



House of Representatives

File No. 831

General Assembly

January Session, 2023

(Reprint of File No. 534)

Substitute House Bill No. 6738
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 26, 2023

**AN ACT CONCERNING COMPASSIONATE OR MEDICAL PAROLE
AND CREDITS AWARDED FOR RELEASE DURING AN EMERGENCY
DECLARATION AND SENTENCE COMMUTATIONS BY THE BOARD
OF PARDONS AND PAROLES.**

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 general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (e) (1) Each parole release panel shall be composed of three members,
5 one of whom shall be the chairperson or a full-time member designated
6 by the chairperson to serve temporarily as chairperson.

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

11 (3) Each panel that discharges persons on parole from the custody of
12 the Commissioner of Correction or that terminates the period of special
13 parole for persons shall be composed of three members, one of whom
14 shall be the chairperson or a full-time member designated by the
15 chairperson to serve temporarily as chairperson.

16 (4) Each commutations panel shall be composed of three members,
17 one of whom may be the chairperson of the board who shall designate
18 one member of the panel as chairperson.

19 (f) The Board of Pardons and Paroles shall have independent
20 decision-making authority to (1) grant or deny parole in accordance
21 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish
22 conditions of parole or special parole supervision in accordance with
23 section 54-126, (3) rescind or revoke parole or special parole in
24 accordance with sections 54-127, as amended by this act, and 54-128, as
25 amended by this act, (4) grant commutations of punishment or releases,
26 conditioned or absolute, in the case of any person convicted of any
27 offense against the state [and commutations from the penalty of death
28 in accordance with section 54-130a] pursuant to the provisions of section
29 11 of this act, (5) discharge any person on parole or inmate eligible for
30 parole from the custody of the Commissioner of Correction pursuant to
31 section 54-129, as amended by this act, and (6) terminate special parole
32 in accordance with section 54-129, as amended by this act.

33 Sec. 2. Subsections (e) and (f) of section 54-124a of the general statutes,
34 as amended by section 1 of this act, are repealed and the following is
35 substituted in lieu thereof (*Effective October 1, 2023*):

36 (e) (1) Each parole release panel, including any such panel for the
37 purpose of compassionate parole release or medical parole release, shall
38 be composed of three members, one of whom shall be the chairperson
39 or a full-time member designated by the chairperson to serve
40 temporarily as chairperson.

41 (2) Each pardons panel shall be composed of three members, one of
42 whom may be the chairperson.

43 (3) Each panel that discharges persons on parole from the custody of
44 the Commissioner of Correction or that terminates the period of special
45 parole for persons shall be composed of three members, one of whom
46 shall be the chairperson or a full-time member designated by the
47 chairperson to serve temporarily as chairperson.

48 (4) Each commutations panel shall be composed of three members,
49 one of whom may be the chairperson of the board who shall designate
50 one member of the panel as chairperson.

51 (f) The Board of Pardons and Paroles shall have independent
52 decision-making authority to (1) grant or deny parole in accordance
53 with sections 54-125, 54-125a, 54-125e and 54-125g, medical parole in
54 accordance with the provisions of sections 54-131a to 54-131g, inclusive,
55 as amended by this act, or compassionate parole in accordance with the
56 provisions of section 54-131k, as amended by this act, (2) establish
57 conditions of parole, medical parole, compassionate parole or special
58 parole supervision in accordance with section 54-126, (3) rescind or
59 revoke parole or special parole in accordance with sections 54-127, as
60 amended by this act, and 54-128, as amended by this act, (4) grant
61 commutations of punishment or releases, conditioned or absolute, in the
62 case of any person convicted of any offense against the state pursuant
63 to the provisions of section 11 of this act, (5) discharge any person on
64 parole, medical parole or compassionate parole or inmate eligible for
65 parole from the custody of the Commissioner of Correction pursuant to
66 section 54-129, as amended by this act, and (6) terminate special parole
67 in accordance with section 54-129, as amended by this act.

68 Sec. 3. Section 54-127 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2023*):

70 The request of the Commissioner of Correction or any officer of the
71 Department of Correction so designated by the commissioner, or of the
72 Board of Pardons and Paroles or its chairman shall be sufficient warrant
73 to authorize any officer of the Department of Correction or any officer
74 authorized by law to serve criminal process within this state, to return
75 any convict or inmate on parole, medical parole or compassionate

76 parole into actual custody; and any such officer, police officer, constable
77 or state marshal shall arrest and hold any parolee or inmate when so
78 requested, without any written warrant.

79 Sec. 4. Section 54-127a of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective October 1, 2023*):

81 All parole revocation and rescission hearings shall be conducted by
82 an employee of the Board of Pardons and Paroles. The parole of a person
83 who has been allowed to go on parole in accordance with subsection (a)
84 of section 54-125a, [or] section 54-125g, sections 54-131a to 54-131g,
85 inclusive, as amended by this act, or section 54-131k, as amended by this
86 act, or who has been sentenced to a period of special parole in
87 accordance with subdivision (9) of subsection (b) of section 53a-28, shall
88 be revoked or rescinded if, after such hearing, the employee
89 recommends such revocation or rescission and such recommendation is
90 approved by at least two members of a panel of the board.

91 Sec. 5. Subsection (a) of section 54-128 of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective October*
93 *1, 2023*):

94 (a) Any paroled inmate, including an inmate allowed to go on parole
95 pursuant to sections 54-131a to 54-131g, inclusive, as amended by this
96 act, or section 54-131k, as amended by this act, who has been returned
97 to any institution of the Department of Correction for violation of such
98 inmate's parole may be retained in a correctional institution for a period
99 equal to the unexpired portion of the term of such inmate's sentence at
100 the date of the request or order for such inmate's return less any
101 commutation or diminution of such inmate's sentence earned, except
102 that the Board of Pardons and Paroles may, in its discretion, determine
103 that such inmate shall forfeit any or all of such earned time, or may be
104 again paroled by said board.

105 Sec. 6. Subsection (a) of section 54-129 of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective October*
107 *1, 2023*):

108 (a) If it appears to the appropriate panel of the Board of Pardons and
109 Paroles that any person on parole, medical parole or compassionate
110 parole or inmate eligible for parole, medical parole or compassionate
111 parole or any person serving a period of special parole will lead an
112 orderly life, the panel, by a unanimous vote, may (1) declare such person
113 on parole, medical parole or compassionate parole or inmate discharged
114 from the custody of the Commissioner of Correction, or (2) at any time
115 during such person's period of special parole, terminate such period,
116 without a court order, before such person completes such period.

117 Sec. 7. Section 54-131a of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

123 Sec. 8. Section 54-131b of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2023*):

125 [The] A panel of the Board of Pardons and Paroles may release on
126 medical parole any inmate serving any sentence of imprisonment,
127 except an inmate convicted of a capital felony under the provisions of
128 section 53a-54b in effect prior to April 25, 2012, or murder with special
129 circumstances under the provisions of section 53a-54b in effect on or
130 after April 25, 2012, who has been diagnosed pursuant to section 54-131c
131 as suffering from a terminal condition, disease or syndrome, and is so
132 debilitated or incapacitated by such condition, disease or syndrome as
133 to be physically incapable of presenting a danger to society.
134 Notwithstanding any provision of the general statutes to the contrary,
135 the Board of Pardons and Paroles may release such inmate at any time
136 during the term of such inmate's sentence.

137 Sec. 9. Section 54-131k of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective October 1, 2023*):

139 (a) The Board of Pardons and Paroles may grant a compassionate
140 parole release to any inmate serving any sentence of imprisonment,
141 except an inmate convicted of a capital felony under the provisions of
142 section 53a-54b in effect prior to April 25, 2012, or murder with special
143 circumstances under the provisions of section 53a-54b in effect on or
144 after April 25, 2012, if [it] the panel finds that such inmate (1) is so
145 physically or mentally debilitated, incapacitated or infirm as a result of
146 advanced age or as a result of a condition, disease or syndrome that is
147 not terminal as to [be physically incapable of presenting a] present a
148 significantly reduced risk of danger to society, and (2) (A) has served
149 not less than one-half of such inmate's definite or aggregate sentence, or
150 (B) has served not less than one-half of such inmate's remaining definite
151 or aggregate sentence after commutation of the original sentence by the
152 Board of Pardons and Paroles.

153 (b) (1) During a major disaster or an emergency declaration by the
154 President of the United States covering any part of the state, or an
155 emergency declaration issued by the Governor, that shall include, but
156 need not be limited to, those declarations issued concerning any disease
157 epidemic, public health emergency or natural disaster, a panel of the
158 Board of Pardons and Paroles may grant a compassionate parole release
159 to any inmate serving any sentence of imprisonment, except an inmate
160 convicted of a capital felony under the provisions of section 53a-54b in
161 effect prior to April 25, 2012, or murder with special circumstances
162 under the provisions of section 53a-54b in effect on or after April 25,
163 2012, at any time during the term of such inmate's sentence, if the panel
164 finds (A) circumstances exist which pose a higher risk of harm to such
165 inmate should such inmate remain confined, and (B) such inmate
166 presents a reduced risk of presenting any danger to society.

167 (2) Any person granted a compassionate parole release pursuant to
168 this subsection shall, upon expiration or termination of the major
169 disaster or emergency declaration, be ordered to appear before the
170 Board of Pardons and Paroles or any special panel thereof appointed
171 pursuant to this section not later than twenty days after such expiration
172 or termination for a hearing as to whether such compassionate parole

173 release shall be revoked, continued or modified. The Board of Pardons
174 and Paroles or any special panel thereof shall revoke a compassionate
175 parole release if the board or panel finds (A) the risk of harm to such
176 person should such person be confined is no longer higher than prior to
177 the major disaster or emergency declaration, and (B) returning such
178 person to confinement is in the best interest of public safety.

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

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

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

191 (f) Not later than October 1, 2024, and annually thereafter, the Board
192 of Pardons and Paroles shall report, in accordance with the provisions
193 of section 11-4a, to the joint standing committee of the General
194 Assembly having cognizance of matters relating to the judiciary (1) the
195 number of persons granted compassionate parole release in the prior
196 year, (2) the number of such persons released who have been arrested
197 in the prior year, (3) the number of such persons released who have been
198 ordered reconfined based upon violations of the terms or conditions of
199 compassionate parole release in the prior year, and (4) the number of
200 such persons released who have been sentenced to confinement
201 pursuant to a separate and unrelated offense.

202 Sec. 10. (NEW) (*Effective October 1, 2023*) (a) The Commissioner of
203 Correction may grant public health emergency release credits in
204 accordance with subsection (b) of this section to any inmate who is

205 serving a sentence of imprisonment whose scheduled release date is
206 within one year of the issuance of a declaration described in subsection
207 (b) of this section, except to an inmate who is sentenced for a violation
208 of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a,
209 53a-70c or 53a-100aa of the general statutes, or who is a persistent
210 dangerous felony offender or persistent dangerous sexual offender
211 pursuant to section 53a-40 of the general statutes.

212 (b) Notwithstanding any provision of the general statutes, during a
213 major disaster or an emergency declaration by the President of the
214 United States covering any part of the state, or an emergency declaration
215 issued by the Governor, that shall include, but need not be limited to,
216 those declarations issued concerning any disease epidemic, public
217 health emergency or natural disaster, the commissioner may award
218 public health emergency release credits to any inmate described in
219 subsection (a) of this section who is serving a sentence of imprisonment
220 during the time period covered by such major disaster or declaration
221 toward a reduction of such inmate's term of imprisonment, in an
222 amount equal to one hundred twenty-two days per month for each
223 month such inmate is imprisoned during the period covered by such
224 declaration, the amount of which shall be reduced pro rata for any
225 month that did not fall entirely during the period covered by such
226 declaration. The commissioner shall not award more than two hundred
227 forty-four days' worth of credits to any such inmate during the time
228 period covered by any such declaration.

229 (c) Any credit awarded under this section may only be awarded
230 during the period of time that the inmate is sentenced to a term of
231 imprisonment and committed to the custody of the commissioner and
232 may not be transferred or applied to a subsequent term of
233 imprisonment. In no event shall any credit awarded under this section
234 be applied so as to reduce a mandatory minimum term of imprisonment
235 such inmate is required to serve by statute.

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

238 Sec. 11. (NEW) (*Effective from passage*) (a) The Board of Pardons and
239 Paroles, established pursuant to section 54-124a of the general statutes,
240 as amended by this act, may, upon application and by majority decision
241 of a commutations panel of the board, commute any sentence of an
242 incarcerated person pursuant to the provisions of this section.

243 (b) No applicant is eligible for consideration for commutation unless
244 the applicant is an incarcerated person at the time of application and
245 will remain an incarcerated person throughout the entire review of the
246 application. The board shall not commute the sentence of any person
247 who:

248 (1) Is serving a sentence of life imprisonment, as defined in section
249 53a-35b of the general statutes;

250 (2) Is serving a total effective sentence that in the aggregate term or
251 terms of imprisonment is ten years or less;

252 (3) Has served less than ten years of the total effective sentence for
253 which such person is applying for commutation;

254 (4) Has had a charge nolleed during the thirteen months prior to
255 submitting the application or during the period of review of such
256 application;

257 (5) Has had an application for commutation denied by a panel of the
258 board during the five years prior to submitting the application or during
259 the period of review of such application;

260 (6) Has had commutation revoked during the five years prior to
261 submitting the application or during the period of review of such
262 application;

263 (7) Has unresolved court fees or fines at the time of application;

264 (8) Has pending criminal charges or cases against such person in this
265 or another state or a territory of the United States or under federal
266 jurisdiction; or

267 (9) Has a valid outstanding warrant issued for the arrest of such
268 person by an officer of this or another state or a territory of the United
269 States or under federal jurisdiction.

270 (c) In carrying out the provisions of this section, the board shall:

271 (1) Receive, review and process applications of each incarcerated
272 person seeking to have such person's sentence commuted;

273 (2) Ensure that no applicant's case is referred to a commutations panel
274 for the purposes of commuting a sentence prior to verification by an
275 employee of the board that an applicant is eligible pursuant to
276 subsection (b) of this section;

277 (3) Ensure that applications are reviewed in a timely manner; and

278 (4) Process revocations pursuant to subsection (j) of this section.

279 (d) Any person seeking a commutation of a sentence may apply to
280 Board of Pardons and Paroles on a form and in such manner as the board
281 prescribes. Such applicant shall, under penalties of perjury, complete
282 the application in its entirety and attest to its accuracy. The applicant
283 shall include with any such application (1) all available police reports
284 relevant to the applicant's conviction or convictions for which the
285 applicant is seeking a commutation of a sentence or sentences, (2) an
286 affirmation that such applicant is not a person described in any
287 provision of subdivisions (1) to (9), inclusive, of subsection (b) of this
288 section, and (3) any other information or authorization for the board to
289 obtain information relevant to a conviction or convictions for any such
290 sentence for which a commutation is sought as the board may require.

291 (e) The board shall review each application for any person eligible for
292 a commutation and verify that the application is in compliance with the
293 requirements of this section. As part of such verification process, the
294 board shall (1) ensure that the applicant is eligible pursuant to
295 subsection (b) of this section, (2) ensure that the application is complete
296 pursuant to subsection (d) of this section, (3) conduct background
297 investigations as the board deems appropriate, (4) obtain and compile

298 information as a commutations panel may request for the panel's review
299 pursuant to subsection (f) or (g) of this section, (5) document any action
300 or disposition relevant to the application, (6) prepare and include with
301 each application a written summary of the application and information
302 obtained through background investigations conducted pursuant to
303 subdivision (3) of this subsection, and (7) verify all relevant information
304 is included in the application and that the applicant is eligible for a
305 sentence commutation pursuant to the provisions of this section. The
306 board shall refer each verified application to a commutations panel of
307 the board for consideration and transmit such application to the Office
308 of the Chief State's Attorney.

309 (f) (1) A commutations panel in receipt of any application referred
310 pursuant to subsection (e) of this section shall schedule an
311 administrative review of eligibility by such panel and ensure that each
312 application is reviewed by such panel in a timely manner.

313 (2) Upon completion of each such review, the commutations panel
314 shall, by a majority vote of the panel: (A) Deny the eligibility of
315 applicant; (B) recommend the application be scheduled for a suitability
316 hearing pursuant to subsection (g) of this section; or (C) continue the
317 application for good cause.

318 (3) The board shall inform, in writing, each applicant and the Office
319 of the Chief State's Attorney of any decision made pursuant to
320 subdivision (2) of this subsection. If the application is denied, the board
321 shall include a statement addressing the reasons such applicant is not
322 eligible for a sentence commutation.

323 (g) (1) The Board of Pardons and Paroles shall meet at least twice
324 annually to hear applications recommended for a suitability hearing
325 pursuant to subdivision (2) of subsection (f) of this section.

326 (2) At least ninety days prior to the scheduled date of any such
327 hearing, the board shall ensure that: (A) The Office of Victim Services is
328 informed of a hearing date for the purpose of notifying any victim of a
329 crime committed by the applicant for which the applicant is seeking a

330 sentence commutation pursuant to subsection (a) of section 54-230 of the
331 general statutes, as amended by this act; and (B) the Office of the Chief
332 State's Attorney is in receipt of a copy of the applicant's application and
333 all relevant documentation in possession of the board. The Office of the
334 Chief State's Attorney shall assign an assistant state's attorney or deputy
335 assistant state's attorney to attend each such hearing pursuant to this
336 section.

337 (3) The following persons may appear in person or using audio or
338 video connections before a commutations panel during a hearing
339 pursuant to this subsection:

340 (A) The applicant;

341 (B) The applicant's attorney;

342 (C) Any victim of a crime for which the board is considering a
343 commutation, or if a victim cannot be located, a representative of the
344 Office of the Victim Advocate;

345 (D) A state's attorney, assistant state's attorney or deputy assistant
346 state's attorney assigned to be present and participate in the hearing
347 by the Office of the Chief State's Attorney's Office pursuant to section
348 51-281 of the general statutes, as amended by this act; or

349 (E) Any other person authorized by the chairperson of the
350 commutations panel, provided such person can provide testimony
351 relevant to the application for commutation.

352 (4) An employee of the board shall administer oaths pursuant to
353 sections 1-22 and 1-25 of the general statutes.

354 (5) In formulating its decision, the commutations panel shall
355 consider the application and evidence and determine the suitability of
356 the applicant for a sentence commutation subject to the following:

357 (A) The seriousness and recency of the applicant's conviction or
358 convictions;

359 (B) The applicant's conduct while serving the sentence or
360 sentences;

361 (C) The impact of the applicant's conviction or convictions on
362 victims and the community;

363 (D) Whether, and the extent to which, the applicant has been
364 rehabilitated since sentencing;

365 (E) Whether, and the extent to which, a commutation will provide
366 a benefit to the applicant;

367 (F) Whether, and the extent to which, a commutation will provide
368 a benefit to society;

369 (G) The length of the applicant's sentence or sentences;

370 (H) Whether, and the extent to which, the length and form of the
371 applicant's sentence or sentences is consistent with contemporary
372 sentencing practices;

373 (I) Whether, and the extent to which, the applicant is suffering from
374 a terminal illness or has a severe and chronic disability that may be
375 substantially mitigated by a commutation;

376 (J) Whether, and the extent to which, continued service of the
377 applicant's sentence or sentences are in the interests of justice;

378 (K) Whether the applicant has also applied for or received a
379 sentence modification; and

380 (L) Any extraordinary circumstances that favor commutation of the
381 applicant's sentence or sentences.

382 (6) Upon completion of each such hearing, the commutations panel
383 shall by a majority vote of the panel: (A) Grant a commutation, (B) deny
384 the application; or (C) continue the application for good cause.

385 (7) The board shall inform, in writing, (A) each applicant, (B) any

386 victim of a crime committed by the applicant for which the applicant is
387 seeking a sentence commutation, or the Office of the Victim Advocate if
388 any such victim cannot be located, and (C) The Office of the Chief State's
389 Attorney of any decision made pursuant to subdivision (6) of this
390 subsection. The board shall include a statement addressing the weight
391 the commutations panel assigned to relevant information in the
392 record when evaluating the criteria pursuant to subdivision (5) of
393 this subsection and pertinent testimony considered by the panel
394 during the hearing in rendering a decision.

395 (h) (1) In the case of any commutation granted pursuant to subsection
396 (g) of this section and prior to issuing a Certificate of Commutation, the
397 board shall notify the following persons, agencies or entities that such
398 commutation has been granted: (A) The Department of Correction, (B)
399 the State Police Bureau of Identification, (C) the Office of Victim
400 Services of the Judicial Branch for the purpose of notifying any
401 known victim, (D) the Court Support Services Division of the Judicial
402 Branch, and (E) any other individual, agency or entity specified by
403 the chairperson of the board.

404 (2) If a commutation is granted, the board shall issue a Certificate of
405 Commutation, signed by the chairperson of the board and under seal of
406 the board, to the applicant and the facility of the Department of
407 Correction in which such applicant is serving such applicant's sentence.
408 Each such certificate shall include the: (A) Name of the person receiving
409 the sentence commutation; (B) sentence or sentences or any portion of
410 such sentence or sentences commuted; and (C) specifics of the
411 commutation, including, but not limited to, the effective date of any
412 such sentence that is commuted, as described in subsection (i) of this
413 section.

414 (i) A commutation issued pursuant to subsection (g) of this section
415 shall take effect on the fifteenth business day after a commutations panel
416 grants such commutation, unless the board suspends or revokes such
417 commutation pursuant to subsection (j) of this section.

418 (j) (1) The board may, pursuant to the provisions of this subsection,

419 suspend or revoke a sentence commutation granted pursuant to
420 subsection (g) of this section at any time before the recipient of the
421 sentence commutation is released from a correctional facility pursuant
422 to the commutation panel's decision. If the board suspends or revokes a
423 sentence commutation, the board shall immediately notify the
424 Commissioner of Correction of any suspension or revocation
425 pursuant to this subsection. The Commissioner of Correction shall
426 retain custody of any applicant whose sentence commutation is
427 under suspension or revoked. In the case of a suspension, the
428 commissioner shall retain custody of the applicant until a
429 determination is made whether to revoke or lift the suspension of the
430 sentence commutation.

431 (2) The board may only suspend a sentence commutation under the
432 following circumstances:

433 (A) The applicant, since the date of submission of the application
434 for the commutation, was (i) arrested, or there is a valid outstanding
435 warrant for arrest by an officer of this or another state or a territory of
436 the United States or under federal jurisdiction, or (ii) convicted or
437 charged with the commission of a crime in this or another state or a
438 territory of the United States or under federal jurisdiction;

439 (B) The application upon which the commutation was granted
440 contains material information that is false or misleading;

441 (C) The applicant, since the date of submission of the application
442 for the commutation, is the subject of an unresolved investigation of
443 a suspected disciplinary offense or has been found to have
444 committed a disciplinary offense by the Department of Correction;
445 or

446 (D) Other significant new information or circumstances exist that
447 were not previously considered by the commutations panel when
448 considering the applicant's application for the commutation.

449 (3) If the chairperson of the board determines that an applicant for

450 whom a sentence has been commuted is an applicant described in
451 subparagraph (A) of subdivision (2) of this subsection, the board
452 shall automatically revoke a commutation without a hearing,
453 meeting or action of a commutations panel.

454 (4) (A) In the case of any other suspended commutation not
455 subject to automatic revocation pursuant to subdivision (3) of this
456 section, a commutations panel shall, not later than thirty calendar
457 days after a suspension pursuant to subdivision (2) of this
458 subsection, conduct an administrative revocation review of such
459 suspension. Except as otherwise provided by the chairperson of the
460 board, only the commutations panel that granted the applicant's
461 commutation subject to such revocation review may revoke such
462 commutation.

463 (B) (i) Upon completion of such review, the commutations panel shall
464 by a majority vote of the panel: (I) Approve the revocation; (II)
465 disapprove the revocation and overturn the suspension of the
466 commutation; or (III) schedule a hearing to determine whether to revoke
467 such commutation.

468 (ii) The commutations panel shall permit the applicant, the
469 applicant's attorney, and a state's attorney, assistant state's attorney or
470 deputy assistant state's attorney assigned by the Office of the Chief
471 State's Attorney's Office pursuant to section 51-281 of the general
472 statutes, as amended by this act, and any other person authorized by
473 the chairperson of the commutations panel, provided such person
474 can provide testimony relevant to the application for commutation
475 to be present and participate in the hearing, which shall be conducted
476 in the same manner as provided in subsection (g) of this section.

477 (C) The board shall inform, in writing, (i) the applicant subject to the
478 request for revocation, (ii) any victim of a crime committed by the
479 applicant for which the applicant was granted a sentence commutation,
480 (iii) the Department of Correction, (iv) the State Police Bureau of
481 Identification, (v) the Office of Victim Services of the Judicial Branch,
482 (vi) the Court Support Services Division of the Judicial Branch, and

483 (vii) the Office of the Division of Criminal Justice, of any
484 determination made by the board or commutations panel concerning
485 suspension or revocation pursuant to this subsection, which shall
486 include the decision of the board or panel, any reason for the decision
487 and the weight the board or panel assigned to relevant information
488 in the record when rendering its decision.

489 (k) The board may amend a commutation or Certificate of
490 Commutation to correct a technical error or address an omission. The
491 board shall notify the recipient of the commutation and the
492 Department of Correction, the State Police Bureau of Identification,
493 the Office of Victim Services of the Judicial Branch, the Court Support
494 Services Division of the Judicial Branch and any other individual,
495 agency or entity specified by the chairperson of the board of any such
496 amendment and issue an amended certificate to the recipient of the
497 commutation and the facility of the Department of Correction in which
498 such applicant is serving such applicant's sentence or from which the
499 applicant was released.

500 (l) The board shall electronically record all proceedings of any
501 administrative review, hearing or meeting conducted by a
502 commutations panel of the board or the board pursuant to this section
503 and make such records available to the public on an Internet web site
504 operated by the board no later than five days following the creation of
505 such records.

506 Sec. 12. Subsection (a) of section 54-230 of the general statutes is
507 repealed and the following is substituted in lieu thereof (*Effective*
508 *from passage*):

509 (a) [Upon] (1) Except as provided in subdivision (2) of this section,
510 upon receipt of notice from an inmate pursuant to section 54-227, the
511 Office of Victim Services shall notify by mail all persons who have
512 requested to be notified pursuant to subsection (a) of section 54-228 and
513 section 54-229 whenever such inmate makes application for release or
514 sentence reduction or review. Such notice shall be in writing and notify
515 each person of the nature of the release or sentence reduction or review

516 being applied for, the address and telephone number of the board or
517 agency to which the application by the inmate was made, and the date
518 and place of the hearing or session, if any, scheduled on the application.

519 (2) In the case of an inmate seeking commutation of a sentence
520 pursuant to section 11 of this act, the Office of Victim Services shall send
521 notice pursuant to subdivision (1) of this section only if the inmate
522 seeking commutation is granted a hearing. Any such notification shall
523 be sent as soon as practicable, but no less than thirty days prior to any
524 such hearing.

525 Sec. 13. Subsection (a) of section 54-230a of the general statutes is
526 repealed and the following is substituted in lieu thereof (*Effective from*
527 *passage*):

528 (a) [Upon] (1) Except as provided in subdivision (2) of this subsection,
529 upon receipt of notice from an inmate pursuant to section 54-227, the
530 Victim Services Unit within the Department of Correction shall notify
531 by mail all persons who have requested to be notified pursuant to
532 subsection (a) of section 54-228 and section 54-229 whenever such
533 inmate makes application for release or sentence reduction or review.
534 Such notice shall be in writing and notify each person of the nature of
535 the release or sentence reduction or review being applied for, the
536 address and telephone number of the board or agency to which the
537 application by the inmate was made, and the date and place of the
538 hearing or session, if any, scheduled on the application.

539 (2) In the case of an inmate seeking commutation of a sentence
540 pursuant to section 11 of this act, the Victim Services Unit within the
541 Department of Correction shall send notice pursuant to subdivision (1)
542 of this section only if the inmate seeking commutation is granted a
543 hearing. Any such notification shall be sent as soon as practicable, but
544 no less than thirty days prior to any such hearing.

545 Sec. 14. Section 51-281 of the general statutes is repealed and the
546 following is substituted in lieu thereof (*Effective from passage*):

547 (a) The Chief State's Attorney and each deputy chief state's attorney,
548 state's attorney, assistant state's attorney and deputy assistant state's
549 attorney, including the deputy chief state's attorney acting as the
550 Inspector General and any state's attorney, assistant state's attorney or
551 deputy assistant state's attorney operating under the direction of the
552 Office of the Inspector General established under section 51-277e, shall
553 be qualified to act in any judicial district in the state and in connection
554 with any matter regardless of the judicial district where the offense took
555 place, and may be assigned to act in any judicial district at any time on
556 designation by the Chief State's Attorney or the Inspector General, as
557 applicable.

558 (b) The Chief State's Attorney shall assign a state's attorney, assistant
559 state's attorney or deputy assistant state's attorney who shall have the
560 right to be present and participate in each hearing pursuant to section
561 11 of this act.

562 Sec. 15. Subsection (a) of section 54-124a of the general statutes is
563 repealed and the following is substituted in lieu thereof (*Effective from*
564 *passage*):

565 (a) [(1)] There shall be a Board of Pardons and Paroles within the
566 Department of Correction, for administrative purposes only. On and
567 after July 1, 2015, the board shall consist of ten full-time and up to five
568 part-time members appointed by the Governor with the advice and
569 consent of both houses of the General Assembly. The term of any part-
570 time member serving on the board on June 30, 2015, shall expire on said
571 date. On or after July 1, 2015, the Governor may appoint up to five
572 persons to serve as part-time members. In the appointment of the
573 members, the Governor shall specify if the member is being appointed
574 as full-time or part-time. In the appointment of the members, the
575 Governor shall comply with the provisions of section 4-9b. The
576 Governor shall, with the advice and consent of both houses of the
577 General Assembly, appoint a chairperson from among the membership.
578 If the position of chairperson becomes vacant when the General
579 Assembly is not in regular session, the longest-serving member of the

580 board shall serve as the chairperson until a successor is appointed and
 581 qualified during the next regular session of the General Assembly. The
 582 members of the board shall be qualified by education, experience or
 583 training in the administration of community corrections, parole or
 584 pardons, criminal justice, criminology, the evaluation or supervision of
 585 offenders or the provision of mental health services to offenders. Each
 586 appointment of a member of the board submitted by the Governor to
 587 the General Assembly, except as provided in subdivision (2) of this
 588 subsection, shall be referred, without debate, to the joint standing
 589 committee of the General Assembly having cognizance of matters
 590 relating to the judiciary which shall report on each appointment not
 591 later than thirty legislative days after the date of reference.

592 [(2) If, not later than September 1, 2015, the Governor appoints a part-
 593 time member and such member was previously a member whose term
 594 expired June 30, 2015, such appointment shall take effect immediately
 595 without confirmation by the General Assembly.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	54-124a(e) and (f)
Sec. 2	<i>October 1, 2023</i>	54-124a(e) and (f)
Sec. 3	<i>October 1, 2023</i>	54-127
Sec. 4	<i>October 1, 2023</i>	54-127a
Sec. 5	<i>October 1, 2023</i>	54-128(a)
Sec. 6	<i>October 1, 2023</i>	54-129(a)
Sec. 7	<i>October 1, 2023</i>	54-131a
Sec. 8	<i>October 1, 2023</i>	54-131b
Sec. 9	<i>October 1, 2023</i>	54-131k
Sec. 10	<i>October 1, 2023</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	54-230(a)
Sec. 13	<i>from passage</i>	54-230a(a)
Sec. 14	<i>from passage</i>	51-281
Sec. 15	<i>from passage</i>	54-124a(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Correction, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the circumstances under which compassionate parole can be granted, creates a public health release credit¹, and establishes a process for commutations resulting in a potential marginal savings to the Department of Correction to the extent these situations occur and inmates are granted parole or have their sentences reduced. On average, the annual marginal savings to the state for releasing an offender is \$2,500.²

House "A" strikes the underlying bill and its associated fiscal impact resulting in the impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject the extent additional inmates receive compassionate parole, commutations, or receive public health release credits.

¹ Public health release credits reduce an inmate's sentence during a declared major disaster or emergency.

² Inmate marginal savings is based on decreased consumables (e.g. food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis**sHB 6738 (as amended by House "A")******AN ACT CONCERNING COMPASSIONATE OR MEDICAL PAROLE AND CREDITS AWARDED FOR RELEASE DURING AN EMERGENCY DECLARATION.*****SUMMARY**

This bill expands the circumstances under which the Board of Pardons and Parole may grant compassionate parole. It does so by (1) lowering the "danger to society" threshold for certain inmates' conditions for release and (2) generally allowing these releases during a major disaster or emergency declaration, such as any disease epidemic. Releases may be made at any time during the inmate's sentence if the parole release panel finds that (1) existing circumstances pose a higher risk of harm to the inmate if he or she remains confined and (2) the inmate presents a reduced risk of presenting any danger to society.

The bill also conforms the law to current practice by specifying that three-member panels determine when and under what conditions an inmate serving a prison sentence may be released on medical or compassionate parole. As under existing law, the release panel (1) is composed of three members and (2) may, with certain conditions, release any inmate on medical or compassionate parole, except those convicted of a capital felony or murder with special circumstances.

The bill, with certain exceptions, establishes a public health release credit that may be awarded to inmates toward release from imprisonment during a declared major disaster or emergency. It authorizes the Department of Correction (DOC) commissioner to grant credits to inmates serving a prison sentence whose scheduled release date is within one year after such a declaration. Under this new credit

system, the commissioner may reduce an eligible inmate's prison term by 122 days for each month he or she is imprisoned during the period covered by the declaration (prorated for partial months), for up to 244 days' worth of credit during that period.

Regarding the commutation of sentences, with certain exceptions, the bill generally codifies into statute the Board of Pardons and Paroles current commutation policy (Policy Number: III.02). It limits the board's independent decision-making authority to grant commutations under current law by requiring the board to do so pursuant to the bill's provisions. It also requires the governor's appointment of the board's chairperson to be done with the advice and consent of the General Assembly. The bill requires the board to meet at least semi-annually to conduct suitability hearings for eligible applicants.

The bill also makes minor, technical, and conforming changes.

*House Amendment "A" (1) strikes the underlying bill and replaces it with similar provisions on medical and compassionate release that (a) remove specific reference to the COVID-19 pandemic as a factor to be considered in granting such releases and (b) allow, rather than require, the DOC commissioner to award public health release credits and (2) adds provisions that (a) generally codify the Board of Pardons and Paroles current commutation policy; (b) limit the board's independent decision-making authority to grant commutations or releases; (c) require the governor's appointment of the board's chairperson to be done with the advice and consent of the General Assembly; (d) specify the composition of a commutation panel; and (e) remove obsolete language, including references to the death penalty.

EFFECTIVE DATE: October 1, 2023, except the provisions related to the commutation of sentences are effective upon passage.

§§ 2-8 — MEDICAL AND COMPASSIONATE PAROLE

The bill explicitly gives the Board of Pardons and Paroles independent decision-making authority to grant medical parole or compassionate parole, establish their conditions, and discharge anyone

on these paroles from DOC custody.

It also brings medical and compassionate parole under certain procedures for parole release. Under current law:

1. upon a request to return a person to custody made by certain individuals (e.g., DOC commissioner) authorized to serve criminal process, a law enforcement official must arrest and hold the person without written warrant (CGS § 54-127);
2. a parolee's parole must be revoked or rescinded after a hearing when a board employee recommends it and at least two members of a board panel approve it (CGS § 54-127a);
3. inmates returned to a DOC institution for violating parole may generally be retained in a correctional institution for the unexpired portion of their sentence with certain possible deductions (CGS § 54-128); and
4. if it appears to the appropriate panel that a person or inmate on parole will lead an orderly life, the panel may, by unanimous vote, declare the person discharged from DOC custody or terminate the special parole period, without a court order, before the period is completed (CGS § 54-129).

The bill expands these provisions to also cover those on medical and compassionate parole.

§ 9 — COMPASSIONATE PAROLE RELEASE

The bill lowers the "danger to society" threshold for certain inmates' conditions for release under a compassionate parole.

Under current law, the board may grant compassionate parole release to an inmate if, among other things, he or she is so physically or mentally debilitated, incapacitated, or infirm due to advanced age or a non-terminal condition, disease, or syndrome, as to be physically incapable of presenting a danger to society. Under the bill, the inmate must instead present a significantly reduced risk of danger to society

rather than being physically incapable of presenting a danger to society.

As under existing law, to be eligible for compassionate release, an inmate must also have served at least half of his or her sentence, or half after the board commuted the original sentence.

Emergency Declaration or Major Disaster

The bill allows the panel to grant a compassionate parole release to any inmate (other than those convicted of a capital felony or murder with special circumstances as described above) serving a prison sentence during certain major disaster or emergency declarations. These declarations are those issued by the president covering any part of the state or by the governor, including those related to any disease epidemic, public health emergency, or a natural disaster.

The release may be at any time during the inmate's sentence if the panel finds (1) circumstances exist that pose a higher risk of harm to the inmate if he or she remains confined and (2) the inmate presents a reduced risk of presenting any danger to society.

Under the bill, anyone granted compassionate parole release must be ordered to appear before the board or an appointed special panel within 20 days after the emergency's expiration or termination for a hearing on whether the parole should be revoked, continued, or modified. The board or panel must revoke the parole release if it finds (1) the risk of harm to the person if confined is no longer higher than before the major disaster or emergency declaration and (2) returning the person to confinement is in the best interest of public safety.

Rules and Regulations After Release

Under current law, anyone granted compassionate parole must be released subject to the board's terms and conditions and supervised by DOC. The bill instead requires that they be supervised by rules and regulations the board established. As under existing law, the chairperson enforces the rules, regulations, and provisions and can retake and imprison the parolee for any reason the panel, or the chairperson with the panel's approval, deems sufficient. The

chairperson can detain a person pending the panel's approval (CGS § 54-126).

Special Panel

The bill allows the board's chairperson to appoint a special panel to implement the bill's compassionate parole provisions and review and decide requests for these paroles on an emergency basis. The bill requires the chairperson to act as expeditiously as possible in all cases.

Applicability for Other Paroles

The bill specifies that the compassionate parole provisions, both under existing law and the bill, do not affect an inmate's eligibility for any other form of parole or release provided by law.

Reporting

Starting by October 1, 2024, the bill requires the board to annually report to the Judiciary Committee on the number of:

1. inmates granted compassionate parole release in the prior year,
2. individuals released who were arrested in the prior year,
3. individuals released who were ordered re-confined for violating their release terms or conditions in the prior year, and
4. individuals released who were sentenced to confinement on a separate and unrelated offense.

§ 10 — PUBLIC HEALTH EMERGENCY RELEASE CREDITS

The bill allows the DOC commissioner to grant public health release credits to any inmate serving a prison sentence whose scheduled release date is within one year after certain major disaster or emergency declarations. This does not apply to an inmate who is a persistent dangerous felony offender, persistent dangerous sexual offender, or those who committed:

1. murder (CGS § 53a-54a),

2. murder with special circumstances (CGS § 53a-54b),
3. felony murder (CGS § 53a-54c),
4. arson murder (CGS § 53a-54d),
5. 1st degree manslaughter (CGS § 53a-55),
6. 1st degree manslaughter with a firearm (CGS § 53a-55a),
7. 1st degree aggravated sexual assault (CGS § 53a-70a),
8. aggravated sexual assault of a minor (CGS § 53a-70c), or
9. home invasion (CGS § 53a-100aa).

Regardless of any provision in existing law, the DOC commissioner may award public health release credits to any eligible inmate serving a sentence during the period covered by the declaration. The credits count toward reducing the inmate's imprisonment term by 122 days for each month the inmate is imprisoned during the period covered by the declaration. The credit must be prorated for partial months within the period. A covered declaration is the same as those for compassionate parole release during a major disaster or emergency declaration (see above). The commissioner must not award more than 244 days' worth of credit to any inmate during any declaration.

Under the bill, any credit awarded may only be awarded during the time an inmate is sentenced to a prison term and committed to the DOC commissioner's custody. It may not (1) be transferred or applied to a subsequent prison term, (2) be applied to reduce a mandatory minimum term the inmate must serve by law, or (3) affect an inmate's eligibility for any other form of parole or release.

§§ 1 & 11-15 — COMMUTATION OF SENTENCES

With certain exceptions, the bill generally codifies into statute the Board of Pardons and Paroles current commutation policy (Policy Number: III.02) on:

1. eligibility and application requirements;
2. review and verification of applications;
3. board employees' responsibilities;
4. administrative review;
5. hearings;
6. suitability guidelines;
7. written decisions;
8. victim notifications;
9. commutation certificates; and
10. amendments, revocations, and electronic recordings.

The primary variations from the policy are highlighted below.

Board's Authority and Responsibilities

The bill limits the Board of Pardons and Paroles' independent decision-making authority to grant commutations under current law, by requiring the board to exercise this authority under the bill's provisions.

As under the current policy, the board is primarily responsible for receiving, reviewing, and processing commutation applications in a timely manner; ensuring that applicants are eligible, conducting suitability hearings, and processing any revocations.

Appointment of the Board's Chairperson

Under current law, the governor must appoint the board's chairperson from its members. The bill requires the governor to do so with the advice and consent of the General Assembly.

Under the bill, if the position of chairperson becomes vacant when the General Assembly is not in regular session, the longest-serving member becomes the chairperson until a successor is appointed and

qualified during the General Assembly's next regular session.

Commutation Panel Composition

Under the bill, each commutation panel must be composed of three members, and may include the board's chairperson. The chairperson must designate one panel member as the panel's chair.

Eligibility

The bill does not allow the board's chairperson to waive any eligibility requirements. The policy allowed the chairperson to waive any or all the eligibility requirements under certain conditions.

Under the bill, an inmate whose application for commutation was denied or certificate revoked within the last five years is not eligible to have their application considered. The policy uses a three-year threshold.

Suitability Hearings (§§ 11 & 14)

The bill requires the board to meet at least semi-annually to conduct suitability hearings for eligible applicants.

At least 90 days before the hearing date, the bill requires the board to ensure that the:

1. Office of Victim Services (OVS) is informed about a hearing date to notify any applicable victim; and
2. Office of the Chief State's Attorney receives a copy of the application and all relevant documentation the board has.

The bill requires the Office of the Chief State's Attorney to assign an assistant state's attorney or deputy assistant state's attorney to attend each hearing. Under the bill, these individuals have a right to participate in any commutation-related hearings (i.e., suitability and revocation).

Victim Notification

Under current law, when an inmate requests a release or sentence reduction review, OVS must notify, by mail, all persons who have asked

to be notified.

The bill makes an exception and instead requires OVS to notify a victim only if the inmate seeking commutation is granted a hearing. The notification must be sent as soon as practicable, but at least 30 days before the hearing.

Commutation Effective Date

Under the bill, if a commutation panel grants a commutation, it must take effect on the 15th business day after it was granted, unless the board suspends or revokes it. Under the policy, the commutation takes effect on the 14th business day after it was granted.

Commutation Suspension

Board policy generally allows a commutation to be suspended or revoked within 14 days after a commutation decision or before the offender is released from a correction facility under certain conditions (e.g., if the application contained fraudulent information). The bill (1) allows the board to revoke or suspend a commutation any time before an offender is released for fraud, an ongoing unresolved investigation, DOC disciplinary action, or other new or significant information and (2) requires the board to revoke or suspend the commutation for an arrest, valid outstanding warrant, conviction, or charge in Connecticut or any other state or federal jurisdiction. In the latter case, the commutation is suspended or revoked automatically and without a hearing or any affirmative action by the panel.

For suspensions not subject to automatic revocation, the bill requires the panel to conduct an administrative revocation review within 30 days after the suspension.

As under the existing policy, only the commutations panel that granted the applicant's commutation subject to the revocation review may revoke the commutation, unless the board's chairperson provides otherwise.

Revocation Hearing

As is the case for a suitability hearing, the bill requires the commutations panel to allow the following people to attend and participate in a revocation hearing: the applicant; the applicant’s attorney; a state’s attorney, assistant state’s attorney, or deputy assistant state’s attorney assigned by the Office of the Chief State’s Attorney’s Office; and any other person authorized by the panel’s chairperson who can provide relevant testimony.

BACKGROUND

Related Bill

sHB-6917 (File 638, as amended by House “A”), favorably reported by the Judiciary Committee, among other things, requires the Board of Pardons and Paroles to (1) give copies of a convicted person’s application for commutation, pardon, or release, and related materials, to the state’s attorney before holding a session to consider the application and (2) allow the state’s attorney to make a statement at the session (§ 11).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 25 Nay 12 (03/27/2023)