



Senate

General Assembly

File No. 523

February Session, 2016

Substitute Senate Bill No. 456

Senate, April 6, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING COMMUNITY SUPERVISION OF CERTAIN FORMER INMATES.

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

1 Section 1. Section 18-98e 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2 statutes is repealed and the following is substituted in lieu thereof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 (a) Notwithstanding any provision of the general statutes, any
5 person sentenced to a term of imprisonment for a crime committed on
6 or after October 1, 1994, and committed to the custody of the
7 Commissioner of Correction on or after said date, except a person who
8 is sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-
9 54d, 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or is a persistent
10 dangerous felony offender or persistent dangerous sexual offender
11 pursuant to section 53a-40, may be eligible to earn risk reduction credit
12 toward a reduction of such person's sentence, in an amount not to
13 exceed five days per month, at the discretion of the Commissioner of
14 Correction for conduct as provided in subsection (b) of this section

15 occurring on or after April 1, 2006.

16 (b) An inmate may earn risk reduction credit for adherence to the
17 inmate's offender accountability plan, for participation in eligible
18 programs and activities, and for good conduct and obedience to
19 institutional rules as designated by the commissioner, provided (1)
20 good conduct and obedience to institutional rules alone shall not
21 entitle an inmate to such credit, and (2) the commissioner or the
22 commissioner's designee may, in his or her discretion, cause the loss of
23 all or any portion of such earned risk reduction credit for any act of
24 misconduct or insubordination or refusal to conform to recommended
25 programs or activities or institutional rules occurring at any time
26 during the service of the sentence or for other good cause. If an inmate
27 has not earned sufficient risk reduction credit at the time the
28 commissioner or the commissioner's designee orders the loss of all or a
29 portion of earned credit, such loss shall be deducted from any credit
30 earned by such inmate in the future.

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

36 (d) Any credit earned under this section may only be earned during
37 the period of time that the inmate is sentenced to a term of
38 imprisonment and committed to the custody of the commissioner and
39 may not be transferred or applied to a subsequent term of
40 imprisonment. In no event shall any credit earned under this section be
41 applied by the commissioner so as to reduce a mandatory minimum
42 term of imprisonment such inmate is required to serve by statute.

43 (e) Prior to release of any inmate whose sentence is being reduced
44 due to risk reduction credits earned pursuant to this section, the
45 warden of the correctional facility from which such inmate is to be
46 released shall review such inmate's records and verify that the inmate
47 earned the risk reduction credits being applied to reduce such inmate's

48 sentence.

49 (f) The commissioner shall adopt policies and procedures to
50 determine the amount of credit an inmate may earn toward a
51 reduction in his or her sentence and to phase in the awarding of
52 retroactive credit authorized by subsection (c) of this section.

53 (g) For any inmate who completes a sentence with a term of
54 imprisonment, which term was reduced pursuant to this section, and
55 who was not sentenced to a period of probation or special parole, the
56 Commissioner of Correction shall supervise such former inmate in the
57 community for the number of days that equals the number of days
58 such former inmate's term of imprisonment was reduced pursuant to
59 this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	18-98e

Statement of Legislative Commissioners:

In Subsecs. (a) and (g), changes were made for proper grammar.

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:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.	GF - Cost	150,175	200,250
State Comptroller - Fringe Benefits ¹	GF - Cost	59,985	79,980

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a total General Fund cost of \$210,160 in FY 17 and an annualized cost of \$280,230 in FY 18 by requiring the Department of Correction to supervise certain inmates in the community for the number of days equal to the number of Risk Reduction Earned Credit (RREC) days the inmate earned off their sentence.

In FY 15, approximately 2,000 inmates were released that meet the requirements of the bill. On average, each inmate would need approximately 30 days of community supervision under the bill, resulting in a caseload increase of 175 inmates. Based on current workload standards in the Department of Correction (approximately 60 inmates per parole officer), this workload increase would require 3 additional Parole Officers. The starting salary for Parole Officer 1 is \$66,749.

The Out Years

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 39.94% of payroll in FY 17 and FY 18.

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

OLR Bill Analysis**sSB 456*****AN ACT CONCERNING COMMUNITY SUPERVISION OF CERTAIN FORMER INMATES.*****SUMMARY:**

This bill requires the Department of Correction (DOC) commissioner to supervise in the community an inmate who is released from prison on a sentence reduced by risk reduction credits and was not sentenced to a period of probation or special parole to follow the prison sentence. DOC must supervise the person for the number of days that his or her prison sentence was reduced by the credits.

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 any 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

HB 5633, reported favorably by the Judiciary Committee, (1) requires the DOC commissioner or his designee, instead of the relevant prison warden, to verify that an inmate being released has earned any risk reduction credits applied to reduce the inmate’s sentence and (2) changes who must report quarterly on inmates earning risk reduction credits.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (03/21/2016)