



New Copy
House of Representatives

General Assembly

File No. 634

January Session, 2017

Substitute House Bill No. 7133

House of Representatives, April 18, 2017

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 GOOD TIME CREDITS.

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

1 Section 1. Section 18-7a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Except as provided in subsections (b) [and (c)] to (d), inclusive,
4 of this section, any person sentenced to a term of imprisonment, on
5 and after October 1, 1976, and while still serving such sentence
6 whether such sentence is for a definite, indefinite or indeterminate
7 term, and regardless of the institution wherein the prisoner is confined
8 may, by good conduct and obedience to the rules which have been
9 established for the service of his sentence, earn a commutation or
10 diminution of his sentence in the amount of ten days for each month,
11 and pro rata for a part of a month, of a sentence which is for not more
12 than five years, and fifteen days for each month, and pro rata for a part
13 of a month, for the sixth and each subsequent year of a sentence of
14 more than five years. In the case of an indeterminate sentence, such

15 credit shall apply to both the minimum and maximum term. In the
16 case of an indefinite sentence, such credit shall apply to the maximum
17 term only. Any act of misconduct or refusal to obey the rules which
18 have been established for the service of his sentence shall subject the
19 prisoner to the loss of all or any portion of such credit by the
20 commissioner or his designee.

21 (b) Except as provided in [subsection (c)] subsections (c) and (d) of
22 this section, any person sentenced to a term of imprisonment for an
23 offense committed on or after July 1, 1981, may, while held in default
24 of bond or while serving such sentence, by good conduct and
25 obedience to the rules which have been established for the service of
26 his sentence, earn a reduction of his sentence in the amount of ten days
27 for each month and pro rata for a part of a month of a sentence up to
28 five years, and twelve days for each month and pro rata for a part of a
29 month for the sixth and each subsequent year of a sentence which is
30 more than five years. Misconduct or refusal to obey the rules which
31 have been established for the service of his sentence shall subject the
32 prisoner to the loss of all or any portion of such reduction by the
33 commissioner or his designee.

34 (c) [Any] Except as provided in subsection (d) of this section, any
35 person sentenced to a term of imprisonment for an offense committed
36 on or after July 1, 1983, may, while held in default of bond or while
37 serving such sentence, by good conduct and obedience to the rules
38 which have been established for the service of his sentence, earn a
39 reduction of his sentence as such sentence is served in the amount of
40 ten days for each month served and pro rata for a part of a month
41 served of a sentence up to five years, and twelve days for each month
42 served and pro rata for a part of a month served for the sixth and each
43 subsequent year of a sentence which is more than five years.
44 Misconduct or refusal to obey the rules which have been established
45 for the service of his sentence shall subject the prisoner to the loss of all
46 or any portion of such reduction by the commissioner or his designee.
47 In the event a prisoner has not yet earned sufficient good time to
48 satisfy the good time loss, such lost good time shall be deducted from

49 any good time earned in the future by such prisoner.

50 (d) On and after the effective date of this section, no person may
51 earn good time pursuant to this section. Any good time earned
52 previous to the effective date of this section may be used to reduce a
53 person's sentence in accordance with subsection (a), (b) or (c) of this
54 section, as applicable, except as may be lost pursuant to the provisions
55 of this section. Nothing in this subsection shall invalidate the release or
56 parole release of any person pursuant to a sentence reduction earned
57 prior to the effective date of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	18-7a

Statement of Legislative Commissioners:

In Subsec. (d), "except as may be lost pursuant to subsection (c) of this section." was replaced with "except as may be lost pursuant to the provisions of this section." for accuracy.

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 18 \$	FY 19 \$
Correction, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill would prohibit inmates sentenced before October 1, 1994 from continuing to receive good time credits and would result in a cost to the state. This would affect 316 inmates by not letting them continue to reduce their prison sentence with good time credits. To the extent that these inmates would have continued to receive good time credits, this would result in the inmates serving longer sentences and additional costs to the state. On average, it costs the state \$61,320 (including benefits) to incarcerate an offender for a year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates that have been incarcerated since before October 1, 1994.

OLR Bill Analysis**sHB 7133*****AN ACT CONCERNING GOOD TIME CREDITS.*****SUMMARY**

This bill eliminates the ability of inmates sentenced for crimes committed before October 1, 1994 to earn good conduct credits to reduce their sentences (see BACKGROUND). It allows inmates who have earned such credits prior to the bill's passage to continue to use these credits to reduce their sentences as under current law.

Current law allows such inmates, starting with those sentenced on and after October 1, 1976, to earn these credits for good conduct and obeying rules, as follows:

1. 10 days off the sentence for each month of good behavior during the first five years of the sentence, and
2. 12 days off the sentence for each month of good behavior during the sixth and subsequent years, or 15 days per month for these years if sentenced for a crime committed before July 1, 1981.

The bill specifies that it does not invalidate the release or parole release of any inmate whose sentence was reduced under these provisions before the bill's passage.

Under existing law, unchanged by the bill, these inmates may be eligible to reduce their sentences under certain other laws, at the Department of Correction (DOC) commissioner's discretion. Specifically, such prisoners:

1. who work at the prison or a work-release program may have their sentences reduced by one day for each consecutive seven days of employment (CGS § 18-98a) and

2. may have their sentences reduced by up to 120 days for an “outstanding meritorious performance award” (CGS § 18-98b).

By law, certain inmates sentenced for crimes committed on or after October 1, 1994 are eligible to reduce their sentences under the risk reduction earned credit program (see BACKGROUND).

EFFECTIVE DATE: Upon passage

BACKGROUND

Good Conduct Credits for Crimes Committed before October 1, 1994

In 1993, existing laws authorized good conduct credit for prisoners. A provision in PA 93-219 provided that anyone convicted of a crime committed on or after October 1, 1994 had to be subject to supervision either by the Department of Correction or Board of Parole until the expiration of the maximum term of the person’s sentence (codified as CGS § 18-100d). The state Supreme Court interpreted this language as eliminating the ability of inmates to reduce their sentences under the good conduct statutes for crimes committed on or after October 1, 1994 (*Velez v. Commissioner of Correction*, 250 Conn. 536 (1999)).

(Under the risk reduction earned credit program (CGS § 18-98e), certain inmates in prison for crimes committed on or after October 1, 1994 can earn credits of up to five days per month to reduce their sentences.)

Related Bills

sSB 575, reported favorably by the Judiciary Committee, (1) adds to the list of crimes that bar inmates from earning risk reduction credits and (2) requires the DOC commissioner to adopt regulations detailing the department’s internal policies and procedures on specified matters related to the risk reduction earned credit program.

sHB 5992, reported favorably by the Judiciary Committee, requires the DOC commissioner to report to the committee on his recommendations to improve the risk reduction earned credit

program.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/04/2017)