



STATE OF CONNECTICUT  
**SENTENCING COMMISSION**

**Testimony of Honorable Judge Robin Pavia and Alex Tsarkov before the Judiciary Committee on HB 5390, *An Act Repealing Statutory Provisions that Impose Liability on an Individual for Repayment of Costs Incurred When the Individual Was Incarcerated***

Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and members of the Judiciary Committee. For the record, Alex Tsarkov, Executive Director of the Connecticut Sentencing Commission. With me is Judge Robin Pavia, a superior court judge and the new chair of the Sentencing Commission. We are here to testify in support of HB 5390, *An Act Repealing Statutory Provisions That Impose Liability on An Individual for Repayment of Costs Incurred When the Individual Was Incarcerated*.

We would first like to give some background about the Sentencing Commission. We are a permanent commission consisting of stakeholders in Connecticut's criminal justice system. Our membership includes four judges; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; the commissioners of Correction, and Emergency Services and Public Protection; community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; the undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; as well as others vitally engaged in the criminal justice system. Our work is informed by all the major system stakeholders of the criminal justice system and aims to adhere to the best legal and evidence-based research and practices.

HB 5390 bill would repeal the statutory provisions allowing the Commissioner of Correction and Attorney General to assess incarcerated individuals for the costs of their incarceration. Current law gives the state a claim for incarceration costs against any property owned by a formerly incarcerated person including lottery winnings, estate, inheritance, and lawsuit proceeds won within a certain period after their release from prison.<sup>1</sup> Under CGS § 18-85a, the Department of Correction (DOC) commissioner adopts regulations to calculate an inmate's cost of incarceration.<sup>2</sup>

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<sup>1</sup> 18-85a(b). Certain property is exempt from the state's claim, including most property acquired after release.

<sup>2</sup> Conn. Gen. Stat. §18-85a(a). DOC regulations define the per-inmate, per-day cost of incarceration at DOC facilities as the amount computed using the same accounting procedures the Office of the Comptroller uses to determine such costs in state humane institution under Conn. Gen. Stat. §17b-223.

Under current law, when a person with an incarceration liability receives proceeds from a lawsuit within 20 years of release from prison, the state has a lien against the award in the amount of the cost of incarceration, or 50% of the net proceeds, whichever is less.<sup>3</sup> There are obligations on the plaintiff's attorney to pay the DOC in accordance with lien, depending on timing and notice requirements.<sup>4</sup>

When a person with an incarceration liability receives an inheritance within 20 years of release from prison, the state has a lien against the inheritance in the amount the cost of incarceration, or 50% of the estate payable to the person, whichever is less.<sup>5</sup> The probate court is required to accept a lien notice from the DOC commissioner and the court must order distribution to the extent the inheritance has not already been distributed.

The Sentencing Commission unanimously recommends the General Assembly enact a proposal to repeal the statutory provisions allowing the state to assess an incarcerated individual for the costs of their incarceration. Members have noted in their deliberations that these policies generate barriers to reentry and encourage a cycle of poverty that is difficult to escape. Formerly incarcerated people face challenges finding employment and housing, and these liens make it all the more difficult to make progress.

We thank the Committee for raising this important legislation and urge the Committee's JOINT FAVORABLE Report.

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<sup>3</sup> Conn. Gen. Stat. §18-85b

<sup>4</sup> Conn. Gen. Stat. §18-85b(a)

<sup>5</sup> Conn. Gen. Stat. § 18-85b(b)