



Senate

General Assembly

File No. 834

January Session, 2019

Substitute Senate Bill No. 831

Senate, April 29, 2019

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2019*) Prior to the Board of
2 Pardons and Paroles terminating a person's period of special parole
3 pursuant to section 54-129 of the general statutes, as amended by this
4 act, the Office of Victim Services, within the Judicial Department, shall
5 notify the victim of the crime for which the person is serving a period
6 of special parole who is registered with the Office of Victim Services
7 within the Judicial Department or registered with the Victim Services
8 Unit within the Department of Correction, of the board's intent to
9 consider the termination of such person's period of special parole. Any
10 victim may submit a statement to the board concerning whether such
11 person's period of special parole should be terminated. For the
12 purposes of this section, "victim" means a victim, as defined in section
13 54-126a of the general statutes.

14 Sec. 2. Section 54-129 of the general statutes is repealed and the

15 following is substituted in lieu thereof (*Effective from passage*):

16 (a) If it appears to the appropriate panel of the Board of Pardons
17 and Paroles that any [convict or inmate] person on parole or inmate
18 eligible for parole or [on] any person serving a period of special parole
19 will lead an orderly life, the panel, by a unanimous vote, [of all the
20 members present at any regular meeting of the panel,] may (1) declare
21 such [convict] person on parole or inmate discharged from the custody
22 of the Commissioner of Correction, [and shall thereupon deliver to
23 him or her a written] or (2) at any time during such person's period of
24 special parole, terminate such period, without a court order, before
25 such person completes such period.

26 (b) Whenever any inmate has been discharged from the custody of
27 the Commissioner of Correction or whenever any person's period of
28 special parole has been terminated, the chairperson shall issue a
29 certificate to that effect under the seal of the Board of Pardons and
30 Paroles, [and signed by the chairperson of the board and the
31 commissioner.]

32 Sec. 3. Subsection (e) of section 54-124a of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective from*
34 *passage*):

35 (e) (1) Each parole release panel shall be composed of [two] three
36 members, [and] one of whom shall be the chairperson or a full-time
37 member designated by the chairperson to serve temporarily as
38 chairperson. [On and after January 1, 2016, not less than three
39 members shall be present at each parole hearing.]

40 (2) Each pardons panel shall be composed of three members, one of
41 whom may be the chairperson, except that for hearings on
42 commutations from the penalty of death, one member of the panel
43 shall be the chairperson.

44 (3) Each panel that discharges persons on parole from the custody of
45 the Commissioner of Correction or that terminates the period of

46 special parole for persons shall be composed of three members, one of
47 whom shall be the chairperson or a full-time member designated by
48 the chairperson to serve temporarily as chairperson.

49 Sec. 4. Subsection (f) of section 54-124a of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective from*
51 *passage*):

52 (f) The Board of Pardons and Paroles shall have independent
53 decision-making authority to (1) grant or deny parole in accordance
54 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish
55 conditions of parole or special parole supervision in accordance with
56 section 54-126, (3) rescind or revoke parole or special parole in
57 accordance with sections 54-127 and 54-128, (4) grant commutations of
58 punishment or releases, conditioned or absolute, in the case of any
59 person convicted of any offense against the state and commutations
60 from the penalty of death in accordance with section 54-130a, (5)
61 discharge any person on parole or inmate eligible for parole from the
62 custody of the Commissioner of Correction pursuant to section 54-129,
63 as amended by this act, and (6) terminate special parole in accordance
64 with section 54-129, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>from passage</i>	54-129
Sec. 3	<i>from passage</i>	54-124a(e)
Sec. 4	<i>from passage</i>	54-124a(f)

JUD *Joint Favorable Subst.*

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:** None**Municipal Impact:** None**Explanation**

The bill makes notification requirements for the Judicial Department and makes various technical and clarifying changes to special parole and does not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

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)