



General Assembly

Raised Bill No. 6581

January Session, 2013

LCO No. 4190



* 0 4 1 9 0 J U D *

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
CONNECTICUT SENTENCING COMMISSION REGARDING LENGTHY
SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH.***

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

- 1 Section 1. Section 54-125a of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective October 1, 2013*):
 - 3 (a) A person convicted of one or more crimes who is incarcerated on
 - 4 or after October 1, 1990, who received a definite sentence or aggregate
 - 5 sentence of more than two years, and who has been confined under
 - 6 such sentence or sentences for not less than one-half of the aggregate
 - 7 sentence less any risk reduction credit earned under the provisions of
 - 8 section 18-98e or one-half of the most recent sentence imposed by the
 - 9 court less any risk reduction credit earned under the provisions of
 - 10 section 18-98e, whichever is greater, may be allowed to go at large on
 - 11 parole in the discretion of the panel of the Board of Pardons and
 - 12 Paroles for the institution in which the person is confined, if (1) it
 - 13 appears from all available information, including any reports from the
 - 14 Commissioner of Correction that the panel may require, that there is a

15 reasonable probability that such inmate will live and remain at liberty
16 without violating the law, and (2) such release is not incompatible with
17 the welfare of society. At the discretion of the panel, and under the
18 terms and conditions as may be prescribed by the panel including
19 requiring the parolee to submit personal reports, the parolee shall be
20 allowed to return to the parolee's home or to reside in a residential
21 community center, or to go elsewhere. The parolee shall, while on
22 parole, remain under the jurisdiction of the board until the expiration
23 of the maximum term or terms for which the parolee was sentenced
24 less any risk reduction credit earned under the provisions of section
25 18-98e. Any parolee released on the condition that the parolee reside in
26 a residential community center may be required to contribute to the
27 cost incidental to such residence. Each order of parole shall fix the
28 limits of the parolee's residence, which may be changed in the
29 discretion of the board and the Commissioner of Correction. Within
30 three weeks after the commitment of each person sentenced to more
31 than two years, the state's attorney for the judicial district shall send to
32 the Board of Pardons and Paroles the record, if any, of such person.

33 (b) (1) No person convicted of any of the following offenses, which
34 was committed on or after July 1, 1981, shall be eligible for parole
35 under subsection (a) of this section: (A) Capital felony, as provided
36 under the provisions of section 53a-54b in effect prior to April 25, 2012,
37 (B) murder with special circumstances, as provided under the
38 provisions of section 53a-54b in effect on or after April 25, 2012, (C)
39 felony murder, as provided in section 53a-54c, (D) arson murder, as
40 provided in section 53a-54d, (E) murder, as provided in section 53a-
41 54a, or (F) aggravated sexual assault in the first degree, as provided in
42 section 53a-70a. (2) A person convicted of (A) a violation of section 53a-
43 100aa or 53a-102, or (B) an offense, other than an offense specified in
44 subdivision (1) of this subsection, where the underlying facts and
45 circumstances of the offense involve the use, attempted use or
46 threatened use of physical force against another person shall be
47 ineligible for parole under subsection (a) of this section until such

48 person has served not less than eighty-five per cent of the definite
49 sentence imposed less any risk reduction credit earned under the
50 provisions of section 18-98e.

51 (c) The Board of Pardons and Paroles shall, not later than July 1,
52 1996, adopt regulations in accordance with chapter 54 to ensure that a
53 person convicted of an offense described in subdivision (2) of
54 subsection (b) of this section is not released on parole until such person
55 has served eighty-five per cent of the definite sentence imposed by the
56 court less any risk reduction credit earned under the provisions of
57 section 18-98e. Such regulations shall include guidelines and
58 procedures for classifying a person as a violent offender that are not
59 limited to a consideration of the elements of the offense or offenses for
60 which such person was convicted.

61 (d) The Board of Pardons and Paroles shall hold a hearing to
62 determine the suitability for parole release of any person whose
63 eligibility for parole release is not subject to the provisions of
64 subsection (b) of this section upon completion by such person of
65 seventy-five per cent of such person's definite or aggregate sentence
66 less any risk reduction credit earned under the provisions of section
67 18-98e. An employee of the board or, if deemed necessary by the
68 chairperson, a panel of the board shall reassess the suitability for
69 parole release of such person based on the following standards: (1)
70 Whether there is a reasonable probability that such person will live
71 and remain at liberty without violating the law, and (2) whether the
72 benefits to such person and society that would result from such
73 person's release to community supervision substantially outweigh the
74 benefits to such person and society that would result from such
75 person's continued incarceration. After such hearing, if the board
76 determines that continued confinement is necessary, it shall articulate
77 for the record the specific reasons why such person and the public
78 would not benefit from such person serving a period of parole
79 supervision while transitioning from incarceration to the community.
80 The decision of the board under this subsection shall not be subject to

81 appeal.

82 (e) The Board of Pardons and Paroles shall hold a hearing to
83 determine the suitability for parole release of any person whose
84 eligibility for parole release is subject to the provisions of subdivision
85 (2) of subsection (b) of this section upon completion by such person of
86 eighty-five per cent of such person's definite or aggregate sentence less
87 any risk reduction credit earned under the provisions of section 18-98e.
88 An employee of the board or, if deemed necessary by the chairperson,
89 a panel of the board shall assess the suitability for parole release of
90 such person based on the following standards: (1) Whether there is a
91 reasonable probability that such person will live and remain at liberty
92 without violating the law, and (2) whether the benefits to such person
93 and society that would result from such person's release to community
94 supervision substantially outweigh the benefits to such person and
95 society that would result from such person's continued incarceration.
96 After such hearing, if the board determines that continued
97 confinement is necessary, it shall articulate for the record the specific
98 reasons why such person and the public would not benefit from such
99 person serving a period of parole supervision while transitioning from
100 incarceration to the community. The decision of the board under this
101 subsection shall not be subject to appeal.

102 (f) (1) Notwithstanding the provisions of subsections (a) to (e),
103 inclusive, of this section, a person convicted of one or more crimes
104 committed while such person was under eighteen years of age, who is
105 incarcerated on or after October 1, 2013, and who received a definite
106 sentence or aggregate sentence of more than ten years for such crimes
107 prior to, on or after October 1, 2013, may be allowed to go at large on
108 parole in the discretion of the panel of the Board of Pardons and
109 Paroles for the institution in which such person is confined. If such
110 person is serving a sentence of sixty years or less, such person shall be
111 eligible for parole after serving one-half of the sentence or ten years,
112 whichever is greater, less any risk reduction credit earned under the
113 provisions of section 18-98e. If such person is serving a sentence of

114 more than sixty years, such person shall be eligible for parole after
115 serving thirty years, less any risk reduction credit earned under the
116 provisions of section 18-98e. The board shall use validated risk
117 assessment and needs assessment tools and its risk-based structured
118 decision making and release criteria established pursuant to subsection
119 (d) of section 54-124a in making a determination pursuant to this
120 subsection.

121 (2) The board shall apply the parole eligibility rules of this
122 subsection only to the sentence for a crime or crimes committed while
123 a person was under eighteen years of age. Any portion of a sentence
124 that is based on a crime or crimes committed while a person was
125 eighteen years of age or older shall be subject to the applicable parole
126 eligibility rules set forth in subsections (a) to (e), inclusive, of this
127 section.

128 (3) Whenever a person becomes eligible for parole release pursuant
129 to this subsection, the board shall hold a hearing to determine such
130 person's suitability for parole release. At least twelve months prior to
131 such hearing, the board shall notify the office of Chief Public Defender
132 and the appropriate state's attorney of such person's eligibility for
133 parole release pursuant to this subsection. The office of Chief Public
134 Defender shall assign counsel for such person pursuant to section 51-
135 296 if such person is indigent. At any hearing to determine such
136 person's eligibility for parole release pursuant to this subsection, the
137 board shall permit (A) such person to make a statement on such
138 person's behalf, (B) counsel for such person and the state's attorney to
139 submit reports and other documents, and (C) the victim to make a
140 statement pursuant to section 54-126a. The board may request
141 testimony from mental health professionals or other relevant
142 witnesses, and reports from the Commissioner of Correction or other
143 persons, as the board may require.

144 (4) After such hearing, the board may allow such person to go at
145 large on parole with respect to any portion of a sentence that was

146 based on a crime or crimes committed while such person was under
147 eighteen years of age if the board finds that such parole would adhere
148 to the factors set forth in subdivisions (1) to (4), inclusive, of subsection
149 (c) of section 54-300 and if it appears, from all available information,
150 including, but not limited to, any reports from the Commissioner of
151 Correction, that (A) there is a reasonable probability that such person
152 will live and remain at liberty without violating the law; (B) the
153 benefits to such person and society that would result from such
154 person's release to community supervision substantially outweigh the
155 benefits to such person and society that would result from such
156 person's continued incarceration; and (C) such person has
157 demonstrated substantial rehabilitation since the date such crime or
158 crimes were committed considering such person's character,
159 background and history, as demonstrated by factors including, but not
160 limited to, such person's correctional record, the age and circumstances
161 of such person as of the date of the crime or crimes, whether such
162 person has demonstrated remorse and increased maturity since the
163 date of the crime or crimes, such person's contributions to the welfare
164 of other persons through service, such person's efforts to overcome
165 substance abuse, addiction, trauma, lack of education or obstacles that
166 such person may have faced as a child or youth in the adult
167 correctional system, the opportunities for rehabilitation in the adult
168 correctional system and the overall degree of such person's
169 rehabilitation in light of the nature of the crime or crimes.

170 (5) After such hearing, if the board determines that continued
171 confinement is necessary, it shall (A) articulate for the record the
172 specific reasons why such person and the public would not benefit
173 from such person serving a period of parole supervision while
174 transitioning from incarceration to the community, and (B) reassess
175 such person's suitability for parole release, at a later date to be
176 determined at the discretion of the board. The decision of the board
177 under this subsection shall not be subject to appeal.

178 [(f)] (g) Any person released on parole under this section shall

179 remain in the custody of the Commissioner of Correction and be
180 subject to supervision by personnel of the Department of Correction
181 during such person's period of parole.

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

Section 1	October 1, 2013	54-125a
-----------	-----------------	---------

Statement of Purpose:

To enact the recommendations of the Connecticut Sentencing Commission to provide for automatic review of sentences of ten years or more served by persons who were under eighteen years of age when they committed their crimes.

[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.]