



General Assembly

February Session, 2022

Raised Bill No. 5390

LCO No. 2779



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT REPEALING STATUTORY PROVISIONS THAT IMPOSE LIABILITY ON AN INDIVIDUAL FOR REPAYMENT OF COSTS INCURRED WHEN THE INDIVIDUAL WAS INCARCERATED.

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

1 Section 1. Section 18-85 of the 2022 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage and applicable to costs of incarceration incurred, before, on or after the*
4 *effective date of this section*):

5 (a) The Commissioner of Correction, after consultation with the
6 Commissioner of Administrative Services and the Secretary of the Office
7 of Policy and Management, shall establish a schedule of compensation
8 for services performed on behalf of the state by inmates of any
9 institution or facility of the department. Such schedule shall recognize
10 degrees of merit, diligence and skill in order to encourage inmate
11 incentive and industry.

12 (b) Compensation so earned shall be deposited, under the direction
13 of the Commissioner of Correction, in an account in a savings bank or
14 state bank and trust company in this state or an account administered

15 by the State Treasurer. Any compensation so earned shall be paid to the
16 inmate on the inmate's release from incarceration in the form of a debit
17 card, except that the commissioner may, while the inmate is in custody,
18 disburse any compensation earned by such inmate in accordance with
19 the following priorities: (1) Federal taxes due; (2) restitution or payment
20 of compensation to a crime victim ordered by any court of competent
21 jurisdiction; (3) payment of a civil judgment rendered in favor of a crime
22 victim by any court of competent jurisdiction; (4) victims compensation
23 through the criminal injuries account administered by the Office of
24 Victim Services; (5) state taxes due; (6) support of the inmate's
25 dependents, if any; (7) the inmate's necessary travel expense to and from
26 work and other incidental expenses; and (8) [costs of such inmate's
27 incarceration under section 18-85a and regulations adopted in
28 accordance with said section; and (9)] payment to the clerk of the court
29 in which an inmate, confined in a correctional facility only for payment
30 of a fine, was convicted, such portion of such compensation as is
31 necessary to pay such fine. Any interest that accrues shall be credited to
32 any institutional fund established for the welfare of inmates.
33 Compensation under this section shall be in addition to any
34 compensation received or credited under section 18-50, as amended by
35 this act.

36 Sec. 2. Section 1-110c of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective from passage*):

38 If the Superior Court determines that the revocation of the pension of
39 a state or municipal employee pursuant to section 1-110a constitutes the
40 unilateral breach of a collective bargaining agreement, the Superior
41 Court shall not issue an order for the revocation of such pension. Upon
42 such determination, the Superior Court may issue an order for the
43 reduction of such pension provided any such reduction ordered by the
44 Superior Court shall not exceed the amount necessary to satisfy any fine,
45 restitution or other monetary order made by the criminal court. [in
46 addition to the amount necessary to pay the cost of such state or
47 municipal employee's incarceration, as determined pursuant to section
48 18-85a.]

49 Sec. 3. Section 4a-16 of the 2022 supplement to the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective from*
51 *passage*):

52 When any person supported or cared for by the state (1) under a
53 program of cash assistance or medical assistance, (2) in an institution
54 maintained by the Department of Developmental Services or
55 Department of Mental Health and Addiction Services, [(3) when an
56 inmate of the Department of Correction, or (4)] or (3) as a child
57 committed to the Commissioner of Social Services or Commissioner of
58 Children and Families dies, leaving only personal estate, including
59 personal assets owing and due the estate after death, not exceeding the
60 aggregate value, as described in section 45a-273, as amended by this act,
61 the Commissioner of Administrative Services or the commissioner's
62 authorized representative shall, upon completing a financial accounting
63 of the estate's assets and debt, make a reasonable effort to inform the
64 next of kin of the decedent in writing that the commissioner or the
65 commissioner's designee intends to become the legal representative of
66 the estate for the purpose of securing partial or full reimbursement of
67 the claim of the state for care or assistance rendered to the decedent
68 required to be recovered under federal law or the provisions of section
69 17b-93, [or 18-85c.] The commissioner, or the commissioner's designee,
70 not later than thirty days after making a reasonable effort to contact the
71 next of kin of the decedent, shall file with the Probate Court having
72 jurisdiction of such estate a certificate that the total estate is under the
73 aggregate value, as described in section 45a-273, as amended by this act,
74 and the claim of the state, together with the expense of last illness not
75 exceeding three hundred seventy-five dollars and funeral and burial
76 expenses in accordance with sections 17b-84 and 17b-131, equals or
77 exceeds the amount of such estate. The Commissioner of Administrative
78 Services shall be issued a certificate by said court that the commissioner
79 is the legal representative of such estate only for the following purpose.
80 The commissioner shall have authority to claim such estate, the
81 commissioner's receipt for the same to be a valid discharge of the
82 liability of any person turning over the same, and to settle the same by

83 payment of the expense of last illness not exceeding three hundred
84 seventy-five dollars, expense of funeral and burial in accordance with
85 sections 17b-84 and 17b-131 and the remainder as partial or full
86 reimbursement of the claim of the state only for amounts due under the
87 provisions of federal law or section 17b-93. [or 18-85c.] The
88 commissioner shall file with the Probate Court a statement of the
89 settlement of such estate as herein provided. As used in this section,
90 "cash assistance" means payments made to a beneficiary of the aid to
91 families with dependent children program, the state-administered
92 general assistance program, the state supplement program or the
93 temporary family assistance program.

94 Sec. 4. Subdivision (1) of subsection (a) of section 18-50 of the general
95 statutes is repealed and the following is substituted in lieu thereof
96 (*Effective from passage*):

97 (a) (1) Except as provided in subdivision (2) of this subsection, each
98 person committed to any community correctional center upon
99 conviction of any criminal offense, and held therein only for the
100 payment of a fine, shall be discharged from confinement when the time
101 served by such person at a per diem rate [equal to the average daily cost
102 of incarceration as] determined by the Commissioner of Correction
103 amounts to such fine or the balance thereof remaining unpaid. Such
104 person shall earn an additional credit of fifty dollars toward such fine or
105 balance thereof remaining unpaid for each day such person is employed
106 at productive or maintenance work and has established a satisfactory
107 work record. In computing the number of days to be served, credit shall
108 be given for Sundays, holidays and the day of admission. Each person
109 so committed shall be released during the day following that which
110 completes the time to be served when computed in accordance with this
111 subdivision, or immediately upon payment of the fine in full.

112 Sec. 5. Section 18-98d of the 2022 supplement to the general statutes
113 is repealed and the following is substituted in lieu thereof (*Effective from*
114 *passage*):

115 (a) (1) (A) Any person who is confined to a community correctional
116 center or a correctional institution for an offense committed on or after
117 July 1, 1981, and prior to October 1, 2021, under a mittimus or because
118 such person is unable to obtain bail or is denied bail shall, if
119 subsequently imprisoned, earn a reduction of such person's sentence
120 equal to the number of days which such person spent in such facility
121 from the time such person was placed in presentence confinement to the
122 time such person began serving the term of imprisonment imposed;
123 provided (i) each day of presentence confinement shall be counted only
124 once for the purpose of reducing all sentences imposed after such
125 presentence confinement; and (ii) the provisions of this section shall
126 only apply to a person for whom the existence of a mittimus, an inability
127 to obtain bail or the denial of bail is the sole reason for such person's
128 presentence confinement, except that if a person is serving a term of
129 imprisonment at the same time such person is in presentence
130 confinement on another charge and the conviction for such
131 imprisonment is reversed on appeal, such person shall be entitled, in
132 any sentence subsequently imposed, to a reduction based on such
133 presentence confinement in accordance with the provisions of this
134 section. In the case of a fine, each day spent in such confinement prior
135 to sentencing shall be credited against the sentence at a per diem rate
136 [equal to the average daily cost of incarceration as] determined by the
137 Commissioner of Correction.

138 (B) Any person who is confined to a community correctional center
139 or a correctional institution for an offense committed on or after October
140 1, 2021, under a mittimus or because such person is unable to obtain bail
141 or is denied bail shall, if subsequently imprisoned, earn a reduction of
142 such person's sentence equal to the number of days which such person
143 spent in such facility from the time such person was placed in
144 presentence confinement to the time such person began serving the term
145 of imprisonment imposed; provided (i) each day of presentence
146 confinement shall be counted equally in reduction of any concurrent
147 sentence imposed for any offense pending at the time such sentence was
148 imposed; (ii) each day of presentence confinement shall be counted only

149 once in reduction of any consecutive sentence so imposed; and (iii) the
150 provisions of this section shall only apply to a person for whom the
151 existence of a mittimus, an inability to obtain bail or the denial of bail is
152 the sole reason for such person's presentence confinement, except that if
153 a person is serving a term of imprisonment at the same time such person
154 is in presentence confinement on another charge and the conviction for
155 which such imprisonment was imposed is reversed on appeal, such
156 person shall be entitled, in any sentence subsequently imposed, to a
157 reduction based on such presentence confinement in accordance with
158 the provisions of this section. In the case of a fine, each day spent in such
159 confinement prior to sentencing shall be credited against the sentence at
160 a per diem rate [equal to the average daily cost of incarceration as]
161 determined by the Commissioner of Correction.

162 (2) (A) Any person convicted of any offense and sentenced on or after
163 October 1, 2001, to a term of imprisonment who was confined to a police
164 station or courthouse lockup in connection with such offense because
165 such person was unable to obtain bail or was denied bail shall, if
166 subsequently imprisoned, earn a reduction of such person's sentence in
167 accordance with subdivision (1) of this subsection equal to the number
168 of days which such person spent in such lockup, provided such person
169 at the time of sentencing requests credit for such presentence
170 confinement. Upon such request, the court shall indicate on the
171 judgment mittimus the number of days such person spent in such
172 presentence confinement.

173 (B) Any person convicted of any offense and sentenced prior to
174 October 1, 2001, to a term of imprisonment, who was confined in a
175 correctional facility for such offense on October 1, 2001, shall be
176 presumed to have been confined to a police station or courthouse lockup
177 in connection with such offense because such person was unable to
178 obtain bail or was denied bail and shall, unless otherwise ordered by a
179 court, earn a reduction of such person's sentence in accordance with the
180 provisions of subdivision (1) of this subsection of one day.

181 (C) The provisions of this subdivision shall not be applied so as to

182 negate the requirement that a person convicted of a first violation of
183 subsection (a) of section 14-227a and sentenced pursuant to
184 subparagraph (B)(i) of subdivision (1) of subsection (g) of said section
185 serve a term of imprisonment of at least forty-eight consecutive hours.

186 (b) In addition to any reduction allowed under subsection (a) of this
187 section, if such person obeys the rules of the facility such person may
188 receive a good conduct reduction of any portion of a fine not remitted
189 or sentence not suspended at the rate [of ten times the average daily cost
190 of incarceration as] determined by the Commissioner of Correction or
191 ten days, as the case may be, for each thirty days of presentence
192 confinement; provided any day spent in presentence confinement by a
193 person who has more than one information pending against such
194 person may not be counted more than once in computing a good
195 conduct reduction under this subsection.

196 (c) The Commissioner of Correction shall be responsible for ensuring
197 that each person to whom the provisions of this section apply receives
198 the correct reduction in such person's sentence; provided in no event
199 shall credit be allowed under subsection (a) of this section in excess of
200 the sentence actually imposed.

201 Sec. 6. Section 18-90b of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective from passage*):

203 (a) The Commissioner of Correction may establish a pilot program
204 involving the use of inmate labor in private industry consistent with
205 governing federal guidelines.

206 (b) The commissioner may enter into such contracts as may be
207 necessary to fully implement the pilot program. Such contractual
208 agreements may include rental or lease agreements for state buildings
209 or portions thereof on the grounds of any institution or facility of the
210 Department of Correction and for any real property needed for
211 reasonable access to and egress from any such building for the purpose
212 of establishing and operating a factory for the manufacturing and
213 processing of goods, wares or merchandise or the provision of service

214 or any other business or commercial enterprise deemed by the
215 commissioner to enhance the general welfare of the inmate population.

216 (c) An inmate may participate in the pilot program established
217 pursuant to this section only on a voluntary basis and only after he has
218 been informed of the conditions of his employment.

219 (d) No inmate participating in the pilot program shall be paid less
220 than the prevailing wage for work of similar nature in private industry.

221 (e) Inmate participation in the pilot program shall not result in the
222 displacement of employed workers and shall not impair existing
223 contracts for services.

224 (f) Nothing in this section shall be deemed to restore in whole or in
225 part the civil rights of any inmate. No inmate compensated for
226 participation in the program shall be considered to be an employee of
227 the state, [or exempt from the provisions of section 18-85a and
228 regulations adopted in accordance with said section.]

229 (g) The provisions of subsection (j) of section 18-88 shall not apply to
230 any articles, materials or products manufactured or produced by
231 institutional inmates pursuant to this section.

232 Sec. 7. Subsection (b) of section 18-101 of the general statutes is
233 repealed and the following is substituted in lieu thereof (*Effective from*
234 *passage*):

235 (b) On granting privileges to any inmate under section 18-100, the
236 commissioner or the commissioner's designee shall disburse any
237 compensation earned by such inmate in accordance with the following
238 priorities: (1) Federal taxes due; (2) restitution or payment of
239 compensation to a crime victim ordered by any court of competent
240 jurisdiction; (3) payment of a civil judgment rendered in favor of a crime
241 victim by any court of competent jurisdiction; (4) victims compensation
242 through the criminal injuries account administered by the Office of
243 Victim Services; (5) state taxes due; (6) support of such inmate's

244 dependents, if any; and (7) such inmate's necessary travel expense to
245 and from work and other incidental expenses. [; and (8) costs of such
246 inmate's incarceration under section 18-85a and regulations adopted in
247 accordance with said section.] The commissioner shall pay any balance
248 remaining to such inmate upon the inmate's release from incarceration.
249 [Each inmate gainfully self-employed shall pay to the commissioner the
250 costs of such inmate's incarceration under section 18-85a and
251 regulations adopted in accordance with said section, and on default in
252 payment thereof the inmate's participation under section 18-100 shall be
253 revoked.]

254 Sec. 8. Subsection (e) of section 45a-273 of the general statutes is
255 repealed and the following is substituted in lieu thereof (*Effective from*
256 *passage*):

257 (e) The court shall determine the persons and entities entitled to
258 payment for the claims, expenses and taxes due from the estate, or
259 reimbursement for such amounts paid on behalf of the estate, in
260 accordance with section 45a-365 except, [(1)] if a decedent received aid
261 or care from the state or received care in a state humane institution, such
262 reimbursement shall be in accordance with section 17b-95. [; and (2) if a
263 decedent is obligated to pay the decedent's cost of incarceration, such
264 reimbursement shall be in accordance with section 18-85c.] If the claims,
265 taxes and expenses exceed the fair value of the decedent's assets, the
266 court shall order payment in accordance with this subsection, provided
267 the procedures for insolvent estates under sections 45a-376 to 45a-383,
268 inclusive, shall not be required.

269 Sec. 9. Subsection (b) of section 52-321a of the 2022 supplement to the
270 general statutes is repealed and the following is substituted in lieu
271 thereof (*Effective from passage*):

272 (b) Nothing in this section shall impair the rights of an alternate payee
273 under a qualified domestic relations order, as defined in Section 414(p)
274 of the Internal Revenue Code of 1986, or any subsequent corresponding
275 internal revenue code of the United States, as from time to time

276 amended. [Nothing in this section or in subdivision (13) of section 52-
 277 352b shall impair the rights of the state to proceed under section 52-361a
 278 to recover the costs of incarceration under section 18-85a and
 279 regulations adopted in accordance with section 18-85a from any federal,
 280 state or municipal pension, annuity or insurance contract or similar
 281 arrangement described in subdivision (5) of subsection (a) of this
 282 section, provided the rights of an alternate payee under a qualified
 283 domestic relations order, as defined in Section 414(p) of the Internal
 284 Revenue Code of 1986, or any subsequent corresponding internal
 285 revenue code of the United States, as from time to time amended, shall
 286 take precedence over any such recovery.] Nothing in this section or in
 287 subdivision (13) of section 52-352b shall impair the rights of a victim of
 288 crime to proceed under section 52-361a to recover damages awarded by
 289 a court of competent jurisdiction from any federal, state or municipal
 290 pension, annuity or insurance contract or similar arrangement described
 291 in subdivision (5) of subsection (a) of this section when such damages
 292 are the result of a crime committed by a participant or beneficiary of
 293 such pension, annuity or insurance contract or similar arrangement,
 294 provided the rights of an alternate payee under a qualified domestic
 295 relations order, as defined in Section 414(p) of the Internal Revenue
 296 Code of 1986, or any subsequent corresponding internal revenue code
 297 of the United States, as from time to time amended, shall take
 298 precedence over any such recovery.

299 Sec. 10. Sections 18-85a, 18-85b and 18-85c of the general statutes are
 300 repealed. (*Effective from passage and applicable to costs of incarceration*
 301 *incurred, before, on or after the effective date of this section*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to costs of incarceration incurred, before, on or after the effective date of this section</i>	18-85
Sec. 2	<i>from passage</i>	1-110c

Sec. 3	<i>from passage</i>	4a-16
Sec. 4	<i>from passage</i>	18-50(a)(1)
Sec. 5	<i>from passage</i>	18-98d
Sec. 6	<i>from passage</i>	18-90b
Sec. 7	<i>from passage</i>	18-101(b)
Sec. 8	<i>from passage</i>	45a-273(e)
Sec. 9	<i>from passage</i>	52-321a(b)
Sec. 10	<i>from passage and applicable to costs of incarceration incurred, before, on or after the effective date of this section</i>	Repealer section

Statement of Purpose:

To repeal statutory provisions allowing the Commissioner of Correction to assess an incarcerated individual with the costs of such individual's incarceration.

[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.]