



House of Representatives

General Assembly

File No. 777

January Session, 2019

House Bill No. 6723

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 REFORM OF PAROLE RELEASE AND
REVOCATION PRACTICES AND THE MEMBERSHIP OF THE BOARD
OF PARDONS AND PAROLES.***

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

1 Section 1. Section 54-124a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) (1) There shall be a Board of Pardons and Paroles within the
4 Department of Correction, for administrative purposes only. On and
5 after July 1, [2015] 2020, the board shall consist of [ten] twelve full-time
6 and up to five part-time members appointed by the Governor with the
7 advice and consent of both houses of the General Assembly. The term
8 of any part-time member serving on the board on June 30, 2015, shall
9 expire on said date. On or after July 1, 2015, the Governor may appoint
10 up to five persons to serve as part-time members. In the appointment
11 of the members, the Governor shall specify if the member is being
12 appointed as full-time or part-time. In the appointment of the
13 members, the Governor shall comply with the provisions of section 4-

14 9b. The Governor shall appoint a chairperson from among the
15 membership. The members of the board shall be qualified by
16 education, experience or training in the administration of community
17 corrections, parole or pardons, criminal justice, criminology, the
18 evaluation or supervision of offenders or the provision of mental
19 health services to offenders. On and after July 1, 2020, at least one full-
20 time member of the board shall be a person who was formerly
21 incarcerated and who previously had a hearing before a panel of the
22 board and at least one full-time member of the board shall be a victim
23 of a crime. Each appointment of a member of the board submitted by
24 the Governor to the General Assembly, except as provided in
25 subdivision (2) of this subsection, shall be referred, without debate, to
26 the joint standing committee of the General Assembly having
27 cognizance of matters relating to the judiciary which shall report on
28 each appointment not later than thirty legislative days after the date of
29 reference.

30 (2) If, not later than September 1, 2015, the Governor appoints a
31 part-time member and such member was previously a member whose
32 term expired June 30, 2015, such appointment shall take effect
33 immediately without confirmation by the General Assembly.

34 (b) The term of each member of the board shall be coterminous with
35 the term of the Governor or until a successor is chosen, whichever is
36 later. Any vacancy in the membership of the board shall be filled for
37 the unexpired portion of the term by the Governor.

38 (c) Ten of the members, and on and after July 1, 2020, twelve of the
39 members of the board shall devote full time to the performance of their
40 duties under this section and shall be compensated therefor in such
41 amount as the Commissioner of Administrative Services determines,
42 subject to the provisions of section 4-40. The other members of the
43 board shall receive one hundred ten dollars for each day spent in the
44 performance of their duties and shall be reimbursed for necessary
45 expenses incurred in the performance of such duties. The chairperson
46 or, in the chairperson's absence or inability to act, a member

47 designated by the chairperson to serve temporarily as chairperson,
48 shall be present at all meetings of the board and participate in all
49 decisions.

50 (d) The chairperson shall be the executive and administrative head
51 of said board and shall have the authority and responsibility for (1)
52 overseeing all administrative affairs of the board, (2) assigning
53 members to panels, (3) establishing procedural rules for members to
54 follow when conducting hearings, reviewing recommendations made
55 by employees of the board and making decisions, (4) adopting policies
56 in all areas of pardons and paroles including, but not limited to,
57 granting pardons, commutations of punishments or releases,
58 conditioned or absolute, in the case of any person convicted of any
59 offense against the state and commutations from the penalty of death,
60 risk-based structured decision making and release criteria, (5)
61 consulting with the Department of Correction on shared issues
62 including, but not limited to, prison overcrowding, (6) consulting with
63 the Judicial Branch on shared issues of community supervision, and (7)
64 signing and issuing subpoenas to compel the attendance and
65 testimony of witnesses at parole proceedings. Any such subpoena shall
66 be enforceable to the same extent as subpoenas issued pursuant to
67 section 52-143.

68 (e) Each parole release panel shall be composed of two members
69 and the chairperson or a full-time member designated by the
70 chairperson to serve temporarily as chairperson. On and after January
71 1, 2016, not less than three members shall be present at each parole
72 hearing. Each pardons panel shall be composed of three members, one
73 of whom may be the chairperson, except that for hearings on
74 commutations from the penalty of death, one member of the panel
75 shall be the chairperson.

76 (f) The Board of Pardons and Paroles shall have independent
77 decision-making authority to (1) grant or deny parole in accordance
78 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish
79 conditions of parole or special parole supervision in accordance with

80 section 54-126, (3) rescind or revoke parole or special parole in
81 accordance with sections 54-127 and 54-128, (4) grant commutations of
82 punishment or releases, conditioned or absolute, in the case of any
83 person convicted of any offense against the state and commutations
84 from the penalty of death in accordance with section 54-130a.

85 (g) The Department of Correction shall be responsible for the
86 supervision of any person transferred to the jurisdiction of the Board
87 of Pardons and Paroles during such person's period of parole or
88 special parole.

89 (h) The chairperson, or the chairperson's designee, and two
90 members of the board shall conduct all parole release hearings, and
91 shall approve or deny all (1) parole revocations and parole rescissions
92 recommended by an employee of the board pursuant to section 54-
93 127a, and (2) recommendations for parole pursuant to section 54-125i.
94 No panel of the Board of Pardons and Paroles shall hold a hearing to
95 determine the suitability for parole release of any person unless the
96 chairperson of the board has made reasonable efforts to determine the
97 existence of and obtain all information deemed pertinent to the panel's
98 decision and has certified that all such pertinent information
99 determined to exist has been obtained or is unavailable.

100 (i) The chairperson of the board shall appoint an executive director.
101 The executive director shall oversee the administration of the agency
102 and, at the discretion of the chairperson, shall: (1) Direct and supervise
103 all administrative affairs of the board, (2) prepare the budget and
104 annual operation plan, (3) assign staff to administrative reviews, (4)
105 organize pardons and parole release hearing calendars, (5) implement
106 a uniform case filing and processing system, and (6) create programs
107 for staff and board member development, training and education.

108 (j) The chairperson, in consultation with the executive director, shall
109 adopt regulations, in accordance with chapter 54, concerning:

110 (1) Parole revocation and rescission hearings that include
111 implementing due process requirements;

112 (2) An expedited pardons review that allows an applicant convicted
113 of a crime to be granted a pardon with respect to such crime without a
114 hearing, unless a victim of such crime requests such a hearing, if such
115 applicant was convicted of a nonviolent crime;

116 (3) Requiring board members to issue written statements containing
117 the reasons for rejecting any application for a pardon.

118 (k) The Board of Pardons and Paroles shall hold a pardons hearing
119 at least once every three months and shall hold such hearings in
120 various geographical areas of the state. The board shall not hold a
121 pardons hearing within or on the grounds of a correctional facility
122 except when solely for the benefit of applicants who are incarcerated at
123 the time of such hearing.

124 (l) The chairperson and executive director shall establish:

125 (1) In consultation with the Department of Correction, a parole
126 orientation program for all parole-eligible inmates upon their transfer
127 to the custody of the Commissioner of Correction that will provide
128 general information on the laws and policies regarding parole release,
129 calculation of time-served standards, general conditions of release,
130 supervision practices, revocation and rescission policies, and
131 procedures for administrative review and panel hearings, and any
132 other information that the board deems relevant for preparing inmates
133 for parole;

134 (2) An incremental sanctions system for parole violations including,
135 but not limited to, reincarceration based on the type, severity and
136 frequency of the violation and specific periods of incarceration for
137 certain types of violations; and

138 (3) A formal training program for members of the board and parole
139 officers that shall include, but not be limited to, an overview of the
140 criminal justice system, the parole system including factors to be
141 considered in granting parole, victim rights and services, reentry
142 strategies, risk assessment, case management and mental health issues.

143 Each member shall complete such training annually.

144 (m) The board shall employ at least one psychologist with expertise
145 in risk assessment and recidivism of criminal offenders who shall be
146 under the supervision of the chairperson and assist the board in its
147 parole release decisions.

148 (n) In the event of the temporary inability of any member other than
149 the chairperson to perform his or her duties, the Governor, at the
150 request of the board, may appoint a qualified person to serve as a
151 temporary member during such period of inability.

152 (o) The chairperson of the Board of Pardons and Paroles shall: (1)
153 Adopt an annual budget and plan of operation, (2) adopt such rules as
154 deemed necessary for the internal affairs of the board, and (3) submit
155 an annual report to the Governor and General Assembly.

156 (p) Any decision of the board or a panel of the board shall be made
157 by a majority of those members present.

158 (q) The chairperson of the Board of Pardons and Paroles shall
159 quarterly publish on the Internet web site operated by the board
160 statistics derived from decisions made pursuant to subsection (f) of
161 this section during the previous quarter. Such statistics shall be
162 disaggregated based on the following: (1) Race and gender; (2) length
163 of sanctions for criminal versus technical violations; and (3) parole
164 denial, or parole or special parole rescission or revocation outcomes.

165 (r) The board shall (1) track, analyze and publish data on the costs
166 associated with the rescission or revocation of a person's parole or
167 special parole, including jobs and housing lost by persons who have
168 their parole or special parole rescinded or revoked, (2) implement
169 evidence-informed strategies to reduce incarceration for persons who
170 have their parole or special parole rescinded or revoked, and (3) limit
171 rescission or revocation of a person's parole or special parole due to
172 violations attributed to such person's alcohol or drug-dependency or
173 mental health condition.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	54-124a

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 - Cost	63,215	228,944
State Comptroller - Fringe Benefits ¹	GF - Cost	26,038	94,302

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to the Board of Pardons and Parole (BOPP) resulting in a cost to the state of \$89,253 in FY 20 and \$323,247 in FY 21 for three new positions.

Starting in FY 21, the bill increases the number of full-time board of pardons and parole members from 10 to 12. The bill also increases the reporting requirements of the BOPP by requiring them to track the costs associated with the rescission or revocation of a person's parole, and will require the agency to hire one research analyst in FY 20 to meet these requirements.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

OLR Bill Analysis**HB 6723*****AN ACT CONCERNING REFORM OF PAROLE RELEASE AND REVOCATION PRACTICES AND THE MEMBERSHIP OF THE BOARD OF PARDONS AND PAROLES.*****SUMMARY**

Starting July 1, 2020, this bill increases the number of full-time members on the Board of Pardons and Paroles from 10 to 12 and requires that (1) one full-time member be a person who was formerly incarcerated and had a hearing before the board's panel and (2) another full-time member be a crime victim.

The bill requires the board to publish quarterly on its website statistics derived from decisions it made during the previous quarter (see BACKGROUND). The statistics must be broken down by (1) race and gender; (2) length of sanctions for criminal versus technical violations; and (3) parole denial, or parole or special parole rescission or revocation outcomes (see BACKGROUND).

The bill also requires the board to:

1. track, analyze, and publish data on the costs associated with parole or special parole revocation or rescission, including jobs and housing the parolees lost (the bill does not specify a deadline for this publication);
2. implement evidence-informed strategies to reduce incarceration for people who have their parole or special parole rescinded or revoked (the bill does not specify a deadline for this implementation); and
3. limit parole or special parole rescission or revocation due to violations attributable to the person's drug or alcohol

dependence.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Board of Pardons and Paroles Decisions

By law, the board has independent decision-making authority to:

1. grant or deny parole or special parole,
2. set conditions of parole or special parole supervision,
3. rescind or revoke parole or special parole,
4. grant punishment commutations or conditioned or absolute releases for convicted offenders, and
5. grant death penalty commutations (CGS § 54-124a(f)).

Special Parole

“Special parole” is parole ordered by the court as part of the sentence when someone is convicted of a crime. The judge can require a period of special parole after an offender completes his or her maximum prison sentence if it determines, based on certain factors, that special parole is necessary to ensure public safety. Generally, the special parole period must be between one and 10 years. However, the court can impose a period of more than 10 years on certain sexual assault or persistent offenders (CGS § 54-125e).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 1 (04/09/2019)