
OLR Bill Analysis

sSB 880 (File 836, as amended by Senate "A")*

AN ACT INCREASING FAIRNESS AND TRANSPARENCY IN THE CRIMINAL JUSTICE SYSTEM.

SUMMARY

This bill establishes new prosecutorial data collection and reporting requirements for various agencies. Among other things, the bill requires the:

1. Division of Criminal Justice, in consultation with various state entities, to (a) collect disaggregated, case level data on adult defendants and (b) starting by February 1, 2021, annually provide the data to the Office of Policy and Management (OPM);
2. Board of Pardons and Paroles, starting by January 1, 2021, to annually report to the OPM secretary, and make available online, specified parole-related case level data including parole hearing outcomes and demographic information; and
3. OPM, starting by July 1, 2020, to annually present prosecutorial data to the Criminal Justice Commission, report the presentation to the Judiciary Committee, and make it available on its website.

The bill requires OPM to include in any such presentation made on or after July 1, 2021, the case level data it receives from the Division of Criminal Justice as described below.

It also requires the state's chief public defender, within available appropriations, to establish a pilot program to provide representation to persons at parole revocation hearings. Starting by January 1, 2021, she must annually report to the OPM secretary specified information on cases served as part of the program during the prior calendar year. Under the bill, the report must include aggregate information on (1) how many public defenders the pilot program funds, (2) how many

preliminary hearings and final hearings the public defenders served, and (3) the hearings' outcomes.

The bill also requires the Criminal Justice Commission to (1) post notices of its meetings on the commission's website and (2) hold any meetings to appoint, reappoint, remove, or otherwise discipline the chief state's attorney, a deputy state's attorney, or a state's attorney in the Legislative Office Building with an opportunity for public testimony.

*Senate Amendment "A" adds the provision on the Criminal Justice Commission's meetings.

EFFECTIVE DATE: July 1, 2019, except the provision on the Criminal Justice Commission's meetings is effective October 1, 2019.

CASE LEVEL DATA OF ADULT DEFENDANTS

The bill requires the Division of Criminal Justice, in consultation with the Judicial Branch, the Department of Correction (DOC), and the Criminal Justice Information System Governing Board, to (1) collect disaggregated, case level data by docket number on defendants who are age 18 or older at the time of committing an alleged offense and (2) starting by February 1, 2021, annually provide the data collected for the previous calendar year to OPM.

The data must be collected under the following categories:

1. arrests, including data on citations, summonses, custody arrests, warrants, and on-site arrests;
2. arraignments of individuals in custody;
3. continuances;
4. diversionary programs, including data on (a) program applications, diversions, and participants' successful completions and failures and (b) people in diversion on the first of the month;

5. contact between victims and prosecutorial officials, including data on cases involving victims;
6. dispositions, including data on pending cases and cases disposed of;
7. nonjudicial sanctions, including data on (a) sanctions applied, successfully completed, and failed and (b) individuals on nonjudicial sanction status on the first of the month;
8. plea agreements, including data on total plea agreements, agreements involving probation or prison, other agreements, and prosecutor's last best offer;
9. cases going to trial, including data on cases added per month, pending trial cases, plea offers accepted and rejected by the court per month, disposition by trial, disposition involving probation or prison, and other dispositions;
10. demographic data, including race, sex, ethnicity, and age;
11. court fees or fines, including those imposed by the court at the disposition of the defendant's case and any outstanding balance the defendant may have;
12. restitution amounts ordered at sentencing, including any amount (a) collected by the court and (b) paid to a victim; and
13. the zip code of the defendant's primary residence.

The bill prohibits disclosing any collected information that personally identifies a victim.

BOARD OF PARDONS AND PAROLES REPORT

The bill requires the Board of Pardons and Paroles, starting by January 1, 2021, to annually report to the OPM secretary, and make available on its website, the following information:

1. outcomes of preliminary hearings, including whether or not (a)

there was probable cause for a parole violation and (b) the alleged violation was serious enough to warrant parole revocation;

2. the number of individuals (a) remanded to DOC's custody for criminal and technical violations and (b) held in custody beyond a preliminary hearing pending a final parole revocation hearing;
3. outcomes of final parole revocation hearings, including whether there was a recommendation to reinstate or revoke parole; and
4. case level demographic data, including race, sex, ethnicity, and age.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1 (04/09/2019)

Appropriations Committee

Joint Favorable

Yea 30 Nay 14 (05/17/2019)