



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 2017DOCCommSuper.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Correction

**Liaison:** David McCluskey

**Phone:** (860) 692-7510

**E-mail:** david.mccluskey@ct.gov

Lead agency division requesting this proposal: Commissioner’s Office

Agency Analyst/Drafter of Proposal: Karl Lewis, DOC Director of Programs & Treatment

**Title of Proposal:** An Act Concerning The Community Supervision of Certain Inmates

**Statutory Reference:** C.G.S. 18-98e

**Proposal Summary:**

The proposal provides for DOC community supervision of inmates who do not have Parole or probation as part of their sentences.

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

Currently, inmates who do not have Parole or Probation as part of their sentences return to the community with no supervision or support. This proposal would provide for a certain period of supervision/support by DOC’s Division of Parole and Community Services.

◇ **Origin of Proposal**

**New Proposal**

**Resubmission**

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?

There are a variety of reasons why the proposal failed – Senate Bill 456 : 2016 was the first year the concept was introduced; it was a short session and not a lot of Judiciary Committee bills were enacted; and there is a fiscal note attached/new \$ - Fiscal Note indicates an annual cost of over \$280,000/year.



### **PROPOSAL IMPACT**

#### **◇ AGENCIES AFFECTED** (please list for each affected agency)

<b>Agency Name:</b> N/A <b>Agency Contact (name, title, phone):</b> Click here to enter text. <b>Date Contacted:</b> Click here to enter text.  Approve of Proposal <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>Talks Ongoing</b>
<b>Summary of Affected Agency's Comments</b> Click here to enter text.
Will there need to be further negotiation? <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>

#### **◇ FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal</b> N/A									
<b>State</b> <b>OFA Fiscal Note for Senate Bill 456:</b> State Impact: <table border="0"> <tr> <td>Agency Affected</td> <td colspan="2">Fund-Effect</td> </tr> <tr> <td>Correction, Dept.</td> <td>GF - Cost</td> <td>FY 18 \$200,250</td> </tr> <tr> <td>State Comptroller - Fringe Benefits</td> <td>GF – Cost</td> <td>FY 18 \$79,980</td> </tr> </table> Municipal Impact: None Explanation: The bill results in a total General Fund cost of \$210,160 in FY 17 and an annualized cost of \$280,230 in FY 18 by requiring the Department of Correction to supervise certain inmates in the community for the number of days equal to the number of Risk Reduction Earned Credit (RREC) days the inmate earned off their sentence. In FY 15, approximately 2,000 inmates were released that meet the requirements of the bill. On average, each inmate would need approximately 30 days of community supervision under the bill, resulting in a caseload increase of 175 inmates. Based on current workload standards in the Department of Correction (approximately 60 inmates per parole officer), this workload increase would require 3 additional Parole Officers. The starting salary for Parole Officer 1 is \$66,749. The Out Years. The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.	Agency Affected	Fund-Effect		Correction, Dept.	GF - Cost	FY 18 \$200,250	State Comptroller - Fringe Benefits	GF – Cost	FY 18 \$79,980
Agency Affected	Fund-Effect								
Correction, Dept.	GF - Cost	FY 18 \$200,250							
State Comptroller - Fringe Benefits	GF – Cost	FY 18 \$79,980							
<b>Federal</b> N/A									



**Additional notes on fiscal impact**

Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

By supervising and supporting released inmates in the community, DOC believes that there will be a measureable reduction in recidivism and re-victimization by this population of inmates.

**Insert fully drafted bill here**

General Assembly

**File No. 523**

**February Session,  
2016**

Substitute Senate Bill No. 456

*Senate, April 6, 2016*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING COMMUNITY SUPERVISION OF CERTAIN FORMER INMATES.***

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

Section 1. Section 18-98e of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Notwithstanding any provision of the general statutes, any person sentenced to a term of imprisonment for a crime committed on or after October 1, 1994, and committed to the custody of the Commissioner of Correction on or after said date, except a person who is sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or is a persistent dangerous felony offender or persistent dangerous sexual offender pursuant to section 53a-40, may be eligible to earn risk reduction credit toward a reduction of such person's sentence, in an amount not to exceed five days per month, at the discretion of the Commissioner of Correction for conduct as provided in subsection (b) of this section occurring on or after April 1, 2006.

(b) An inmate may earn risk reduction credit for adherence to the inmate's offender accountability plan, for participation in eligible programs and activities, and for good conduct and obedience to institutional rules as designated by the commissioner, provided (1) good conduct and obedience to institutional rules alone shall not entitle an inmate to such credit, and (2) the commissioner or the commissioner's designee may, in his or her discretion, cause the loss of all or any portion of such earned risk reduction credit for any act of misconduct or insubordination or refusal to conform to recommended programs or activities or institutional rules occurring at any time during the service of the sentence or for other good cause. If an inmate has not earned sufficient risk



reduction credit at the time the commissioner or the commissioner's designee orders the loss of all or a portion of earned credit, such loss shall be deducted from any credit earned by such inmate in the future.

(c) The award of risk reduction credit earned for conduct occurring prior to July 1, 2011, shall be phased in consistent with public safety, risk reduction, administrative purposes and sound correctional practice, at the discretion of the commissioner, but shall be completed not later than July 1, 2012.

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

(e) Prior to release of any inmate whose sentence is being reduced due to risk reduction credits earned pursuant to this section, the warden of the correctional facility from which such inmate is to be released shall review such inmate's records and verify that the inmate earned the risk reduction credits being applied to reduce such inmate's sentence.

(f) The commissioner shall adopt policies and procedures to determine the amount of credit an inmate may earn toward a reduction in his or her sentence and to phase in the awarding of retroactive credit authorized by subsection (c) of this section.

(g) For any inmate who completes a sentence with a term of imprisonment, which term was reduced pursuant to this section, and who was not sentenced to a period of probation or special parole, the Commissioner of Correction shall supervise such former inmate in the community for the number of days that equals the number of days such former inmate's term of imprisonment was reduced pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	18-98e

**Statement of Legislative Commissioners:**

In Subsecs. (a) and (g), changes were made for proper grammar.

**JUD**      *Joint Favorable Subst. -LCO*

**OLR Bill Analysis**

**sSB 456**

**AN ACT CONCERNING COMMUNITY SUPERVISION OF CERTAIN FORMER INMATES.**

**SUMMARY:**



This bill requires the Department of Correction (DOC) commissioner to supervise in the community an inmate who is released from prison on a sentence reduced by risk reduction credits and was not sentenced to a period of probation or special parole to follow the prison sentence. DOC must supervise the person for the number of days that his or her prison sentence was reduced by the credits.

EFFECTIVE DATE: October 1, 2016

## **BACKGROUND**

### ***Risk Reduction Credits***

By law, an inmate can earn up to five days per month of risk reduction credits to reduce his or her maximum prison sentence, at the DOC commissioner's discretion, for good conduct, obeying rules, adhering to offender accountability plans, and participating in certain programs and activities. Good conduct and obedience alone do not entitle an inmate to credits. The commissioner may revoke credits for misconduct, insubordination, refusal to follow rules, or other good cause. Credits cannot reduce a mandatory minimum prison sentence.

By law, inmates convicted of any of the following crimes cannot earn these credits: murder, murder with special circumstances, felony murder, arson murder, 1<sup>st</sup> degree aggravated sexual assault, home invasion, 1<sup>st</sup> degree manslaughter, 1<sup>st</sup> degree manslaughter with a firearm, or aggravated sexual assault of a minor, or as a persistent dangerous felony offender or persistent dangerous sexual offender (CGS § 18-98e).

Inmates convicted of a violent crime or 2<sup>nd</sup> degree burglary cannot use the credits to become eligible for parole sooner than they otherwise would. Inmates convicted of non-violent crimes have their parole eligibility based on their sentences as reduced by the credits (CGS § 54-125a).

### ***Related Bill***

HB 5633, reported favorably by the Judiciary Committee, (1) requires the DOC commissioner or his designee, instead of the relevant prison warden, to verify that an inmate being released has earned any risk reduction credits applied to reduce the inmate's sentence and (2) changes who must report quarterly on inmates earning risk reduction credits.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 2017DOCTechRiv.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Correction
<b>Liaison:</b> David McCluskey <b>Phone:</b> (860) 692-7510 <b>E-mail:</b> david.mccluskey@ct.gov
Lead agency division requesting this proposal: Legislative Unit
Agency Analyst/Drafter of Proposal: David McCluskey, Legislative Liaison

<b>Title of Proposal:</b> Technical Revisions To Acts Affecting the Department of Correction
<b>Statutory Reference:</b> Public Acts 15-26 and 15-216
<b>Proposal Summary:</b> The proposal makes changes to 2 Public Acts passed in the regular 2015 General Assembly Session.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

The changes reflect how certain functions are actually performed in the Department of Correction and, in addition, addresses an oversight in the 2015 legislation which did not include legal protections to DOC Dog Handlers that were provided to all Law Enforcement Dog Handlers.

#### ◇ Origin of Proposal      New Proposal      Resubmission

*If this is a resubmission, please share:*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

The chief reason why this technical revision proposal failed – House Bill 5633 - was that 2016 was a short session and not a lot of Judiciary Committee Bills were enacted.



**PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

<p><b>Agency Name:</b> N/A <b>Agency Contact (name, title, phone):</b> Click here to enter text. <b>Date Contacted:</b> Click here to enter text.</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments</b> Click here to enter text.</p>
<p>Will there need to be further negotiation?    <input type="checkbox"/> YES    <input type="checkbox"/> NO</p>

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<p><b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> N/A – See Fiscal Note Below on House Bill 5633</p>
<p><b>State</b> N/A – See Fiscal Note Below on House Bill 5633</p>
<p><b>Federal</b> N/A — See Fiscal Note Below on House Bill 5633</p>
<p><b>Additional notes on fiscal impact</b> Click here to enter text.</p>



◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

The first two changes are in Public Act 15-216. In Section 1, the change would be for OPM, not DOC, to report to the General Assembly on Risk Reduction Earned Credits. DOC does not have the capacity to generate such a report. In Section 9 of the bill, the change would be for the Commissioner or his designee to review and verify inmates Risk Reduction Earned Credits instead of the wardens. DOC has centralized all inmates discharge decisions to increase consistency. Wardens no longer make the release decisions. The third change is in Public Act 15-26. It would simply add Department of Correction employees who use canines in their job into the legislation. The DOC has one of the largest, if not the largest, canine units in CT. During the floor debate in the House on the legislation it was inadvertently suggested that DOC was included. Because DOC is not defined as a law enforcement agency, it did not.

**Insert fully drafted bill here**

**Revisions to Public Act No. 15-216 AN ACT CONCERNING RISK REDUCTION CREDITS, CARRY PERMITS AND PAROLE OFFICER ACCESS TO STATE FIREARMS DATABASE.**

**File No. 544**

*February Session, 2016*

Substitute House Bill No. 5633

*House of Representatives, April 7, 2016*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING MINOR REVISIONS CONCERNING THE DEPARTMENT OF CORRECTION AND THE EARNED RISK REDUCTION CREDIT PROGRAM.**

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

Section 1. Section 18-98f of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Not later than January 1, [2016] 2017, and quarterly thereafter, [the Commissioner of Correction, after consultation with] the Criminal Justice Policy and Planning Division within the Office of Policy and Management, after consultation with the Commissioner of Correction, shall, in accordance with the provisions of section 11-4a, report to the General Assembly details about earned risk reduction credits awarded to reduce an inmate's sentence pursuant to section 18-98e, as amended by this act. Such report shall include: (1) The number of inmates released overall and the number of inmates released early as a result of the award of such credit; (2) the crimes for which such released inmates were convicted; (3) the amount of risk reduction credit earned by inmates released early pursuant to such credit; and (4) any recidivism data regarding inmates who





were released early pursuant to such credit, including any data such as rate of reentry into the correctional system, elapsed time between release and such reentry, and the crimes for which such inmates were convicted that resulted in such reentry. Not later than thirty days after submission of the report to the General Assembly, said commissioner shall post the report on the Department of Correction's Internet web site.

Sec. 2. Subsection (e) of section 18-98e of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(e) Prior to release of any inmate whose sentence is being reduced due to risk reduction credits earned pursuant to this section, the [warden of the correctional facility from which such inmate is to be released] commissioner or the commissioner's designee shall review such inmate's records and verify that the inmate earned the risk reduction credits being applied to reduce such inmate's sentence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	18-98f
Sec. 2	<i>October 1, 2016</i>	18-98e(e)

**Statement of Legislative Commissioners:**

In Section 1, the reporting date was changed to eliminate any implication that the changes might apply retroactively.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

There is no fiscal impact associated with making changes to reporting requirements within the Department of Correction and the Office of Policy and Management.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis**

**HB 5633**



## **SUMMARY:**

This bill requires the Department of Correction (DOC) commissioner or his designee, instead of the relevant prison warden, to verify that an inmate being released early due to risk reduction credits has earned the credits that were applied to reduce his or her sentence.

It also reverses the roles of the agencies in the quarterly reporting on inmates earning risk reduction credits. Currently, DOC must issue the reports after consulting with the Office of Policy and Management's (OPM) Criminal Justice Policy and Planning Division. The bill instead requires the division to issue the reports after consulting with DOC. By law, this report must provide information on inmates released early as a result of earning the credits, including their convictions, number of credits earned, and recidivism rates.

EFFECTIVE DATE: October 1, 2016

## **BACKGROUND**

### ***Risk Reduction Credits***

By law, an inmate can earn up to five days per month of risk reduction credits to reduce his or her maximum prison sentence, at the DOC commissioner's discretion, for good conduct, obeying rules, adhering to offender accountability plans, and participating in certain programs and activities. Good conduct and obedience alone do not entitle an inmate to credits. The commissioner may revoke credits for misconduct, insubordination, refusal to follow rules, or other good cause. Credits cannot reduce a mandatory minimum prison sentence.

By law, inmates convicted of the following crimes cannot earn these credits: murder, murder with special circumstances, felony murder, arson murder, 1<sup>st</sup> degree aggravated sexual assault, home invasion, 1<sup>st</sup> degree manslaughter, 1<sup>st</sup> degree manslaughter with a firearm, or aggravated sexual assault of a minor, or as a persistent dangerous felony offender or persistent dangerous sexual offender (CGS § 18-98e).

Inmates convicted of a violent crime or 2<sup>nd</sup> degree burglary cannot use the credits to become eligible for parole sooner than they otherwise would. Inmates convicted of non-violent crimes have their parole eligibility based on their sentences as reduced by the credits (CGS § 54-125a).

### ***Related Bill***

SB 456, favorably reported by the Judiciary Committee, requires the DOC commissioner to supervise in the community an inmate who (1) is released from prison on a sentence reduced by risk reduction credits and (2) was not sentenced to a period of probation or special parole to follow the prison sentence. DOC must supervise the person for the number days that his or her prison sentence was reduced by the credits.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 43    Nay 0    (03/21/2016)



**Revisions to Public Act 15-26 AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A POLICE DOG.**

Section 1. Section 22-357 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

If any dog does any damage to either the body or property of any person, the owner or keeper, or, if the owner or keeper is a minor, the parent or guardian of such minor, shall be liable for the amount of such damage, except when such damage has been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, was under seven years of age at the time such damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action. In an action under this section against a household member of a law enforcement officer **OR A DEPARTMENT OF CORRECTION EMPLOYEE** to whom has been assigned a dog owned by a law enforcement agency of the state, any political subdivision of the state, ~~or~~ the federal government, **OR THE DEPARTMENT OF CORRECTION** for damage done by such dog, it shall be presumed that such household member is not a keeper of such dog and the burden of proof shall be upon the plaintiff to establish that such household member was a keeper of such dog and had exclusive control of such dog at the time such damage was sustained. For the purposes of this section, "property" includes, but is not limited to, a companion animal, as defined in section 22-351a, and "the amount of such damage", with respect to a companion animal, includes expenses of veterinary care, the fair monetary value of the companion animal and burial expenses for the companion animal.

