
OLR Bill Analysis

sSB 831

AN ACT CONCERNING MINOR REVISIONS TO SPECIAL PAROLE AND PAROLE DISCHARGE STATUTES.

SUMMARY

This bill requires the Judicial Branch's Office of Victim Services (OVS) to notify certain victims that the Board of Pardons and Paroles (the "board") intends to consider terminating a person's special parole period. It allows any victim to submit a statement to the board about such special parole termination.

The bill makes various changes to the parole and special parole review processes, including establishing a panel and process for special parole that is separate and distinct from the regular parole review process (see BACKGROUND).

It also makes minor, technical, and conforming changes (e.g., it updates the language of the underlying discharge statutes by replacing the term "convict" with "person on parole").

EFFECTIVE DATE: Upon passage, except the section on victim notification is effective October 1, 2019.

VICTIM NOTIFICATION AND STATEMENT

The bill requires OVS to notify a crime victim who is registered with OVS or the Department of Correction's Victim Services Unit (VSU) about the board's intent to consider terminating the period of special parole for the person who committed the crime. It allows any victim to submit a statement to the board about whether the board should terminate the special parole period for the person serving it. Under the bill, a "victim" is someone who is a crime victim, his or her legal representative, or a deceased victim's (1) immediate family member or (2) designee.

BOARD OF PARDONS AND PAROLES

Review Panels

Under current law, each parole release panel must be composed of two members, one of whom must serve as chairperson. The chairperson may designate a full-time board member to serve temporarily as chairperson. Additionally, since 2016, current law has required that at least three members be present at each parole hearing. The bill clarifies this inconsistency by requiring that each parole release panel be comprised of three members, one of whom must be the chairperson or a full-time member designated by the chairperson to serve temporarily as chairperson.

The bill separately establishes the same requirements for the composition of each panel that (1) discharges persons on parole from DOC's custody or (2) terminates a person's period of special parole.

The Board's Authority

Under current law, the board has the discretion to release a person from parole or terminate a period of special parole (CGS § 54-129). The bill specifies that the board has independent decision-making authority to do so.

DISCHARGE OR SPECIAL PAROLE TERMINATION

Conditions

Under current law, the appropriate review panel may declare a parolee or inmate eligible for parole to be discharged from DOC's custody if (1) it appears to the panel that the person will lead an orderly life and (2) there is a unanimous vote to do so by all the members present at any regular meeting of the panel. The bill specifies that such a discharge must be made by a unanimous vote of the panel.

The bill separately establishes the same requirements for a review panel to terminate a person's period of special parole without a court order.

Certificate

Under current law, the panel's chairperson must issue a certificate,

signed by the board's chairperson and the commissioner, when a parolee or inmate is declared discharged from DOC's custody. The bill eliminates the certificate signature requirement.

Under the bill, when a person's period of special parole has been terminated, the panel's chairperson must issue a certificate to that effect under the seal of the Board of Pardons and Paroles.

BACKGROUND

Parole

"Parole" is a decision by the Board of Pardons and Paroles to release an inmate from prison prior to the completion of his or her maximum prison sentence. The offender then serves the remainder of his or her sentence under parole supervision.

Special Parole

"Special parole" is part of the sentence that a judge can impose when someone is convicted of a crime. The judge can require a period of special parole under parole supervision after an offender completes his or her maximum prison sentence. Generally, the special parole must be between one and 10 years. However, the court can impose a period of more than 10 years on certain offenders (e.g., persistent dangerous felony offenders).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 2 (04/10/2019)