



General Assembly

January Session, 2021

Raised Bill No. 1058

LCO No. 5235



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING COMPASSIONATE PAROLE RELEASE BY
THE BOARD OF PARDONS AND PAROLES AND CONCERNING
STAFF OF THE DEPARTMENT OF CORRECTION.***

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

1 Section 1. Section 54-131k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) [The] Notwithstanding any provision of the general statutes, the
4 Board of Pardons and Paroles may grant a compassionate parole release
5 to any inmate serving any sentence of imprisonment, except an inmate
6 convicted of a capital felony under the provisions of section 53a-54b in
7 effect prior to April 25, 2012, or murder with special circumstances
8 under the provisions of section 53a-54b in effect on or after April 25,
9 2012, if [it] the board finds that such inmate (1) is so physically or
10 mentally debilitated, incapacitated or infirm as a result of advanced age
11 or as a result of a condition, disease or syndrome that is not terminal as
12 to [be physically incapable of presenting] present a significantly
13 reduced risk as a danger to society, and (2) (A) has served not less than
14 one-half of such inmate's definite or aggregate sentence, or (B) has

15 served not less than one-half of such inmate's remaining definite or
16 aggregate sentence after commutation of the original sentence by the
17 Board of Pardons and Paroles.

18 (b) Notwithstanding any provision of the general statutes, during a
19 major disaster or an emergency declaration by the President of the
20 United States covering any part of the state, or an emergency declaration
21 issued by the Governor, that shall include, but need not be limited to,
22 those declarations issued concerning the COVID-19 pandemic, any
23 other disease epidemic or public health emergency or a natural disaster,
24 a panel of the Board of Pardons and Paroles may grant a compassionate
25 parole release to any inmate serving any sentence of imprisonment,
26 except an inmate convicted of a capital felony under the provisions of
27 section 53a-54b in effect prior to April 25, 2012, or murder with special
28 circumstances under the provisions of section 53a-54b in effect on or
29 after April 25, 2012, at any time during the term of such inmate's
30 sentence, if that panel finds that (1) circumstances exist which pose a
31 higher risk of harm to such inmate should he or she remain confined,
32 and (2) such inmate presents a reduced risk of presenting any danger to
33 society.

34 (c) For purposes of this section, "COVID-19" means the respiratory
35 disease designated by the World Health Organization on February 11,
36 2020, as coronavirus 2019, and any related mutation thereof recognized
37 by said organization as a communicable respiratory disease.

38 [(b) Any person granted a compassionate parole release pursuant to
39 this section shall be released subject to such terms and conditions as may
40 be established by the Board of Pardons and Paroles and shall be
41 supervised by the Department of Correction.]

42 Sec. 2. Section 18-81nn of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective from passage*):

44 (a) Any correction officer who witnesses another correction officer
45 use what the witnessing correction officer objectively knows to be
46 excessive or illegal use of force shall intervene and attempt to stop such

47 other correction officer from using such force. Any correction officer
48 who fails to intervene in such an incident may be prosecuted and
49 punished in accordance with the provisions of section 53a-8 for the same
50 acts as the correction officer who used unreasonable, excessive or illegal
51 force.

52 (b) Any correction officer who witnesses another correction officer
53 use what the witnessing correction officer objectively knows to be
54 unreasonable, excessive or illegal use of force or is otherwise aware of
55 such use of force by another correction officer shall report, as soon as is
56 practicable, such use of force to the witnessing correction officer's
57 immediate supervisor. Such supervisor shall immediately report such
58 use of force to the immediate supervisor of the correction officer who is
59 reported to have used such force. Any correction officer required to
60 report such an incident who fails to do so may be prosecuted and
61 punished in accordance with the provisions of sections 53a-165 to 53a-
62 167, inclusive.

63 (c) The Department of Correction or any employee of the department
64 shall not take any retaliatory personnel action or discriminate against a
65 correction officer because such correction officer intervened in an
66 incident pursuant to subsection (a) of this section or reported an incident
67 pursuant to subsection (b) of this section. Such intervening or reporting
68 correction officer shall be protected by the provisions of section 4-61dd
69 or 31-51m, as applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	54-131k
Sec. 2	<i>from passage</i>	18-81nn

Statement of Purpose:
To modify standards used by the Board of Pardons and Paroles to determine when an inmate may be eligible for compassionate parole release and to clarify that whistle blower protections apply to staff of the

Department of Correction who report suspected unlawful uses of force by other staff members.

[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.]