



Senate

General Assembly

File No. 836

January Session, 2019

Substitute Senate Bill No. 880

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 INCREASING FAIRNESS AND TRANSPARENCY IN THE CRIMINAL JUSTICE SYSTEM.

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) Not later than July 1,
2 2020, and annually thereafter, the Office of Policy and Management
3 shall make a presentation to the Criminal Justice Commission,
4 established under section 51-275a of the general statutes, on existing
5 prosecutorial data, and report such presentation in accordance with
6 the provisions of section 11-4a of the general statutes to the
7 chairpersons and ranking members of the joint standing committee of
8 the General Assembly having cognizance of matters relating to the
9 judiciary and make such presentation publicly available on the Internet
10 web site of the Office of Policy and Management. The Office of Policy
11 and Management shall include in any such presentation made on or
12 after July 1, 2021, data described in subsection (b) of this section.

13 (b) Not later than February 1, 2021, and annually thereafter, the
14 Division of Criminal Justice, in consultation with the Judicial Branch,

15 the Department of Correction and the Criminal Justice Information
16 System Governing Board, established under section 54-142 of the
17 general statutes, shall provide to the Office of Policy and Management
18 data collected under section 2 of this act for the previous calendar year.

19 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) The Division of Criminal
20 Justice, in consultation with the Judicial Branch, the Department of
21 Correction and the Criminal Justice Information System Governing
22 Board, established under section 54-142 of the general statutes, shall
23 collect for the purposes of section 1 of this act disaggregated, case level
24 data by docket number pertaining to defendants who are eighteen
25 years of age or older at the time of the commission of an alleged
26 offense under each of the categories described in subdivisions (1) to
27 (13), inclusive, of this subsection, as follows:

28 (1) Arrests, including data on citations, summonses, custody arrests,
29 warrants and on-site arrests;

30 (2) Arraignments of individuals in custody;

31 (3) Continuances;

32 (4) Diversionary programs, including data on program applications,
33 program diversions, successful completions by defendants of such
34 programs, failures by defendants to complete such programs and
35 people in diversion on the first of the month;

36 (5) Contact between victims and prosecutorial officials, including
37 data on cases involving victims;

38 (6) Dispositions, including data on pending cases and cases
39 disposed of;

40 (7) Nonjudicial sanctions, including data on nonjudicial sanctions
41 applied, successful completion of nonjudicial sanctions, failure of
42 nonjudicial sanctions and persons on nonjudicial sanction status on the
43 first of the month;

44 (8) Plea agreements, including data on total plea agreements,
45 agreements involving probation, agreements involving prison, other
46 agreements and prosecutor's last best offer;

47 (9) Cases going to trial, including data on cases added per month,
48 pending trial cases, plea offers accepted by the court per month, plea
49 offers rejected by the court per month, disposition by trial, disposition
50 involving probation, disposition involving prison and other
51 dispositions;

52 (10) Demographics, including data on race, sex, ethnicity and age;

53 (11) Court fees or fines, including those imposed by the court at the
54 disposition of the defendant's case and any outstanding balance the
55 defendant may have on such fees or fines;

56 (12) Restitution amounts ordered pursuant to subsection (c) of
57 section 53a-28 of the general statutes, including any amount collected
58 by the court and any amount paid to a victim; and

59 (13) The zip code of the defendant's primary residence.

60 (b) No information collected under this section that personally
61 identifies a victim may be disclosed under section 1 of this act.

62 Sec. 3. (NEW) (*Effective July 1, 2019*) The Chief Public Defender shall,
63 within available appropriations, establish a pilot program to provide
64 representation to persons at parole revocation hearings. Not later than
65 January 1, 2021, and annually thereafter, the Chief Public Defender
66 shall submit a report to the Secretary of the Office of Policy and
67 Management on cases served as part of such program during the prior
68 calendar year. Such report shall aggregate information, including, but
69 not limited to, the number of public defenders funded through the
70 pilot program, the number of preliminary hearings and final parole
71 revocation hearings served by such public defenders and the
72 associated outcomes of such hearings.

73 Sec. 4. (NEW) (*Effective July 1, 2019*) Not later than January 1, 2021,

74 and annually thereafter, the Board of Pardons and Paroles shall report
75 to the Secretary of the Office of Policy and Management and make
76 available on its Internet web site the following information:

77 (1) Outcomes of preliminary hearings, including whether (A)
78 probable cause of a parole violation was found and that the alleged
79 violation was serious enough to warrant revocation of parole, (B)
80 probable cause of a parole violation was found, but the alleged
81 violation was not serious enough to warrant revocation, and (C) no
82 probable cause of a parole violation was found;

83 (2) The number of (A) individuals remanded to the custody of the
84 Department of Correction for criminal and technical violations, and (B)
85 individuals held in custody beyond a preliminary hearing pending a
86 final parole revocation hearing;

87 (3) Outcomes of final parole revocation hearings, including whether
88 there was a recommendation to (A) reinstate parole, or (B) revoke
89 parole; and

90 (4) Case level data on demographics, including data on race, sex,
91 ethnicity and age.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section
Sec. 2	July 1, 2019	New section
Sec. 3	July 1, 2019	New section
Sec. 4	July 1, 2019	New section

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:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Criminal Justice, Div.	GF - Cost	691,327	729,350
Pub. Defender Serv. Com.	GF - Cost	252,342	266,220
Comptroller- Fringe Benefits ¹	GF - Cost	388,697	410,075

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Division of Criminal Justice (DCJ) collect specified disaggregated, case level data and results in a cost of \$976,085 in FY 20 and \$1,028,384 in FY 21. The required data is currently not collected in this form by DCJ and would require DCJ to hire one paralegal for each of the 13 judicial district courthouses.

The bill requires the Public Defender Services Commission (PDS) to establish a pilot program to provide representation at parole revocation hearings and results in a cost of \$356,282 in FY 20 and \$375,876 in FY 21 for four positions.

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**sSB 880*****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. Office of Policy and Management (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;
2. Division of Criminal Justice, in consultation with various state agencies, to (a) collect disaggregated, case level data on certain defendants and (b) starting by February 1, 2021, annually provide the data to OPM; and
3. 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.

The bill 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.

EFFECTIVE DATE: July 1, 2019

OPM'S PRESENTATION AND REPORT

The bill requires OPM, starting by July 1, 2020, to annually:

1. make a presentation on existing prosecutorial data to the Criminal Justice Commission,
2. report its presentation to the Judiciary Committee, and
3. make the presentation publicly available on its website.

OPM must 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.

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, 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) persons 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 of a parole violation and (b) the alleged violation was serious enough to warrant parole revocation of parole;

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)