



House of Representatives

General Assembly

File No. 544

February Session, 2016

Substitute House Bill No. 5633

House of Representatives, April 7, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS CONCERNING THE DEPARTMENT OF CORRECTION AND THE EARNED RISK REDUCTION CREDIT PROGRAM.

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

1 Section 1. Section 18-98f of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2016*):

4 Not later than January 1, [2016] 2017, and quarterly thereafter, [the
5 Commissioner of Correction, after consultation with] the Criminal
6 Justice Policy and Planning Division within the Office of Policy and
7 Management, after consultation with the Commissioner of Correction,
8 shall, in accordance with the provisions of section 11-4a, report to the
9 General Assembly details about earned risk reduction credits awarded
10 to reduce an inmate's sentence pursuant to section 18-98e, as amended
11 by this act. Such report shall include: (1) The number of inmates
12 released overall and the number of inmates released early as a result of
13 the award of such credit; (2) the crimes for which such released

14 inmates were convicted; (3) the amount of risk reduction credit earned
 15 by inmates released early pursuant to such credit; and (4) any
 16 recidivism data regarding inmates who were released early pursuant
 17 to such credit, including any data such as rate of reentry into the
 18 correctional system, elapsed time between release and such reentry,
 19 and the crimes for which such inmates were convicted that resulted in
 20 such reentry. Not later than thirty days after submission of the report
 21 to the General Assembly, said commissioner shall post the report on
 22 the Department of Correction's Internet web site.

23 Sec. 2. Subsection (e) of section 18-98e of the 2016 supplement to the
 24 general statutes is repealed and the following is substituted in lieu
 25 thereof (*Effective October 1, 2016*):

26 (e) Prior to release of any inmate whose sentence is being reduced
 27 due to risk reduction credits earned pursuant to this section, the
 28 [warden of the correctional facility from which such inmate is to be
 29 released] commissioner or the commissioner's designee shall review
 30 such inmate's records and verify that the inmate earned the risk
 31 reduction credits being applied to reduce such inmate's sentence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	18-98f
Sec. 2	<i>October 1, 2016</i>	18-98e(e)

Statement of Legislative Commissioners:

In Section 1, the reporting date was changed to eliminate any implication that the changes might apply retroactively.

JUD *Joint Favorable Subst. -LCO*

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

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with making changes to reporting requirements within the Department of Correction and the Office of Policy and Management.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5633*****AN ACT CONCERNING MINOR REVISIONS CONCERNING THE DEPARTMENT OF CORRECTION AND THE EARNED RISK REDUCTION CREDIT PROGRAM.*****SUMMARY:**

This bill requires the Department of Correction (DOC) commissioner or his designee, instead of the relevant prison warden, to verify that an inmate being released early due to risk reduction credits has earned the credits that were applied to reduce his or her sentence.

It also reverses the roles of the agencies in the quarterly reporting on inmates earning risk reduction credits. Currently, DOC must issue the reports after consulting with the Office of Policy and Management's (OPM) Criminal Justice Policy and Planning Division. The bill instead requires the division to issue the reports after consulting with DOC. By law, this report must provide information on inmates released early as a result of earning the credits, including their convictions, number of credits earned, and recidivism rates.

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Risk Reduction Credits***

By law, an inmate can earn up to five days per month of risk reduction credits to reduce his or her maximum prison sentence, at the DOC commissioner's discretion, for good conduct, obeying rules, adhering to offender accountability plans, and participating in certain programs and activities. Good conduct and obedience alone do not entitle an inmate to credits. The commissioner may revoke credits for misconduct, insubordination, refusal to follow rules, or other good

cause. Credits cannot reduce a mandatory minimum prison sentence.

By law, inmates convicted of the following crimes cannot earn these credits: murder, murder with special circumstances, felony murder, arson murder, 1st degree aggravated sexual assault, home invasion, 1st degree manslaughter, 1st degree manslaughter with a firearm, or aggravated sexual assault of a minor, or as a persistent dangerous felony offender or persistent dangerous sexual offender (CGS § 18-98e).

Inmates convicted of a violent crime or 2nd degree burglary cannot use the credits to become eligible for parole sooner than they otherwise would. Inmates convicted of non-violent crimes have their parole eligibility based on their sentences as reduced by the credits (CGS § 54-125a).

Related Bill

SB 456, favorably reported by the Judiciary Committee, requires the DOC commissioner to supervise in the community an inmate who (1) is released from prison on a sentence reduced by risk reduction credits and (2) was not sentenced to a period of probation or special parole to follow the prison sentence. DOC must supervise the person for the number days that his or her prison sentence was reduced by the credits.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (03/21/2016)