law, and [(2)] (B) such release is not incompatible
690 with the welfare of society. At the discretion of the panel, and under
691 the terms and conditions as may be prescribed by the panel including
692 requiring the parolee to submit personal reports, the parolee shall be
693 allowed to return to the parolee's home or to reside in a residential
694 community center, or to go elsewhere. The parolee shall, while on
695 parole, remain under the jurisdiction of the board until the expiration
696 of the maximum term or terms for which the parolee was sentenced
697 less any risk reduction credit earned under the provisions of section
698 18-98e. Any parolee released on the condition that the parolee reside in

699 a residential community center may be required to contribute to the
700 cost incidental to such residence. Each order of parole shall fix the
701 limits of the parolee's residence, which may be changed in the
702 discretion of the board and the Commissioner of Correction. Within
703 three weeks after the commitment of each person sentenced to more
704 than two years, the state's attorney for the judicial district shall send to
705 the Board of Pardons and Paroles the record, if any, of such person.

706 Sec. 13. Subsection (e) of section 54-125a of the general statutes is
707 repealed and the following is substituted in lieu thereof (*Effective*
708 *October 1, 2015*):

709 (e) The Board of Pardons and Paroles may hold a hearing to
710 determine the suitability for parole release of any person whose
711 eligibility for parole release is subject to the provisions of subdivision
712 (2) of subsection (b) of this section upon completion by such person of
713 eighty-five per cent of such person's definite or aggregate sentence. An
714 employee of the board or, if deemed necessary by the chairperson, a
715 panel of the board shall assess the suitability for parole release of such
716 person based on the following standards: (1) Whether there is
717 reasonable probability that such person will live and remain at liberty
718 without violating the law, and (2) whether the benefits to such person
719 and society that would result from such person's release to community
720 supervision substantially outweigh the benefits to such person and
721 society that would result from such person's continued incarceration. If
722 a hearing is held, and if the board determines that continued
723 confinement is necessary, the board shall articulate for the record the
724 specific reasons why such person and the public would not benefit
725 from such person serving a period of parole supervision while
726 transitioning from incarceration to the community. No hearing
727 pursuant to the provisions of this subsection may proceed unless the
728 parole release panel is in possession of the complete file for such
729 applicant, including any documentation from the Department of
730 Correction, the trial transcript, the sentencing record and any file of
731 any previous parole hearing. Each member of the panel shall certify

732 that all such documentation has been reviewed in preparation for such
733 hearing. If a hearing is not held, the board shall document the specific
734 reasons for not holding a hearing and provide such reasons to such
735 person. No person shall be released on parole without receiving a
736 hearing. The decision of the board under this subsection shall not be
737 subject to appeal.

738 Sec. 14. Section 54-125g of the general statutes is repealed and the
739 following is substituted in lieu thereof (*Effective July 1, 2015*):

740 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-
741 125a, as amended by this act, any person who has six months or less to
742 the expiration of the maximum term or terms for which such person
743 was sentenced, may be allowed to go at large on parole pursuant to
744 section 11 of this act or following a hearing pursuant to section 54-
745 125a, as amended by this act, provided such person agrees (1) to be
746 subject to supervision by personnel of the Department of Correction
747 for a period of one year, and (2) to be retained in the institution from
748 which such person was paroled for a period equal to the unexpired
749 portion of the term of his or her sentence if such person is found to
750 have violated the terms or conditions of his or her parole. Any person
751 subject to the provisions of subdivision (1) or (2) of subsection (b) of
752 section 54-125a shall only be eligible to go at large on parole under this
753 section after having served ninety-five per cent of the definite sentence
754 imposed.

755 Sec. 15. Section 54-126a of the general statutes is repealed and the
756 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

761 (b) [At] (1) When a hearing [held by a panel of] is scheduled by the
762 Board of Pardons and Paroles for the purpose of determining the

763 eligibility for parole of an inmate incarcerated for the commission of
764 any crime, the Office of Victim Services shall notify any victim of such
765 crime who is registered with the board of the time, date and location of
766 the hearing and include information that such victim may make a
767 statement or submit a written statement pursuant to this section.

768 [such] (2) Such panel shall permit any victim of the crime for which
769 the inmate is incarcerated to appear before the panel for the purpose of
770 making a statement for the record concerning whether the inmate
771 should be released on parole or the nature of any terms or conditions
772 to be imposed upon any such release. In lieu of such appearance, the
773 victim may submit a written statement to the panel and the panel shall
774 make such statement a part of the record at the parole hearing. At any
775 such hearing, the record shall reflect that all reasonable efforts to notify
776 registered victims were undertaken.

777 (c) If an inmate is scheduled to appear before the Board of Pardons
778 and Paroles who (1) is serving an indeterminate sentence or a sentence
779 for felony murder, and (2) was sentenced prior to July 1, 1981, the
780 Office of Victim Services shall work with the Board of Pardons and
781 Paroles to locate victims and victims' families and to notify them of the
782 date, time and location of any parole hearing that is scheduled. If the
783 victim of a crime committed by an inmate described in this subsection
784 is a peace officer, and that peace officer is deceased, the Office of
785 Victim Services shall notify the chief law enforcement officer of the
786 town in which such crime occurred of the time, date and location of
787 such hearing.

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

792 Sec. 16. Section 54-203 of the general statutes is repealed and the
793 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

798 (1) To direct each hospital, whether public or private, to display
799 prominently in its emergency room posters giving notice of the
800 availability of compensation and assistance to victims of crime or their
801 dependents pursuant to sections 54-201 to 54-233, inclusive, and to
802 direct every law enforcement agency of the state to inform victims of
803 crime or their dependents of their rights pursuant to sections 54-201 to
804 54-233, inclusive;

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

811 (3) To request from the Department of Correction, other units of the
812 Judicial Department and the Board of Pardons and Paroles such
813 information as will enable the Office of Victim Services to determine if
814 in fact a person who has requested notification pursuant to section 54-
815 228 was a victim of a crime;

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

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

820 (6) To apply for, receive, allocate, disburse and account for grants of
821 funds made available by the United States, by the state, foundations,
822 corporations and other businesses, agencies or individuals to
823 implement a program for victim services which shall assist witnesses

824 and victims of crimes as the Office of Victim Services deems
825 appropriate within the resources available and to coordinate services
826 to victims by state and community-based agencies, with priority given
827 to victims of violent crimes, by (A) assigning, in consultation with the
828 Division of Criminal Justice, such victim advocates as are necessary to
829 provide assistance; (B) administering victim service programs; and (C)
830 awarding grants or purchase of service contracts to private nonprofit
831 organizations or local units of government for the direct delivery of
832 services, except that the provision of training and technical assistance
833 of victim service providers and the development and implementation
834 of public education campaigns may be provided by private nonprofit
835 or for-profit organizations or local units of government. Such grants
836 and contracts shall be the predominant method by which the Office of
837 Victim Services shall develop, implement and operate direct service
838 programs and provide training and technical assistance to victim
839 service providers;

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

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

852 (B) Subject to the provisions of section 54-91c, the victim shall have
853 the right to present a statement of his or her losses, injuries and wishes
854 to the prosecutor and the court prior to the acceptance by the court of a
855 plea of guilty or nolo contendere made pursuant to a plea agreement
856 with the state wherein the defendant pleads to a lesser offense than the

857 offense with which the defendant was originally charged;

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

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

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

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

876 (G) Subject to the provisions of section 54-85b, the victim cannot be
877 fired, harassed or otherwise retaliated against by an employer for
878 appearing under a subpoena as a witness in any criminal prosecution;

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

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

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

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

895 (8) Within available appropriations, to establish a victim's assistance
896 center which shall provide a victims' rights information clearinghouse
897 which shall be a central repository of information regarding rights of
898 victims of crime and services available to such victims and shall collect
899 and disseminate such information to assist victims;

900 (9) To provide a victims' notification clearinghouse which shall be a
901 central repository for requests for notification filed pursuant to
902 sections 54-228 and 54-229, and to notify persons who have filed such a
903 request whenever an inmate has applied for release from a correctional
904 institution or reduction of sentence or review of sentence pursuant to
905 section 54-227 or whenever an inmate is scheduled to be released from
906 a correctional institution and to provide victims of family violence
907 crimes, upon request, information concerning any modification or
908 termination of criminal orders of protection;

909 (10) To provide victims of crime and the general public with
910 information detailing the process by which a victim may register to
911 receive notices of hearings of the Board of Pardons and Paroles.

912 ~~[(10)]~~ (11) To provide a telephone helpline that shall provide
913 information on referrals for various services for victims of crime and
914 their families;

915 ~~[(11)]~~ (12) To provide staff services to a state advisory council. The
916 council shall consist of not more than fifteen members to be appointed
917 by the Chief Justice and shall include the Chief Victim Compensation

918 Commissioner and members who represent victim populations,
919 including but not limited to, homicide survivors, family violence
920 victims, sexual assault victims, victims of drunk drivers, and assault
921 and robbery victims, and members who represent the judicial branch
922 and executive branch agencies involved with victims of crime. The
923 members shall serve for terms of four years. Any vacancy in the
924 membership shall be filled by the appointing authority for the balance
925 of the unexpired term. The members shall receive no compensation for
926 their services. The council shall meet at least six times a year. The
927 council shall recommend to the Office of Victim Services program,
928 legislative or other matters which would improve services to victims of
929 crime and develop and coordinate needs assessments for both court-
930 based and community-based victim services. The Chief Justice shall
931 appoint two members to serve as cochairmen. Not later than December
932 fifteenth of each year, the council shall report the results of its findings
933 and activities to the Chief Court Administrator;

934 [(12)] (13) To utilize such voluntary and uncompensated services of
935 private individuals, agencies and organizations as may from time to
936 time be offered and needed;

937 [(13)] (14) To recommend policies and make recommendations to
938 agencies and officers of the state and local subdivisions of government
939 relative to victims of crime;

940 [(14)] (15) To provide support and assistance to state-wide victim
941 services coalitions and groups;

942 [(15)] (16) Within available appropriations to establish a crime
943 victims' information clearinghouse which shall be a central repository
944 for information collected pursuant to subdivision (9) of this subsection
945 and information made available through the criminal justice
946 information system, to provide a toll-free telephone number for access
947 to such information and to develop a plan, in consultation with all
948 agencies required to provide notification to victims, outlining any
949 needed statutory changes, resources and working agreements

950 necessary to make the Office of Victim Services the lead agency for
951 notification of victims, which plan shall be submitted to the General
952 Assembly not later than February 15, 2000;

953 [(16)] (17) To provide a training program for judges, prosecutors,
954 police, probation and parole personnel, bail commissioners, intake,
955 assessment and referral specialists, officers from the Department of
956 Correction and judicial marshals to inform them of victims' rights and
957 available services;

958 [(17)] (18) To establish a sexual assault forensic examiners program
959 that will train and make available sexual assault forensic examiners to
960 adolescent and adult victims of sexual assault who are patients at
961 participating acute care hospitals. In order to establish and implement
962 such program, the Office of Victim Services may apply for, receive,
963 allocate, disburse and account for grants of funds made available by
964 the United States, the state, foundations, corporations and other
965 businesses, agencies or individuals; and

966 [(18)] (19) To submit to the joint standing committee of the General
967 Assembly having cognizance of matters relating to victim services, in
968 accordance with the provisions of section 11-4a, on or before January
969 15, 2000, and biennially thereafter a report of its activities under
970 sections 54-201 to 54-233, inclusive, including, but not limited to,
971 implementation of training activities and mandates. Such report shall
972 include the types of training provided, entities providing training and
973 recipients of training.

974 Sec. 17. Section 53a-40 of the general statutes is repealed and the
975 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

977 (1) (A) Stands convicted of manslaughter, arson, kidnapping,
978 robbery in the first or second degree, assault in the first degree, home
979 invasion, burglary in the first degree or burglary in the second degree
980 with a firearm, and (B) has been, prior to the commission of the present

981 crime, convicted of and imprisoned under a sentence to a term of
982 imprisonment of more than one year or of death, in this state or in any
983 other state or in a federal correctional institution, for any of the
984 following crimes: (i) The crimes enumerated in subparagraph (A) of
985 this subdivision or an attempt to commit any of said crimes; or (ii)
986 murder, sexual assault in the first or third degree, aggravated sexual
987 assault in the first degree or sexual assault in the third degree with a
988 firearm, or an attempt to commit any of said crimes; or (iii) prior to
989 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
990 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
991 prior to October 1, 1971, in this state, assault with intent to kill under
992 section 54-117, or any of the crimes enumerated in sections 53-9, 53-10,
993 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80,
994 inclusive, 53-82, 53-83, 53-86, 53-238 and 53-239 of the general statutes,
995 revision of 1958, revised to 1968, or any predecessor statutes in this
996 state, or an attempt to commit any of said crimes; or (iv) in any other
997 state, any crimes the essential elements of which are substantially the
998 same as any of the crimes enumerated in subparagraph (A) of this
999 subdivision or this subparagraph; or

1000 (2) (A) Stands convicted of sexual assault in the first or third degree,
1001 aggravated sexual assault in the first degree or sexual assault in the
1002 third degree with a firearm, and (B) has been, prior to the commission
1003 of the present crime, convicted of and imprisoned under a sentence to
1004 a term of imprisonment of more than one year or of death, in this state
1005 or in any other state or in a federal correctional institution, for any of
1006 the following crimes: (i) Murder, manslaughter, arson, kidnapping,
1007 robbery in the first or second degree, assault in the first degree, home
1008 invasion, burglary in the first degree or burglary in the second degree
1009 with a firearm, or an attempt to commit any of said crimes; or (ii) prior
1010 to October 1, 1971, in this state, assault with intent to kill under section
1011 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11,
1012 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive,
1013 53-82, 53-83 and 53-86 of the general statutes, revision of 1958, revised
1014 to 1968, or any predecessor statutes in this state, or an attempt to

1015 commit any of said crimes; or (iii) in any other state, any crimes the
1016 essential elements of which are substantially the same as any of the
1017 crimes enumerated in subparagraph (A) of this subdivision or this
1018 subparagraph.

1019 (b) A persistent dangerous sexual offender is a person who (1)
1020 stands convicted of sexual assault in the first or third degree,
1021 aggravated sexual assault in the first degree or sexual assault in the
1022 third degree with a firearm, and (2) has been, prior to the commission
1023 of the present crime, convicted of and imprisoned under a sentence to
1024 a term of imprisonment of more than one year, in this state or in any
1025 other state or in a federal correctional institution, for (A) any of the
1026 crimes enumerated in subdivision (1) of this subsection, or (B) prior to
1027 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
1028 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
1029 prior to October 1, 1971, in this state, any of the crimes enumerated in
1030 section 53-238 or 53-239 of the general statutes, revision of 1958,
1031 revised to 1968, or any predecessor statutes in this state, or an attempt
1032 to commit any of said crimes, or (C) in any other state, any crimes the
1033 essential elements of which are substantially the same as any of the
1034 crimes enumerated in subdivision (1) of this subsection or this
1035 subdivision.

1036 (c) A persistent serious felony offender is a person who (1) stands
1037 convicted of a felony, and (2) has been, prior to the commission of the
1038 present felony, convicted of and imprisoned under an imposed term of
1039 more than one year or of death, in this state or in any other state or in a
1040 federal correctional institution, for a crime. This subsection shall not
1041 apply where the present conviction is for a crime enumerated in
1042 subdivision (1) of subsection (a) of this section and the prior conviction
1043 was for a crime other than those enumerated in subsection (a) of this
1044 section.

1045 (d) A persistent serious sexual offender is a person, other than a
1046 person who qualifies as a persistent dangerous sexual offender under
1047 subsection (b) of this section, who qualifies as a persistent serious

1048 felony offender under subsection (c) of this section and the felony of
1049 which such person presently stands convicted is a violation of
1050 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-
1051 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for
1052 a violation of section 53-21 of the general statutes, revised to January 1,
1053 1995, involving sexual contact, committed prior to October 1, 1995, a
1054 violation of subdivision (2) of section 53-21 of the general statutes,
1055 committed on or after October 1, 1995, and prior to October 1, 2000, a
1056 violation of subdivision (2) of subsection (a) of section 53-21 or a
1057 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

1058 (e) A persistent larceny offender is a person who (1) stands
1059 convicted of larceny in the third degree in violation of the provisions of
1060 section 53a-124 in effect prior to October 1, 1982, or larceny in the
1061 fourth, fifth or sixth degree, and (2) has been, at separate times prior to
1062 the commission of the present larceny, twice convicted of the crime of
1063 larceny.

1064 (f) A persistent offender for possession of a controlled substance is a
1065 person who (1) stands convicted of possession of a controlled
1066 substance in violation of the provisions of section 21a-279, as amended
1067 by this act, and (2) has been, at separate times prior to the commission
1068 of the present possession of a controlled substance, twice convicted of
1069 the crime of possession of a controlled substance.

1070 [(f)] (g) A persistent felony offender is a person who (1) stands
1071 convicted of a felony other than a class D felony, and (2) has been, at
1072 separate times prior to the commission of the present felony, twice
1073 convicted of a felony other than a class D felony.

1074 [(g)] (h) It shall be an affirmative defense to the charge of being a
1075 persistent offender under this section that (1) as to any prior conviction
1076 on which the state is relying the defendant was pardoned on the
1077 ground of innocence, and (2) without such conviction, the defendant
1078 was not two or more times convicted and imprisoned as required by
1079 this section.

1080 [(h)] (i) When any person has been found to be a persistent
1081 dangerous felony offender, the court, in lieu of imposing the sentence
1082 of imprisonment authorized by the general statutes for the crime of
1083 which such person presently stands convicted, shall (1) sentence such
1084 person to a term of imprisonment that is not (A) less than twice the
1085 minimum term of imprisonment authorized for such crime or (B) more
1086 than twice the maximum term of imprisonment authorized for such
1087 crime or forty years, whichever is greater, provided, if a mandatory
1088 minimum term of imprisonment is authorized for such crime, such
1089 sentence shall include a mandatory minimum term of imprisonment
1090 that is twice such authorized mandatory minimum term of
1091 imprisonment, and (2) if such person has, at separate times prior to the
1092 commission of the present crime, been twice convicted of and
1093 imprisoned for any of the crimes enumerated in subsection (a) of this
1094 section, sentence such person to a term of imprisonment that is not less
1095 than three times the minimum term of imprisonment authorized for
1096 such crime or more than life, provided, if a mandatory minimum term
1097 of imprisonment is authorized for such crime, such sentence shall
1098 include a mandatory minimum term of imprisonment that is three
1099 times such authorized mandatory minimum term of imprisonment.

1100 [(i)] (j) When any person has been found to be a persistent
1101 dangerous sexual offender, the court, in lieu of imposing the sentence
1102 of imprisonment authorized by section 53a-35a for the crime of which
1103 such person presently stands convicted, shall sentence such person to a
1104 term of imprisonment and a period of special parole pursuant to
1105 subsection (b) of section 53a-28 which together constitute a sentence of
1106 imprisonment for life, as defined in section 53a-35b.

1107 [(j)] (k) When any person has been found to be a persistent serious
1108 felony offender, the court in lieu of imposing the sentence of
1109 imprisonment authorized by section 53a-35 for the crime of which such
1110 person presently stands convicted, or authorized by section 53a-35a if
1111 the crime of which such person presently stands convicted was
1112 committed on or after July 1, 1981, may impose the sentence of

1113 imprisonment authorized by said section for the next more serious
1114 degree of felony.

1115 [(k)] (l) When any person has been found to be a persistent serious
1116 sexual offender, the court, in lieu of imposing the sentence of
1117 imprisonment authorized by section 53a-35a for the crime of which
1118 such person presently stands convicted, may impose a sentence of
1119 imprisonment and a period of special parole pursuant to subsection (b)
1120 of section 53a-28 which together constitute the maximum sentence
1121 specified by section 53a-35a for the next more serious degree of felony.

1122 [(l)] (m) When any person has been found to be a persistent larceny
1123 offender, the court, in lieu of imposing the sentence authorized by
1124 section 53a-36 for the crime of which such person presently stands
1125 convicted, may impose the sentence of imprisonment for a class D
1126 felony authorized by section 53a-35, if the crime of which such person
1127 presently stands convicted was committed prior to July 1, 1981, or
1128 authorized by section 53a-35a, if the crime of which such person
1129 presently stands convicted was committed on or after July 1, 1981.

1130 (n) When any person has been found to be a persistent offender for
1131 possession of a controlled substance, the court, in lieu of imposing the
1132 sentence authorized by section 53a-36 for the crime of which such
1133 person presently stands convicted, may impose the sentence of
1134 imprisonment for a class E felony authorized by section 53a-35.

1135 [(m)] (o) When any person has been found to be a persistent felony
1136 offender, the court, in lieu of imposing the sentence authorized by
1137 section 53a-35a for the crime of which such person presently stands
1138 convicted, may impose the sentence of imprisonment authorized by
1139 said section for the next more serious degree of felony; provided the
1140 sentence imposed may not be less than three years, and provided
1141 further three years of the sentence so imposed may not be suspended
1142 or reduced by the court.

1143 [(n)] (p) (1) Whenever a person is arrested for any of the crimes

1144 enumerated in subsection (a) of this section, the prosecuting authority
1145 shall investigate and ascertain whether such person has, at separate
1146 times prior to the commission of the present crime, been twice
1147 convicted of and imprisoned for any of the crimes enumerated in said
1148 subsection (a) and would be eligible to be sentenced under subsection
1149 [(h)] (i) of this section if convicted of such crime.

1150 (2) If the prosecuting authority ascertains that such person has, at
1151 separate times prior to the commission of the present crime, been twice
1152 convicted of and imprisoned for any of the crimes enumerated in
1153 subsection (a) of this section and such person has been presented to a
1154 geographical area courthouse, the prosecuting authority shall cause
1155 such person to be transferred to a judicial district courthouse.

1156 (3) No court shall accept a plea of guilty, not guilty or nolo
1157 contendere from a person arrested for any of the crimes enumerated in
1158 subsection (a) of this section unless it finds that the prosecuting
1159 authority has complied with the requirements of subdivision (1) of this
1160 subsection.

1161 (4) If the prosecuting authority ascertains that such person has, at
1162 separate times prior to the commission of the present crime, been twice
1163 convicted of and imprisoned for any of the crimes enumerated in
1164 subsection (a) of this section but decides not to initiate proceedings to
1165 seek the sentence enhancement provided by subsection [(h)] (i) of this
1166 section, the prosecuting authority shall state for the record the specific
1167 reason or reasons for not initiating such proceedings.

1168 (5) If the prosecuting authority ascertains that such person has, at
1169 separate times prior to the commission of the present crime, been twice
1170 convicted of and imprisoned for any of the crimes enumerated in
1171 subsection (a) of this section and initiates proceedings to seek the
1172 sentence enhancement provided by subsection [(h)] (i) of this section,
1173 but subsequently decides to terminate such proceedings, the
1174 prosecuting authority shall state for the record the specific reason or
1175 reasons for terminating such proceedings.

1176 Sec. 18. Subsection (c) of section 54-125e of the general statutes is
 1177 repealed and the following is substituted in lieu thereof (*Effective*
 1178 *October 1, 2015*):

1179 (c) The period of special parole shall be not less than one year or
 1180 more than ten years, except that such period may be for more than ten
 1181 years for a person convicted of a violation of subdivision (2) of section
 1182 53-21 of the general statutes in effect prior to October 1, 2000,
 1183 subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-
 1184 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a persistent
 1185 dangerous felony offender pursuant to subsection [(h)] (i) of section
 1186 53a-40, as amended by this act, or as a persistent serious felony
 1187 offender pursuant to subsection [(j)] (k) of section 53a-40, as amended
 1188 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(e)
Sec. 14	<i>July 1, 2015</i>	54-125g
Sec. 15	<i>October 1, 2015</i>	54-126a
Sec. 16	<i>October 1, 2015</i>	54-203
Sec. 17	<i>October 1, 2015</i>	53a-40
Sec. 18	<i>October 1, 2015</i>	54-125e(c)