



General Assembly

**Amendment**

January Session, 2017

LCO No. 7114



Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. WITKOS, 8<sup>th</sup> Dist.

SEN. KISSEL, 7<sup>th</sup> Dist.

SEN. SUZIO, 13<sup>th</sup> Dist.

To: Subst. Senate Bill No. 981

File No. 675

Cal. No. 357

**"AN ACT CONCERNING STRATEGIC LITIGATION AGAINST  
PUBLIC PARTICIPATION AND A SPECIAL MOTION TO DISMISS."**

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

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 Section 18-98e of the general statutes is repealed and the  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

5 (a) Notwithstanding any provision of the general statutes, (1) any  
6 person sentenced to a term of imprisonment for a crime committed on  
7 or after October 1, 1994, but prior to October 1, 2017, and committed to  
8 the custody of the Commissioner of Correction on or after [said date]  
9 October 1, 1994, except a person who is sentenced for a violation of  
10 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a,  
11 53a-70c or 53a-100aa, or is a persistent dangerous felony offender or  
12 persistent dangerous sexual offender pursuant to section 53a-40, and

13 (2) any person sentenced to a term of imprisonment for a crime  
14 committed on or after October 1, 2017, and committed to the custody  
15 of the Commissioner of Correction on or after said date, except a  
16 person who is sentenced for a violation of section 53a-54a, 53a-54b,  
17 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-59, 53a-59a, 53a-59c, 53a-70, 53a-  
18 70a, 53a-70c or 53a-100aa, or is a persistent dangerous felony offender  
19 or persistent dangerous sexual offender pursuant to section 53a-40,  
20 may be eligible to earn risk reduction credit toward a reduction of such  
21 person's sentence, in an amount not to exceed five days per month, at  
22 the discretion of the Commissioner of Correction for conduct as  
23 provided in subsection (b) of this section occurring on or after April 1,  
24 2006.

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

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

45 (d) Any credit earned under this section may only be earned during

46 the period of time that the inmate is sentenced to a term of  
 47 imprisonment and committed to the custody of the commissioner and  
 48 may not be transferred or applied to a subsequent term of  
 49 imprisonment. In no event shall any credit earned under this section be  
 50 applied by the commissioner so as to reduce a mandatory minimum  
 51 term of imprisonment such inmate is required to serve by statute.

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

58 (f) [The] Not later than January 1, 2018, the commissioner shall  
 59 adopt regulations in accordance with the provisions of chapter 54  
 60 detailing the internal policies and procedures to determine the amount  
 61 of credit and whether an inmate may earn such credit toward a  
 62 reduction in his or her sentence and to phase in the awarding of  
 63 retroactive credit authorized by subsection (c) of this section. Such  
 64 regulations shall include (1) a formula to calculate the credits an  
 65 inmate may earn, and (2) provisions concerning (A) an inmate's ability  
 66 to earn such credits, (B) a review of the credits earned and the  
 67 calculation applied to the sentence of an inmate prior to discharge of  
 68 the inmate, (C) forfeiture or rescission of earned credits, and (D)  
 69 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