



General Assembly

February Session, 2022

Raised Bill No. 460

LCO No. 3572



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING COMPASSIONATE OR MEDICAL PAROLE
AND CREDITS AWARDED FOR RELEASE DURING AN EMERGENCY
DECLARATION.***

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

1 Section 1. Subsections (e) and (f) of section 54-124a of the 2022
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2022*):

4 (e) (1) Each parole release panel, including any such panel for the
5 purpose of compassionate parole release or medical parole release, shall
6 be composed of three members, one of whom shall be the chairperson
7 or a full-time member designated by the chairperson to serve
8 temporarily as chairperson.

9 (2) Each pardons panel shall be composed of three members, one of
10 whom may be the chairperson, except that for hearings on
11 commutations from the penalty of death, one member of the panel shall
12 be the chairperson.

13 (3) Each panel that discharges persons on parole from the custody of

14 the Commissioner of Correction or that terminates the period of special
15 parole for persons shall be composed of three members, one of whom
16 shall be the chairperson or a full-time member designated by the
17 chairperson to serve temporarily as chairperson.

18 (f) The Board of Pardons and Paroles shall have independent
19 decision-making authority to (1) grant or deny parole in accordance
20 with sections 54-125, 54-125a, 54-125e and 54-125g, medical parole in
21 accordance with the provisions of sections 54-131a to 54-131g, inclusive,
22 as amended by this act, or compassionate parole in accordance with the
23 provisions of section 54-131k, as amended by this act, (2) establish
24 conditions of parole, medical parole, compassionate parole or special
25 parole supervision in accordance with section 54-126, (3) rescind or
26 revoke parole, medical parole, compassionate parole or special parole
27 in accordance with sections 54-127, as amended by this act, and 54-128,
28 as amended by this act, (4) grant commutations of punishment or
29 releases, conditioned or absolute, in the case of any person convicted of
30 any offense against the state and commutations from the penalty of
31 death in accordance with section 54-130a, (5) discharge any person on
32 parole, medical parole or compassionate parole or inmate eligible for
33 parole from the custody of the Commissioner of Correction pursuant to
34 section 54-129, and (6) terminate special parole in accordance with
35 section 54-129.

36 Sec. 2. Section 54-127 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2022*):

38 The request of the Commissioner of Correction or any officer of the
39 Department of Correction so designated by the commissioner, or of the
40 Board of Pardons and Paroles or its chairman shall be sufficient warrant
41 to authorize any officer of the Department of Correction or any officer
42 authorized by law to serve criminal process within this state, to return
43 any convict or inmate on parole, medical parole or compassionate
44 parole into actual custody; and any such officer, police officer, constable
45 or state marshal shall arrest and hold any parolee or inmate when so
46 requested, without any written warrant.

47 Sec. 3. Section 54-127a of the general statutes is repealed and the
48 following is substituted in lieu thereof (*Effective October 1, 2022*):

49 All parole revocation and rescission hearings shall be conducted by
50 an employee of the Board of Pardons and Paroles. The parole of a person
51 who has been allowed to go on parole in accordance with subsection (a)
52 of section 54-125a or section 54-125g, or sections 54-131a to 54-131g,
53 inclusive, as amended by this act, or section 54-131k, as amended by this
54 act, or who has been sentenced to a period of special parole in
55 accordance with subdivision (9) of subsection (b) of section 53a-28, shall
56 be revoked or rescinded if, after such hearing, the employee
57 recommends such revocation or rescission and such recommendation is
58 approved by at least two members of a panel of the board.

59 Sec. 4. Subsection (a) of section 54-128 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective October*
61 *1, 2022*):

62 (a) Any paroled inmate, including an inmate allowed to go on parole
63 pursuant to sections 54-131a to 54-131g, inclusive, as amended by this
64 act, or section 54-131k, as amended by this act, who has been returned
65 to any institution of the Department of Correction for violation of such
66 inmate's parole may be retained in a correctional institution for a period
67 equal to the unexpired portion of the term of such inmate's sentence at
68 the date of the request or order for such inmate's return less any
69 commutation or diminution of such inmate's sentence earned, except
70 that the Board of Pardons and Paroles may, in its discretion, determine
71 that such inmate shall forfeit any or all of such earned time, or may be
72 again paroled by said board.

73 Sec. 5. Section 54-131a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2022*):

75 [The] A panel of the Board of Pardons and Paroles may determine, in
76 accordance with sections 54-131a to 54-131g, inclusive, as amended by
77 this act, when and under what conditions an inmate serving any
78 sentence of imprisonment may be released on medical parole.

79 Sec. 6. Section 54-131b of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective October 1, 2022*):

81 [The] A panel of the Board of Pardons and Paroles may release on
82 medical parole any inmate serving any sentence of imprisonment,
83 except an inmate convicted of a capital felony under the provisions of
84 section 53a-54b in effect prior to April 25, 2012, or murder with special
85 circumstances under the provisions of section 53a-54b in effect on or
86 after April 25, 2012, who has been diagnosed pursuant to section 54-131c
87 as suffering from a terminal condition, disease or syndrome, and is so
88 debilitated or incapacitated by such condition, disease or syndrome as
89 to be physically incapable of presenting a danger to society.
90 Notwithstanding any provision of the general statutes to the contrary,
91 the Board of Pardons and Paroles may release such inmate at any time
92 during the term of such inmate's sentence.

93 Sec. 7. Section 54-131k of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2022*):

95 (a) The Board of Pardons and Paroles may grant a compassionate
96 parole release to any inmate serving any sentence of imprisonment,
97 except an inmate convicted of a capital felony under the provisions of
98 section 53a-54b in effect prior to April 25, 2012, or murder with special
99 circumstances under the provisions of section 53a-54b in effect on or
100 after April 25, 2012, if [it] the panel finds that such inmate (1) is so
101 physically or mentally debilitated, incapacitated or infirm as a result of
102 advanced age or as a result of a condition, disease or syndrome that is
103 not terminal as to [be physically incapable of presenting a] present a
104 significantly reduced risk of danger to society, and (2) (A) has served
105 not less than one-half of such inmate's definite or aggregate sentence, or
106 (B) has served not less than one-half of such inmate's remaining definite
107 or aggregate sentence after commutation of the original sentence by the
108 Board of Pardons and Paroles.

109 (b) (1) During a major disaster or an emergency declaration by the
110 President of the United States covering any part of the state, or an

111 emergency declaration issued by the Governor, that shall include, but
112 need not be limited to, those declarations issued concerning the COVID-
113 19 pandemic, any other disease epidemic or public health emergency or
114 a natural disaster, a panel of the Board of Pardons and Paroles may grant
115 a compassionate parole release to any inmate serving any sentence of
116 imprisonment, except an inmate convicted of a capital felony under the
117 provisions of section 53a-54b in effect prior to April 25, 2012, or murder
118 with special circumstances under the provisions of section 53a-54b in
119 effect on or after April 25, 2012, at any time during the term of such
120 inmate's sentence, if the panel finds circumstances exist which pose a
121 higher risk of harm to such inmate should he or she remain confined.

122 (2) For purposes of this subsection, "COVID-19" means the
123 respiratory disease designated by the World Health Organization on
124 February 11, 2020, as coronavirus 2019, and any related mutation thereof
125 recognized by said organization as a communicable respiratory disease.

126 [(b)] (c) Any person granted a compassionate parole release pursuant
127 to this section shall be released subject to such terms and conditions as
128 may be established by the Board of Pardons and Paroles and [shall be
129 supervised by the Department of Correction] the rules and regulations
130 established pursuant to section 54-126.

131 (d) The chairperson of the Board of Pardons and Paroles may appoint
132 a special panel to implement the provisions of this section and review
133 and decide requests for compassionate parole under this section on an
134 emergency basis, and in all cases shall act in as expeditious a manner as
135 possible.

136 (e) The provisions of this section shall not affect an inmate's eligibility
137 for any other form of parole or release provided by law.

138 Sec. 8. (NEW) (Effective October 1, 2022) (a) The Commissioner of
139 Correction shall grant public health emergency release credits in
140 accordance with subsection (b) of this section to any inmate who is
141 serving a sentence of imprisonment whose scheduled release date is
142 within one year of the issuance of a declaration described in subsection

143 (b) of this section, except to an inmate who is sentenced for a violation
144 of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a,
145 53a-70c or 53a-100aa, or who is a persistent dangerous felony offender
146 or persistent dangerous sexual offender pursuant to section 53a-40.

147 (b) (1) Notwithstanding any provision of the general statutes, during
148 a major disaster or an emergency declaration by the President of the
149 United States covering any part of the state, or an emergency declaration
150 issued by the Governor, that shall include, but need not be limited to,
151 those declarations issued concerning the COVID-19 pandemic, any
152 other disease epidemic or public health emergency or a natural disaster,
153 the commissioner shall award public health emergency release credits
154 to any inmate described in subsection (a) of this section who is serving
155 a sentence of imprisonment during the time period covered by such
156 declaration toward a reduction of such inmate's term of imprisonment,
157 in an amount equal to one hundred twenty-two days per month for each
158 month such inmate is imprisoned during the period covered by such
159 declaration, the amount of which shall be reduced pro rata for any
160 month that did not fall entirely during the period covered by such
161 declaration. The commissioner shall not award more than two hundred
162 forty-four days' worth of credits to any such inmate during the time
163 period covered by any such declaration.

164 (2) For purposes of this subsection, "COVID-19" means the
165 respiratory disease designated by the World Health Organization on
166 February 11, 2020, as coronavirus 2019, and any related mutation thereof
167 recognized by said organization as a communicable respiratory disease.

168 (c) Any credit awarded under this section may only be awarded
169 during the period of time that the inmate is sentenced to a term of
170 imprisonment and committed to the custody of the commissioner and
171 may not be transferred or applied to a subsequent term of
172 imprisonment. In no event shall any credit awarded under this section
173 be applied so as to reduce a mandatory minimum term of imprisonment
174 such inmate is required to serve by statute.

175 (d) The provisions of this section shall not affect an inmate's eligibility
176 for any other form of parole or release provided by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	54-124a(e) and (f)
Sec. 2	<i>October 1, 2022</i>	54-127
Sec. 3	<i>October 1, 2022</i>	54-127a
Sec. 4	<i>October 1, 2022</i>	54-128(a)
Sec. 5	<i>October 1, 2022</i>	54-131a
Sec. 6	<i>October 1, 2022</i>	54-131b
Sec. 7	<i>October 1, 2022</i>	54-131k
Sec. 8	<i>October 1, 2022</i>	New section

Statement of Purpose:

To create a release panel for determinations of medical and compassionate release, modify standards used to determine when an inmate may be eligible for compassionate parole release and establish a system for credits to be awarded to inmates toward release from imprisonment in the time of an emergency declaration.

[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.]