



# House of Representatives

General Assembly

**File No. 773**

January Session, 2019

House Bill No. 5526

*House of Representatives, April 25, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING GOOD TIME CREDITS AND THE EARNED RISK REDUCTION CREDIT PROGRAM.***

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

1 Section 1. Section 18-7a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Except as provided in subsections (b) [and (c)] to (d), inclusive,  
4 of this section, any person sentenced to a term of imprisonment, on  
5 and after October 1, 1976, and while still serving such sentence  
6 whether such sentence is for a definite, indefinite or indeterminate  
7 term, and regardless of the institution wherein the prisoner is confined  
8 may, by good conduct and obedience to the rules which have been  
9 established for the service of his sentence, earn a commutation or  
10 diminution of his sentence in the amount of ten days for each month,  
11 and pro rata for a part of a month, of a sentence which is for not more  
12 than five years, and fifteen days for each month, and pro rata for a part  
13 of a month, for the sixth and each subsequent year of a sentence of  
14 more than five years. In the case of an indeterminate sentence, such

15 credit shall apply to both the minimum and maximum term. In the  
16 case of an indefinite sentence, such credit shall apply to the maximum  
17 term only. Any act of misconduct or refusal to obey the rules which  
18 have been established for the service of his sentence shall subject the  
19 prisoner to the loss of all or any portion of such credit by the  
20 commissioner or his designee.

21 (b) Except as provided in [subsection (c)] subsections (c) and (d) of  
22 this section, any person sentenced to a term of imprisonment for an  
23 offense committed on or after July 1, 1981, may, while held in default  
24 of bond or while serving such sentence, by good conduct and  
25 obedience to the rules which have been established for the service of  
26 his sentence, earn a reduction of his sentence in the amount of ten days  
27 for each month and pro rata for a part of a month of a sentence up to  
28 five years, and twelve days for each month and pro rata for a part of a  
29 month for the sixth and each subsequent year of a sentence which is  
30 more than five years. Misconduct or refusal to obey the rules which  
31 have been established for the service of his sentence shall subject the  
32 prisoner to the loss of all or any portion of such reduction by the  
33 commissioner or his designee.

34 (c) [Any] Except as provided in subsection (d) of this section, any  
35 person sentenced to a term of imprisonment for an offense committed  
36 on or after July 1, 1983, may, while held in default of bond or while  
37 serving such sentence, by good conduct and obedience to the rules  
38 which have been established for the service of his sentence, earn a  
39 reduction of his sentence as such sentence is served in the amount of  
40 ten days for each month served and pro rata for a part of a month  
41 served of a sentence up to five years, and twelve days for each month  
42 served and pro rata for a part of a month served for the sixth and each  
43 subsequent year of a sentence which is more than five years.  
44 Misconduct or refusal to obey the rules which have been established  
45 for the service of his sentence shall subject the prisoner to the loss of all  
46 or any portion of such reduction by the commissioner or his designee.  
47 In the event a prisoner has not yet earned sufficient good time to  
48 satisfy the good time loss, such lost good time shall be deducted from

49 any good time earned in the future by such prisoner.

50 (d) On and after the effective date of this section, no person may  
 51 earn good time pursuant to this section. Any person who, prior to the  
 52 effective date of this section, was eligible to earn good time pursuant to  
 53 the provisions of this section, may, on or after the effective date of this  
 54 section, earn credits pursuant to the provisions of section 18-98e, as  
 55 amended by this act, provided such person is otherwise eligible to earn  
 56 such credits. Any good time credits earned prior to the effective date of  
 57 this section may be used to reduce a person's sentence in accordance  
 58 with subsection (a), (b) or (c) of this section, as applicable, except as  
 59 may be lost pursuant to the provisions of this section. Nothing in this  
 60 subsection shall invalidate the release or parole release of any person  
 61 pursuant to a sentence reduction earned prior to the effective date of  
 62 this section.

63 Sec. 2. Subsection (a) of section 18-98e of the general statutes is  
 64 repealed and the following is substituted in lieu thereof (*Effective from*  
 65 *passage*):

66 (a) Notwithstanding any provision of the general statutes, any  
 67 person sentenced to a term of imprisonment [for a crime committed on  
 68 or after October 1, 1994,] and committed to the custody of the  
 69 Commissioner of Correction, [on or after said date,] except a person  
 70 sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,  
 71 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or who is a persistent  
 72 dangerous felony offender or persistent dangerous sexual offender  
 73 pursuant to section 53a-40, may be eligible to earn risk reduction credit  
 74 toward a reduction of such person's sentence, in an amount not to  
 75 exceed five days per month, at the discretion of the Commissioner of  
 76 Correction for conduct as provided in subsection (b) of this section  
 77 occurring on or after April 1, 2006.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	18-7a

Sec. 2	<i>from passage</i>	18-98e(a)
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**JUD**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill results in a potential cost to the state by reducing certain inmate's ability to reduce their sentence with good behavior credits. This change affects 304 inmates that were sentenced for crimes committed before October 1, 1994. To the extent that inmates receive fewer credits as a result of the bill's provisions, this will result in inmates serving longer sentences and therefore additional costs to the state. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800.<sup>1</sup>

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates that have been incarcerated since before October 1, 1994.

<sup>1</sup> Inmate marginal cost is based on reduced consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

**OLR Bill Analysis****HB 5526*****AN ACT CONCERNING GOOD TIME CREDITS AND THE EARNED RISK REDUCTION CREDIT PROGRAM.*****SUMMARY**

This bill eliminates the ability of inmates imprisoned for crimes committed before October 1, 1994, to earn "good conduct credits" to reduce their sentences (see BACKGROUND) and instead allows them to earn credits under the state's risk reduction earned credit program, if they are eligible. By law, inmates imprisoned for crimes committed on or after October 1, 1994, are ineligible for the good conduct program but may be eligible for the risk reduction program.

Consequently, the bill reduces the number of (1) inmates imprisoned for crimes committed before October 1, 1994, who are potentially eligible to earn credits off their sentences, due to the risk reduction program's stricter eligibility criteria, and (2) days per month of credits that they may earn.

The bill allows inmates who earned good conduct credits prior to the bill's passage to continue to use them to reduce their sentences as under current law, except as may be lost for misconduct or refusal to obey rules. The bill specifies that it does not invalidate the release or parole release of any inmate whose sentence was reduced under these provisions before the bill's passage.

EFFECTIVE DATE: Upon passage

**GOOD CONDUCT CREDITS AND RISK REDUCTION EARNED CREDIT PROGRAM**

The bill eliminates the ability of inmates sentenced for crimes committed before October 1, 1994, to earn good conduct credits. If they

were eligible for good conduct credits, the bill instead opens the risk reduction earned credit program to them, if eligible. Currently, the risk reduction program applies only to eligible inmates imprisoned for crimes committed on or after October 1, 1994.

By shifting inmates imprisoned for crimes committed before then from earning good conduct credits to risk reduction credits, the bill reduces the number who may be eligible to earn credits. Although the good conduct law does not exclude any particular crimes, the existing risk reduction law bars inmate convicted of the following crimes from earning risk reduction credits: murder, murder with special circumstances, felony murder, arson murder, 1<sup>st</sup> degree manslaughter, 1<sup>st</sup> degree manslaughter with a firearm, 1<sup>st</sup> degree aggravated sexual assault, aggravated sexual assault of a minor, and home invasion. The law also bars an inmate from earning credits if he or she is classified as a persistent dangerous felony offender or persistent dangerous sexual offender (CGS § 18-98e).

By shifting inmates sentenced for crimes committed before October 1, 1994, to the risk reduction program, the bill also reduces the days per month of credits that they may earn, as follows:

1. Under the good conduct law, such inmates (starting with those sentenced on and after October 1, 1976) may earn up to 12 days off the sentence for each month of good behavior, or 15 days per month if sentenced for a crime committed before July 1, 1981.
2. Under the risk reduction program, eligible inmates may earn credits of up to five days per month for adhering to offender accountability plans, participating in eligible programs, and for good conduct and obeying institutional rules (but good conduct and obeying rules alone is not enough to earn credits).

## **BACKGROUND**

### ***Good Conduct Credits for Crimes Committed before October 1, 1994***

In 1993, existing laws authorized good conduct credit for inmates.

A provision in PA 93-219 provided that anyone convicted of a crime committed on or after October 1, 1994, had to be subject to supervision either by the Department of Correction (DOC) or the Board of Parole until the maximum term of the person's sentence expired (codified as CGS § 18-100d). The state Supreme Court interpreted this language as eliminating the ability of inmates to reduce their sentences under the good conduct statutes for crimes committed on or after October 1, 1994 (*Velez v. Commissioner of Correction*, 250 Conn. 536 (1999)).

***Other Credit Programs for Crimes Committed before October 1, 1994***

Under existing law, unchanged by the bill, inmates sentenced for crimes committed before October 1, 1994, may be eligible to reduce their sentences under certain other laws, at the DOC commissioner's discretion. Specifically, such inmates:

1. who work at the prison or a work-release program may have their sentences reduced by one day for each consecutive seven days of employment (CGS § 18-98a) and
2. may have their sentences reduced by up to 120 days for an "outstanding meritorious performance award" (CGS § 18-98b).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (04/09/2019)