



General Assembly

January Session, 2021

Raised Bill No. 978

LCO No. 4141



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING PAROLE OPPORTUNITIES FOR INDIVIDUALS
SERVING LENGTHY SENTENCES FOR CRIMES COMMITTED
BEFORE THE INDIVIDUAL TURNED TWENTY-FIVE 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2 repealed and the following is substituted in lieu thereof (*Effective October*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 (A) eighteen years of age, who
7 is incarcerated on or after October 1, 2015, and who received a definite
8 sentence or total effective sentence of more than ten years for such crime
9 or crimes prior to, on or after October 1, 2015, or (B) twenty-five years of
10 age, who is incarcerated on or after October 1, 2021, and who received a
11 definite sentence or total effective sentence of more than ten years for
12 such crime or crimes prior to, on or after October 1, 2021, may be
13 allowed to go at large on parole in the discretion of the panel of the
14 Board of Pardons and Paroles for the institution in which such person is

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

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

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

49 risk assessment and needs assessment tools and its risk-based
50 structured decision making and release criteria established pursuant to
51 subsection (d) of section 54-124a in making a determination pursuant to
52 this subsection.

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

80 (5) After such hearing, the board shall articulate for the record its
81 decision and the reasons for its decision. If the board determines that
82 continued confinement is necessary, the board may reassess such

83 person's suitability for a new parole hearing at a later date to be
84 determined at the discretion of the board, but not earlier than two years
85 after the date of its decision.

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

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

Statement of Purpose:

To incentivize rehabilitation among incarcerated individuals and provide a second chance for those who were convicted and sentenced before twenty-five years of age.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]