



Senate

General Assembly

File No. 611

January Session, 2021

Substitute Senate Bill No. 978

Senate, April 26, 2021

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 PAROLE OPPORTUNITIES FOR INDIVIDUALS SERVING LENGTHY SENTENCES FOR CRIMES COMMITTED BEFORE THE INDIVIDUAL TURNED TWENTY-ONE YEARS OF AGE.

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

1 Section 1. Subsection (f) of section 54-125a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (f) (1) Notwithstanding the provisions of subsections (a) to (e),
5 inclusive, of this section, a person convicted of one or more crimes
6 committed while such person was under [~~eighteen~~] twenty-one years of
7 age, who is incarcerated on or after October 1, [2015] 2021, and who
8 received a definite sentence or total effective sentence of more than ten
9 years for such crime or crimes prior to, on or after October 1, [2015] 2021,
10 may be allowed to go at large on parole in the discretion of the panel of
11 the Board of Pardons and Paroles for the institution in which such
12 person is confined, provided (A) if such person is serving a sentence of

13 fifty years or less, such person shall be eligible for parole after serving
14 sixty per cent of the sentence or twelve years, whichever is greater, or
15 (B) if such person is serving a sentence of more than fifty years, such
16 person shall be eligible for parole after serving thirty years. Nothing in
17 this subsection shall limit a person's eligibility for parole release under
18 the provisions of subsections (a) to (e), inclusive, of this section if such
19 person would be eligible for parole release at an earlier date under any
20 of such provisions.

21 (2) The board shall apply the parole eligibility rules of this subsection
22 only with respect to the sentence for a crime or crimes committed while
23 a person was under [~~eighteen~~] twenty-one years of age. Any portion of
24 a sentence that is based on a crime or crimes committed while a person
25 was [~~eighteen~~] twenty-one years of age or older shall be subject to the
26 applicable parole eligibility, suitability and release rules set forth in
27 subsections (a) to (e), inclusive, of this section.

28 (3) Whenever a person becomes eligible for parole release pursuant
29 to this subsection, the board shall hold a hearing to determine such
30 person's suitability for parole release. At least twelve months prior to
31 such hearing, the board shall notify the office of Chief Public Defender,
32 the appropriate state's attorney, the Victim Services Unit within the
33 Department of Correction, the Office of the Victim Advocate and the
34 Office of Victim Services within the Judicial Department of such
35 person's eligibility for parole release pursuant to this subsection. The
36 office of Chief Public Defender shall assign counsel for such person
37 pursuant to section 51-296 if such person is indigent. At any hearing to
38 determine such person's suitability for parole release pursuant to this
39 subsection, the board shall permit (A) such person to make a statement
40 on such person's behalf, (B) counsel for such person and the state's
41 attorney to submit reports and other documents, and (C) any victim of
42 the crime or crimes to make a statement pursuant to section 54-126a. The
43 board may request testimony from mental health professionals or other
44 relevant witnesses, and reports from the Commissioner of Correction or
45 other persons, as the board may require. The board shall use validated
46 risk assessment and needs assessment tools and its risk-based

47 structured decision making and release criteria established pursuant to
48 subsection (d) of section 54-124a in making a determination pursuant to
49 this subsection.

50 (4) After such hearing, the board may allow such person to go at large
51 on parole with respect to any portion of a sentence that was based on a
52 crime or crimes committed while such person was under [eighteen]
53 twenty-one years of age if the board finds that such parole release would
54 be consistent with the factors set forth in subdivisions (1) to (4),
55 inclusive, of subsection (c) of section 54-300 and if it appears, from all
56 available information, including, but not limited to, any reports from the
57 Commissioner of Correction, that (A) there is a reasonable probability
58 that such person will live and remain at liberty without violating the
59 law, (B) the benefits to such person and society that would result from
60 such person's release to community supervision substantially outweigh
61 the benefits to such person and society that would result from such
62 person's continued incarceration, and (C) such person has demonstrated
63 substantial rehabilitation since the date such crime or crimes were
64 committed considering such person's character, background and
65 history, as demonstrated by factors, including, but not limited to, such
66 person's correctional record, the age and circumstances of such person
67 as of the date of the commission of the crime or crimes, whether such
68 person has demonstrated remorse and increased maturity since the date
69 of the commission of the crime or crimes, such person's contributions to
70 the welfare of other persons through service, such person's efforts to
71 overcome substance abuse, addiction, trauma, lack of education or
72 obstacles that such person may have faced as a child or youth or young
73 adult under twenty-one years of age in the adult correctional system,
74 the opportunities for rehabilitation in the adult correctional system and
75 the overall degree of such person's rehabilitation considering the nature
76 and circumstances of the crime or crimes.

77 (5) After such hearing, the board shall articulate for the record its
78 decision and the reasons for its decision. If the board determines that
79 continued confinement is necessary, the board may reassess such
80 person's suitability for a new parole hearing at a later date to be

81 determined at the discretion of the board, but not earlier than two years
82 after the date of its decision.

83 (6) The decision of the board under this subsection shall not be subject
84 to appeal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	54-125a(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:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Correction, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes increases parole opportunities for certain inmates resulting in a potential marginal savings to the Department of Correction (DOC) to the extent inmates are released sooner from DOC facilities as a result of the bill. On average, the annual marginal savings to the state for releasing an offender is \$2,200.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates receiving parole.

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

OLR Bill Analysis**sSB 978*****AN ACT CONCERNING PAROLE OPPORTUNITIES FOR INDIVIDUALS SERVING LENGTHY SENTENCES FOR CRIMES COMMITTED BEFORE THE INDIVIDUAL TURNED TWENTY-ONE YEARS OF AGE.*****SUMMARY**

This bill extends to certain 18-, 19-, and 20-year-old offenders alternative parole eligibility rules that currently apply to specific offenders age 17 or younger.

Under these alternative rules, the offenders are eligible for parole, at the discretion of the Board of Pardons and Paroles panel for the institution where he or she is confined, after serving:

1. the greater of 12 years or 60% of a prison sentence that is up to 50 years (provided it is more than 10 years); or
2. 30 years of a sentence that is more than 50 years.

Under existing law and the bill, these alternative rules apply if they make someone eligible for parole sooner than under the general rules (see BACKGROUND), and they also apply to someone convicted of a crime who would otherwise be ineligible for parole.

Under current law, a person is eligible for the alternative rules if he or she (1) committed one or more crimes when he or she was under age 18, (2) was incarcerated on or after October 1, 2015, and (3) was sentenced to more than 10 years in prison for those crimes. The bill extends eligibility to offenders incarcerated on or after October 1, 2021, who committed crimes when they were under age 21 and were sentenced to more than 10 years in prison for those crimes.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

General Parole Eligibility Rules

By law, someone is generally eligible for parole, regardless of age, after serving (1) 50% of his or her sentence minus any risk reduction credits earned if convicted of a nonviolent crime and (2) 85% of his or her sentence if convicted of a violent crime, home invasion, or 2nd degree burglary. Someone convicted of certain crimes, such as murder, is generally ineligible for parole (CGS §§ 54-125a(a) & (b)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 25 Nay 13 (04/05/2021)