

Senate, April 21, 1998. The Committee on Appropriations reported through SEN. CRISCO, 17th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE FACILITIES AND PROGRAMS OF THE DEPARTMENT OF CORRECTION.

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

1 Section 1. Section 18-78 of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 There is established a state Department of
5 Correction, which shall consist of [the
6 Connecticut Correctional Institution, Somers, the
7 Connecticut Correctional Institution, Niantic, the
8 Connecticut Correctional Institution,
9 Enfield-Medium, the Carl Robinson Correctional
10 Institution, Enfield, the John R. Manson Youth
11 Institution, Cheshire, the Connecticut
12 Correctional Institution, Cheshire, the Noah
13 Daniel Webster Correctional Institution, Cheshire,
14 the William Willard Correctional Institution,
15 Enfield, the Hartell DWI Correctional Institution,
16 Windsor Locks, the J. Bernard Gates Correctional
17 Institution, Niantic, the Western Substance Abuse
18 Treatment Correctional Institution, Newtown, the
19 regional community services facilities and the
20 community correctional centers] FACILITIES
21 DESIGNATED BY THE COMMISSIONER OF CORRECTION AND

22 ADMINISTERED AS CORRECTIONAL FACILITIES UNDER THE
23 AUSPICES OF THE DEPARTMENT.

24 Sec. 2. Subsection (w) of section 1-1 of the
25 general statutes is repealed and the following is
26 substituted in lieu thereof:

27 [(W) "Correctional institutions" means the
28 Connecticut Correctional Institution, Somers; the
29 Connecticut Correctional Institution,
30 Enfield-Medium; the Carl Robinson Correctional
31 Institution, Enfield; the Connecticut Correctional
32 Institution, Niantic; the John R. Manson Youth
33 Institution, Cheshire; the Connecticut
34 Correctional Center, Cheshire; the Northeast
35 Correctional Center, Mansfield; the Community
36 Correctional Centers at Bridgeport, Brooklyn,
37 Haddam, Hartford, Litchfield, New Haven and
38 Montville; the Eddy/DWI Correctional Unit,
39 Middletown; the Hartell/DWI Correctional Unit,
40 Windsor Locks; the J.B. Gates Correctional Unit,
41 Niantic; the Jennings Road Detention Center,
42 Hartford; the Morgan Street Detention Center,
43 Hartford; the Union Avenue Detention Center, New
44 Haven; the Western Substance Abuse Treatment Unit,
45 Newtown. Wherever in the general statutes, the
46 words "State Prison", appear, they shall be
47 construed to mean the Connecticut Correctional
48 Institution, Somers; "State Prison for Women"
49 shall be construed to mean the maximum security
50 division of the Connecticut Correctional
51 Institution, Niantic; "jails" or "jail" shall be
52 construed to mean the Community Correctional
53 Centers at Bridgeport, Brooklyn, Haddam, Hartford,
54 Litchfield, New Haven and Montville and those
55 portions of the Connecticut Correctional
56 Institution, Niantic, used to detain female
57 persons awaiting disposition of pending charges or
58 to confine female persons convicted of, or who
59 plead guilty to, the commission of misdemeanors
60 and who have been sentenced to community
61 correctional centers or any of them, as the case
62 may be; "Connecticut Reformatory" shall be
63 construed to mean the John R. Manson Youth
64 Institution, Cheshire; and "The Connecticut State
65 Farm for Women" shall be construed to mean the
66 Connecticut Correctional Institution, Niantic.]

67 (w) THE TERMS "CORRECTIONAL INSTITUTION",
68 "STATE PRISON", "COMMUNITY CORRECTIONAL CENTER"
69 AND 'JAIL' MEAN A FACILITY DESIGNATED BY THE

70 COMMISSIONER OF CORRECTION AND ADMINISTERED AS A
71 CORRECTIONAL FACILITY UNDER THE AUSPICES OF THE
72 DEPARTMENT OF CORRECTION. SUCH DESIGNATIONS SHALL
73 BECOME OFFICIAL WHEN FILED IN THE OFFICE OF THE
74 SECRETARY OF THE STATE.

75 Sec. 3. Section 18-88 of the general statutes
76 is amended by adding subsection (k) as follows:

77 (NEW) (k) The Commissioner of Correction may
78 establish, within the Industrial Fund,
79 commissaries to be operated for the purpose of
80 sale to inmates of items authorized by the
81 commissioner. The cost of the commissary operation
82 shall be charged to the fund and the proceeds of
83 such sales shall be deposited in the fund. The
84 commissioner is authorized to transfer a portion
85 of the profits from the operation of the
86 commissaries to the Correctional General Welfare
87 Fund established under section 4-57a.

88 Sec. 4. Section 18-99a of the general
89 statutes is repealed and the following is
90 substituted in lieu thereof:

91 (a) The Commissioner of Correction may
92 establish a school district within the Department
93 of Correction for the education or assistance of
94 any person [sentenced or transferred to any
95 institution of the department until released from
96 its control, including but not limited to any
97 person on parole] CONFINED IN ANY INSTITUTION OF
98 THE DEPARTMENT. The school district shall be known
99 as State of Connecticut-Unified School District
100 #1.

101 (b) The Commissioner of Correction shall
102 administer, coordinate and control the operations
103 of the school district and shall be responsible
104 for the overall supervision and direction of all
105 courses and activities of the school district and
106 shall establish such vocational and academic
107 education, research and statistics, training and
108 development services and programs as he considers
109 necessary or advisable in the best interests of
110 the persons benefiting therefrom.

111 Sec. 5. Section 18-9933 of the general
112 statutes is repealed and the following is
113 substituted in lieu thereof:

114 (a) The school district acting by the
115 Commissioner of Correction shall have the power to
116 (1) establish and maintain within the Department
117 of Correction such schools of different grades as

118 the commissioner may from time to time require and
119 deem necessary in the best interests of those
120 persons [sentenced or transferred to any
121 institution of the department, including but not
122 limited to any person on parole] CONFINED IN ANY
123 INSTITUTION OF THE DEPARTMENT, (2) establish and
124 maintain within the department such school
125 libraries as may from time to time be required in
126 connection with the educational courses, services
127 and programs authorized by section 18-99a and this
128 section, (3) purchase, receive, hold and convey
129 personal property for school purposes and equip
130 and supply such schools with necessary furniture
131 and other appendages, (4) make agreements and
132 regulations for the establishing and conducting of
133 such schools as are authorized under said sections
134 and employ and dismiss, in accordance with the
135 applicable provisions of section 10-151, such
136 teachers as are necessary to carry out the intent
137 of said sections, and to pay their salaries, (5)
138 receive any federal funds or aid made available to
139 the state for rehabilitative or other programs and
140 shall be eligible for and may receive any other
141 funds or aid whether private, state or otherwise,
142 to be used for the purposes of said sections.

143 (b) The school district acting by the
144 Commissioner of Correction may, pursuant to
145 agreements, cooperate with the federal government
146 in carrying out the purposes of any federal acts
147 pertaining to vocational rehabilitation, and may
148 adopt such methods of administration as are found
149 by the federal government to be necessary for the
150 proper and efficient operation of such agreements
151 or plans for vocational or other rehabilitation in
152 correctional institutions, and may comply with
153 such conditions as may be necessary to secure the
154 full benefit of all such federal funds available.

155 Sec. 6. Subsection (a) of section 18-101i of
156 the general statutes is repealed and the following
157 is substituted in lieu thereof:

158 (a) To establish and develop
159 noninstitutional, community-based service
160 programs, the commissioner shall award grants or
161 purchase of service contracts in accordance with
162 the plan developed under subsection (b) to
163 private, PROFIT OR nonprofit organizations, state
164 agencies or units of local government; provided
165 such grants shall not be subject to the formula

166 funding requirements of section 18-101k. Such
167 grants or contracts shall be the predominant
168 method by which the department develops,
169 implements and operates community correction
170 programs. In addition, the commissioner may
171 administer community-based service programs under
172 the direct control of the department.

173 Sec. 7. Subsection (a) of section 12-19a of
174 the general statutes, as amended by section 2 of
175 public act 97-282 and section 27 of public act
176 97-11 of the June 18 special session, is repealed
177 and the following is substituted in lieu thereof:

178 (a) On or before January first, annually, the
179 Secretary of the Office of Policy and Management
180 shall determine the amount due, as a state grant
181 in lieu of taxes, to each town in this state
182 wherein state-owned real property, reservation
183 land held in trust by the state for an Indian
184 tribe or a municipally owned airport, except that
185 which was acquired and used for highways and
186 bridges, but not excepting property acquired and
187 used for highway administration or maintenance
188 purposes, is located. The grant payable to any
189 town under the provisions of this section in the
190 state fiscal year commencing July 1, 1993, and
191 each fiscal year thereafter, shall be equal to the
192 total of (1) one hundred per cent of the property
193 taxes which would have been paid with respect to
194 any facility listed in subsection (w) of section
195 1-1+ AS AMENDED BY THIS ACT, and any other
196 facility certified by the Commissioner of
197 Correction, on or before August first of each
198 year, to have been used for incarcerative purposes
199 during the preceding [fiscal year] TWENTY-FOUR
200 MONTHS OR IS CONTEMPLATED TO BE USED FOR SUCH
201 PURPOSES IN THE SUCCEEDING TWELVE MONTHS, (2)
202 subject to the provisions of subsection (c) of
203 this section, forty per cent of the property taxes
204 which would have been paid with respect to the
205 buildings and grounds comprising Connecticut
206 Valley Hospital in Middletown. Such grant shall
207 commence with the fiscal year beginning July 1,
208 1995, and continuing each year thereafter, (3)
209 notwithstanding the provisions of subsections (b)
210 and (c) of this section, with respect to any town
211 in which more than fifty per cent of the property
212 **is** state-owned real property, one hundred per cent
213 of the property taxes which would have been paid

214 with respect to such state-owned property. Such
215 grant shall commence with the fiscal year
216 beginning July 1, 1997, and continuing each year
217 thereafter, and (4) subject to the provisions of
218 subsection (c) of this section, twenty per cent of
219 the property taxes which would have been paid with
220 respect to all other state-owned real property and
221 with respect to all municipally owned airports;
222 except for the exemption applicable to such
223 property, on the assessment list in such town for
224 the assessment date two years prior to the
225 commencement of the state fiscal year in which
226 such grant is payable. The grant provided pursuant
227 to this section for any municipally owned airport
228 shall be paid to any municipality in which the
229 airport is located, except that the grant
230 applicable to Sikorsky Airport shall be paid half
231 to the town of Stratford and half to the city of
232 Bridgeport. For the fiscal year ending June 30,
233 1993, the amount of the grant payable to each
234 municipality in accordance with this section shall
235 be reduced proportionately in the event that the
236 total of such grants in such year exceeds the
237 amount appropriated for the purposes of this
238 section with respect to such year.

239 APP COMMITTEE VOTE: YEA 24 NAY 16 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 567

STATE IMPACT	cost and Potential Savings, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Correction, State Comptroller

EXPLANATION OF ESTIMATES:

Under current law, the Department of Correction (DOC) is authorized to contract with private non-profits, state agencies and local governments to provide community-based programs and services for inmates. Section 6 of the bill authorizes DOC to contract with for-profit entities and to the extent that options and competition is increased in obtaining these services, passage of the bill will result in potential savings.

Section 8 of the bill amends the Payment in Lieu of Taxes (PILOT) for State Property statutes to increase the situations when the state must reimburse towns at 100% for correctional facilities. All other state property is reimbursed at **20%** under this PILOT. Under the bill, 100% reimbursement would be received for a facility used for incarcerative purposes during the preceding 24 months or that is contemplated to be used for incarcerative purposes. Currently, full reimbursements are made for facilities used for incarcerative purpose during the preceding fiscal year.

At this time, this change impacts the payment to the Northeast Correctional Center. The Town of Mansfield, where the Center is located, will continue to receive a 100% reimbursement for at least one additional year as

a result of the bill. For FY 1998-99, Mansfield is to receive a 100% reimbursement of approximately \$433,000. Currently, the FY 1999-00 payment would drop to approximately \$86,600. The bill would allow the 100% reimbursement to continue to FY 1999-00 and results in an increased state cost of approximately \$346,400. For FY 1998-99, 13 municipalities are to receive 100% PILOT payments for correctional facilities for a total state cost of approximately \$14,380,000.

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OLR BILL ANALYSIS

sSB 567

AN ACT CONCERNING THE FACILITIES AND PROGRAMS OF THE DEPARTMENT OF CORRECTION

SUMMARY : This bill authorizes the Department of Correction (DOC) commissioner to designate the facilities that make up his department and makes the designation official when it is filed with the secretary of the state. It deletes the list of specific institutions that currently constitute the department.

The bill also (1) authorizes the DOC commissioner to establish and fund commissaries through the Correctional Industries Revolving Fund, (2) limits his responsibilities to provide education to inmates confined in DOC institutions, (3) allows him to contract with for-profit entities in providing community-based correctional programs (see COMMENT), and (4) increases the number of situations when DOC will have to pay towns where correctional facilities are located payments in lieu of taxes (PILOT) funds.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Commissaries

The bill allows the DOC commissioner to establish commissaries for the sale of authorized items to inmates. The costs of operating the commissaries can be taken from the Correctional Industry Revolving Fund, which funds various vocational training programs for

inmates. Proceeds from the sale of commissary items must be deposited in the fund. The commissioner can transfer a portion of the profits of the commissary operation to the Correctional General Welfare Fund, which is used by the commissioner under procedures established by the comptroller to benefit inmates.

Inmate Education

By law, the DOC commissioner may establish a special school district and provide education to inmates under his control and authority, including those on parole. Legislation passed in 1993 and 1994 transferred the responsibility for supervising parolees from DOC to the Board of Parole. This bill removes the DOC commissioner's responsibility to provide education to parolees and specifies that this duty only applies to inmates confined in DOC institutions. Presumably, this also means he need not provide education to inmates still under his authority but no longer in institutions, such as those in half-way houses or on some home or work release program.

For-Profit Entities and Community Corrections

By law, the DOC commissioner must contract with private, nonprofit organizations; state agencies; and local governments to provide community-based programs and services for inmates, their families, and crime victims. This bill allows the commissioner also to contract with for-profit entities.

PILOT. Grants for Towns With DOC Facilities

The PILOT grant for any town with a correctional facility is 100% of the property taxes that would have been paid on it, and it is based on the facility being designated by statute or the DOC commissioner's certification prior to August first that the facility has been used to hold prisoners during the preceding fiscal year. This bill bases the PILOT on the facility being used to hold prisoners during the prior 24 months or the commissioner's expectation that the facility will be used to hold prisoners during the succeeding 12 months. This means towns will receive PILOT grants for an additional year after a facility closes and an additional year before one opens. (PILOT grants are paid to a town in September, more than a year after the

fiscal year upon which they are based.)

BACKGROUND

Legislative History

On April 2 the Senate referred the bill (File 182) to the Appropriations Committee, which reported a joint favorable substitute deleting section six concerning the definition of "community-based service programs."

COMMENT

For-Profit Community-Based Service Programs

The Appropriations Committee deleted the section of the bill which expanded the definition of community-based service programs to also include for-profit organizations. However, it left in the section that authorized the DOC commissioner to award grants or purchase-of-service contracts to for-profit organizations.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 35 Nay 0

Appropriations Committee

Joint Favorable Substitute
Yea 24 Nay 16