



General Assembly

**Substitute Bill No. 521**

February Session, 2018



**AN ACT CONCERNING THE ADMINISTRATION OF THE  
DEPARTMENT OF CORRECTION.**

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

1 Section 1. Section 18-81l of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) The Department of Correction shall (1) require each applicant for  
4 a position that will involve direct contact with inmates to state whether  
5 such person has ever been convicted of a crime or whether criminal  
6 charges are pending against such person at the time of such person's  
7 application, and (2) require each applicant to submit to state and  
8 national criminal history records checks. The criminal history records  
9 checks required pursuant to this section shall be conducted in  
10 accordance with section 29-17a.

11 (b) The Department of Correction shall require each applicant for a  
12 position with the department to submit to a preemployment  
13 psychological examination. Such examination shall be administered to  
14 the applicant after all other portions of the department's employment  
15 testing and selection process have been completed and prior to any  
16 offer of employment being made to the applicant. The Commissioner  
17 of Correction shall determine the appropriate preemployment  
18 psychological examination to be used by the department in its hiring

19 process. Any cost associated with the administration of the  
20 preemployment psychological examination shall be borne by the  
21 applicant.

22 Sec. 2. Subsection (a) of section 18-87k of the general statutes is  
23 repealed and the following is substituted in lieu thereof (*Effective July*  
24 *1, 2018*):

25 (a) The Criminal Justice Policy Advisory Commission shall: (1)  
26 Develop and recommend policies for preventing prison and jail  
27 overcrowding; (2) examine the impact of statutory provisions and  
28 current administrative policies on prison and jail overcrowding and  
29 recommend legislation to the Governor and the General Assembly; (3)  
30 research and gather relevant statistical data and other information  
31 concerning the impact of efforts to prevent prison and jail  
32 overcrowding and make such information available to criminal justice  
33 agencies and members of the General Assembly; (4) advise the  
34 undersecretary of the Criminal Justice Policy and Planning Division on  
35 policies and procedures to promote more effective and cohesive state  
36 criminal justice and juvenile justice systems and to develop and  
37 implement the offender reentry strategy as provided in section 18-81w;  
38 (5) monitor developments throughout the state's criminal justice  
39 system and, not later than February 15, 2009, and annually thereafter,  
40 report to the Governor and the General Assembly on the effectiveness  
41 of the state's reentry strategy, outcomes achieved under the reentry  
42 strategy and the level of integration and coordination of the  
43 information technology systems used by the criminal justice agencies  
44 and other system-wide issues identified by the commission; (6) not  
45 later than February 15, 2009, and annually thereafter, sponsor for all  
46 members of the criminal justice community a full-day review of the  
47 criminal justice system in the state including progress that has been  
48 made within the past year and challenges to be met, which review  
49 shall be facilitated by the undersecretary of the Criminal Justice Policy  
50 and Planning Division; (7) identify specific needs for reentry services  
51 in geographic areas throughout the state; (8) identify institution-based

52 and community-based programs and services that effectively address  
53 offender needs and reduce recidivism including, but not limited to,  
54 education and training, employment preparation and job bank,  
55 transitional health care, family support, substance abuse, domestic  
56 violence and sexual offender programs and services; (9) develop a  
57 guide to best practices in the provision of reentry services; (10) develop  
58 and annually update a plan to ensure the availability of reentry  
59 services, which plan may include establishment of community reentry  
60 centers; [and] (11) assist the undersecretary of the Criminal Justice  
61 Policy and Planning Division in developing the recommendations  
62 included in the report and presentation made by the division pursuant  
63 to section 4-68p; and (12) administer the First Chance Trust Fund  
64 established pursuant to section 3 of this act.

65       Sec. 3. (NEW) (*Effective July 1, 2018*) (a) There is established a fund to  
66 be known as the "First Chance Trust Fund" which shall be a separate,  
67 nonlapsing fund. The fund shall contain any moneys required by law  
68 to be deposited in the fund. Moneys in the fund shall be expended by  
69 the Criminal Justice Policy Advisory Commission for the purpose of  
70 providing grants to evidence-based programs that benefit at-risk youth  
71 residing in any distressed municipality, as defined in section 32-9p of  
72 the general statutes.

73       (b) The Criminal Justice Policy Advisory Commission may (1)  
74 accept, on behalf of the fund, (A) private donations, (B) any bequest or  
75 gift of personal property and may hold and use such property for the  
76 purposes specified in such bequest or gift, and (C) any moneys  
77 received by a state agency from the withholding imposed on state  
78 contracts pursuant to section 4 of this act; and (2) apply for federal,  
79 state, private and nonprofit foundation funding to further the  
80 purposes of the fund.

81       (c) The Secretary of the Office of Policy and Management shall  
82 adopt regulations, in accordance with the provisions of chapter 54 of  
83 the general statutes, to implement the provisions of this section.

84       Sec. 4. (NEW) (*Effective July 1, 2018*) (a) The Secretary of the Office of  
85 Policy and Management, in consultation with the Commissioners of  
86 Correction and Administrative Services and the State Contracting  
87 Standards Board, shall develop a mechanism that permits a state  
88 agency to assess a one per cent withholding on any state contract, (1)  
89 as defined in section 4e-1 of the general statutes, other than a state  
90 contract with a nonprofit agency, (2) entered into, modified or  
91 renewed, on or after July 1, 2018, and (3) which has a total contract  
92 price exceeding one million dollars. Moneys withheld through the  
93 mechanism established pursuant to this subsection shall be deposited  
94 in the "First Chance Trust Fund" established pursuant to section 3 of  
95 this act by the state agency assessing the one per cent withholding.

96       (b) In carrying out the duties prescribed in subsection (a) of this  
97 section, the secretary shall solicit and consider feedback from  
98 contractors, as defined in section 4e-1 of the general statutes,  
99 concerning limitations on the types of contracts that shall be subject to  
100 the withholding described in subsection (a) of this section. The  
101 secretary may offer recommendations on additional statutory or  
102 regulatory changes that are needed, if any, to effectuate the provisions  
103 of this section.

104       Sec. 5. (NEW) (*Effective July 1, 2018*) The Commissioner of  
105 Correction shall, within available appropriations, establish a wellness  
106 initiative for the benefit of employees of the Department of Correction  
107 who interact with inmates at correctional facilities. The wellness  
108 initiative shall include the following components: An employee  
109 assistance program, a peer support program, stress management  
110 training, critical incident stress response, military peer support, an  
111 employee safety and health committee, periodic wellness fairs and  
112 other programs that have a demonstrated effectiveness in addressing  
113 the needs of employees who interact with inmates. The commissioner,  
114 or the commissioner's designee, may apply for federal, state or private  
115 nonprofit funding to support and advance the objectives of the  
116 wellness initiative.

117 Sec. 6. Section 18-98f of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective October 1, 2018*):

119 Not later than January 1, [2016] 2019, and quarterly thereafter, the  
120 [Commissioner of Correction, after consultation with the] Criminal  
121 Justice Policy and Planning Division within the Office of Policy and  
122 Management, after consultation with the Commissioner of Correction,  
123 shall, in accordance with the provisions of section 11-4a, report to the  
124 General Assembly details about earned risk reduction credits awarded  
125 to reduce an inmate's sentence pursuant to section 18-98e, as amended  
126 by this act. Such report shall include: (1) The number of inmates  
127 released overall and the number of inmates released early as a result of  
128 the award of such credit; (2) the crimes for which such released  
129 inmates were convicted; (3) the amount of risk reduction credit earned  
130 by inmates released early pursuant to such credit; and (4) any  
131 recidivism data regarding inmates who were released early pursuant  
132 to such credit, including any data such as rate of reentry into the  
133 correctional system, elapsed time between release and such reentry,  
134 and the crimes for which such inmates were convicted that resulted in  
135 such reentry. Not later than thirty days after submission of the report  
136 to the General Assembly, said commissioner shall post the report on  
137 the Department of Correction's Internet web site.

138 Sec. 7. Subsection (e) of section 18-98e of the general statutes is  
139 repealed and the following is substituted in lieu thereof (*Effective*  
140 *October 1, 2018*):

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

147 Sec. 8. Subsection (b) of section 18-88 of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective*

149 *October 1, 2018*):

150 (b) The commissioner shall approve the establishment and  
151 maintenance of any and all such industrial activities, [including] which  
152 may include, but need not be limited to, an optical shop to produce  
153 prescription eyeglasses for inmates of correctional institutions, for  
154 persons under state care in other institutions and for other persons  
155 receiving or eligible to receive benefits under Title XIX of the federal  
156 Social Security Act, as amended, provided such optical shop is under  
157 the direct supervision of an optician licensed under chapter 381, and  
158 provided further such eyeglasses are prescribed by an optometrist  
159 licensed under chapter 380, and are fitted by such licensed optometrist  
160 or by an optician licensed under chapter 381, after considering and  
161 determining the extent, if any, to which each industry may compete  
162 with private industry and, as far as possible, shall encourage a  
163 diversified program. If [said] the optical shop is unable to fill the  
164 prescription for such eyeglasses for any reason, within the two-week  
165 period from its receipt of such prescription, [said] the shop shall notify  
166 the person who prescribed such eyeglasses within ten days after  
167 receipt of such prescription.

168 Sec. 9. Subsection (f) of section 18-88 of the general statutes is  
169 repealed and the following is substituted in lieu thereof (*Effective*  
170 *October 1, 2018*):

171 (f) Any political subdivision of the state or federal government, [or]  
172 any private nonprofit entity, including one which receives all or part of  
173 its revenues from any political subdivision of the state or federal  
174 government or any benefit corporation created under chapter 604, may  
175 purchase any articles, materials or products required by it which are  
176 produced or manufactured by the institution industries, and any  
177 person may purchase products and by-products of farming operations  
178 in accordance with section 53-329. The commissioner may promulgate  
179 and circulate at sufficiently frequent intervals for distribution to the  
180 Commissioner of Administrative Services, the Comptroller and such  
181 political subdivisions a catalog showing styles, designs, sizes and

182 varieties of all articles, materials and products manufactured and  
183 produced at the institutions and periodical price lists for all such  
184 articles.

185 Sec. 10. Subsection (b) of section 18-85 of the general statutes is  
186 repealed and the following is substituted in lieu thereof (*Effective*  
187 *October 1, 2018*):

188 (b) Compensation so earned shall be deposited, under the direction  
189 of the Commissioner of Correction, in an account in a savings bank or  
190 state bank and trust company in this state or an account administered  
191 by the State Treasurer. Any compensation so earned shall be paid to  
192 the inmate on the inmate's release from incarceration, except that the  
193 commissioner may, while the inmate is in custody, disburse any  
194 compensation earned by such inmate in accordance with the following  
195 priorities: (1) Federal taxes due; (2) restitution or payment of  
196 compensation to a crime victim ordered by any court of competent  
197 jurisdiction; (3) payment of a civil judgment rendered in favor of a  
198 crime victim by any court of competent jurisdiction; (4) victims  
199 compensation through the criminal injuries account administered by  
200 the Office of Victim Services; (5) state taxes due; (6) support of the  
201 inmate's dependents, if any; (7) the inmate's necessary travel expense  
202 to and from work and other incidental expenses; (8) [deposits credited  
203 to the inmate's discharge savings account under section 18-84a; (9)]  
204 costs of such inmate's incarceration under section 18-85a, as amended  
205 by this act, and regulations adopted in accordance with said section;  
206 and [(10)] (9) payment to the clerk of the court in which an inmate,  
207 confined in a correctional facility only for payment of a fine, was  
208 convicted, such portion of such compensation as is necessary to pay  
209 such fine. Any interest that accrues shall be credited to any  
210 institutional fund established for the welfare of inmates.  
211 Compensation under this section shall be in addition to any  
212 compensation received or credited under section 18-50.

213 Sec. 11. Subsection (b) of section 18-85a of the general statutes is  
214 repealed and the following is substituted in lieu thereof (*Effective*

215 *October 1, 2018*):

216 (b) The state shall have a claim against each inmate for the costs of  
217 such inmate's incarceration under this section, and regulations  
218 adopted in accordance with this section, for which the state has not  
219 been reimbursed. Any property owned by such inmate may be used to  
220 satisfy such claim, except property that is: (1) Exempt pursuant to  
221 section 52-352b or 52-352d, except as provided in subsection (b) of  
222 section 52-321a; (2) subject to the provisions of section 54-218; (3)  
223 acquired by such inmate after the inmate is released from  
224 incarceration, but not including property so acquired that is subject to  
225 the provisions of section 18-85b, 18-85c or 52-367c, and except as  
226 provided in subsection (b) of section 52-321a; or (4) acquired by such  
227 inmate for work performed during incarceration as part of a program  
228 designated or defined in regulations adopted by the Commissioner of  
229 Correction, in accordance with the provisions of chapter 54, as a job  
230 training, skill development or career opportunity or enhancement  
231 program, other than a pilot program established pursuant to section  
232 18-90b, as amended by this act, except that the commissioner may  
233 assess a fee for participation in any such program. ]; or (5) credited to a  
234 discharge savings account pursuant to section 18-84a, not in excess of  
235 one thousand dollars.] In addition to other remedies available at law,  
236 the Attorney General, on request of the Commissioner of Correction,  
237 may bring an action in the superior court for the judicial district of  
238 Hartford to enforce such claim, provided no such action shall be  
239 brought but within two years from the date the inmate is released from  
240 incarceration or, if the inmate dies while in the custody of the  
241 commissioner, within two years from the date of the inmate's death,  
242 except that such limitation period shall not apply if such property was  
243 fraudulently concealed from the state.

244 Sec. 12. Subsection (f) of section 18-90b of the general statutes is  
245 repealed and the following is substituted in lieu thereof (*Effective*  
246 *October 1, 2018*):

247 (f) Nothing in this section shall be deemed to restore in whole or in



248 part the civil rights of any inmate. No inmate compensated for  
249 participation in the program shall be considered to be an employee of  
250 the state or exempt from the provisions of [(1) section 18-84a, or (2)]  
251 section 18-85a, as amended by this act, and regulations adopted in  
252 accordance with said section.

253 Sec. 13. Subsection (b) of section 18-101 of the general statutes is  
254 repealed and the following is substituted in lieu thereof (*Effective*  
255 *October 1, 2018*):

256 (b) On granting privileges to any inmate under section 18-100, the  
257 commissioner or the commissioner's designee shall disburse any  
258 compensation earned by such inmate in accordance with the following  
259 priorities: (1) Federal taxes due; (2) restitution or payment of  
260 compensation to a crime victim ordered by any court of competent  
261 jurisdiction; (3) payment of a civil judgment rendered in favor of a  
262 crime victim by any court of competent jurisdiction; (4) victims  
263 compensation through the criminal injuries account administered by  
264 the Office of Victim Services; (5) state taxes due; (6) support of such  
265 inmate's dependents, if any; (7) such inmate's necessary travel expense  
266 to and from work and other incidental expenses; and (8) [deposits  
267 credited to the inmate's discharge savings account under section 18-  
268 84a; and (9)] costs of such inmate's incarceration under section 18-85a,  
269 as amended by this act, and regulations adopted in accordance with  
270 said section. The commissioner shall pay any balance remaining to  
271 such inmate upon the inmate's release from incarceration, [including  
272 any amount credited to a discharge savings account pursuant to  
273 section 18-84a.] Each inmate gainfully self-employed shall pay to the  
274 commissioner the costs of such inmate's incarceration under section 18-  
275 85a, as amended by this act, and regulations adopted in accordance  
276 with said section, and on default in payment thereof the inmate's  
277 participation under section 18-100 shall be revoked.

278 Sec. 14. Section 18-84a of the general statutes is repealed. (*Effective*  
279 *October 1, 2018*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	18-81l
Sec. 2	<i>July 1, 2018</i>	18-87k(a)
Sec. 3	<i>July 1, 2018</i>	New section
Sec. 4	<i>July 1, 2018</i>	New section
Sec. 5	<i>July 1, 2018</i>	New section
Sec. 6	<i>October 1, 2018</i>	18-98f
Sec. 7	<i>October 1, 2018</i>	18-98e(e)
Sec. 8	<i>October 1, 2018</i>	18-88(b)
Sec. 9	<i>October 1, 2018</i>	18-88(f)
Sec. 10	<i>October 1, 2018</i>	18-85(b)
Sec. 11	<i>October 1, 2018</i>	18-85a(b)
Sec. 12	<i>October 1, 2018</i>	18-90b(f)
Sec. 13	<i>October 1, 2018</i>	18-101(b)
Sec. 14	<i>October 1, 2018</i>	Repealer section

**JUD**      *Joint Favorable Subst.*