To: Subst. Senate Bill No. 884       File No. 647       Cal. No. 336

"AN ACT ADOPTING THE CONNECTICUT UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT AND REVISING THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT."

1 After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Section 18-98e of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(a) Notwithstanding any provision of the general statutes, (1) any person sentenced to a term of imprisonment for a crime committed on or after October 1, 1994, but prior to October 1, 2017, and committed to the custody of the Commissioner of Correction on or after [said date] October 1, 1994, except a person who is sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or is a persistent dangerous felony offender or
persistent dangerous sexual offender pursuant to section 53a-40, and (2) any person sentenced to a term of imprisonment for a crime committed on or after October 1, 2017, and committed to the custody of the Commissioner of Correction on or after said date, except a person who is sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-59, 53a-59a, 53a-59c, 53a-70, 53a-70a, 53a-70c or 53a-100aa, or is a persistent dangerous felony offender or persistent dangerous sexual offender pursuant to section 53a-40, may be eligible to earn risk reduction credit toward a reduction of such person's sentence, in an amount not to exceed five days per month, at the discretion of the Commissioner of Correction for conduct as provided in subsection (b) of this section occurring on or after April 1, 2006.

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

(c) The award of risk reduction credit earned for conduct occurring prior to July 1, 2011, shall be phased in consistent with public safety, risk reduction, administrative purposes and sound correctional practice, at the discretion of the commissioner, but shall be completed not later than July 1, 2012.
(d) Any credit earned under this section may only be earned during the period of time that the inmate is sentenced to a term of imprisonment and committed to the custody of the commissioner and may not be transferred or applied to a subsequent term of imprisonment. In no event shall any credit earned under this section be applied by the commissioner so as to reduce a mandatory minimum term of imprisonment such inmate is required to serve by statute.

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

(f) [The] Not later than January 1, 2018, the commissioner shall adopt regulations in accordance with the provisions of chapter 54 detailing the internal policies and procedures to determine the amount of credit and whether an inmate may earn such credit toward a reduction in his or her sentence and to phase in the awarding of retroactive credit authorized by subsection (c) of this section. Such regulations shall include (1) a formula to calculate the credits an inmate may earn, and (2) provisions concerning (A) an inmate's ability to earn such credits, (B) a review of the credits earned and the calculation applied to the sentence of an inmate prior to discharge of the inmate, (C) forfeiture or rescission of earned credits, and (D) exclusion of an inmate from the opportunity to earn such credits."

This act shall take effect as follows and shall amend the following sections:

| Sec. 501 | October 1, 2017 | 18-98e |