

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: HB-6738

AN ACT CONCERNING COMPASSIONATE OR MEDICAL PAROLE AND CREDITS AWARDED FOR RELEASE DURING AN EMERGENCY

Title: DECLARATION.

Vote Date: 3/27/2023

Vote Action: Joint Favorable

PH Date: 3/22/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

This bill will create a mechanism by which determinations would be made regarding medical and compassionate release, modify standards used to determine when an inmate may be eligible for compassionate parole release and establish a system for credits to be awarded to inmates toward release from imprisonment in the time of an emergency declaration.

RESPONSE FROM ADMINISTRATION/AGENCY:

Carleton Giles, Chairperson, Board of Pardons and Paroles: The Chairperson supports the bill, as it provides greater leeway for the board to decide cases of compassion or medical parole. They also support the granted discretion to grant release in cases of public emergencies or disasters. They note the training the board has in risk assessment and acknowledges the responsibility they have in protecting the general public.

Division of Criminal Justice: The Division of Criminal Justice opposes the bill with the request that should it come out of committee, they would like to see it include an amendment which provides notice to the victim and the prosecutor, as well as providing the Board of Pardons and Paroles with all of the information they will need to balance safety of the public and the inmate. The Division provides substitute language for section 7 of the bill to enact the changes requested.

Natasha Pierre, State Victim Advocate, Office of the Victim Advocate: The State Victim Advocate opposes section 8(a) and suggests a reconsideration of 8(b) out of concern that the

language is too broad and could be interpreted to be applicable to something as common as a flu outbreak.

Deborah Sullivan, Legal Counsel, Office of Chief Public Defender: The Office of the Chief Public Defender supports the bill, with note that the compassionate release is not automated, and therefore subject to scrutiny on a case-by-case basis, as well as not applying to capital felony or murder. They also note the 20-day review of any decisions made for major disasters or emergencies, allowing for multiple levels of review.

NATURE AND SOURCES OF SUPPORT:

Tiheba Bain, Founder and Executive Director, Women Against Mass Incarceration: The testimony notes the overwhelming number of requests for release during the COVID pandemic, and how this bill will allow for a system to accommodate emergencies. They also express their belief that the ability for second chances to be given is important.

Jess Zaccagnino, Policy Counsel, ACLU: The testimony expresses support of the bill. The ACLU disapproves of the state of health in prisons and jails prior to the pandemic, which resulted in the infection of 4,249 individuals and the deaths of 19 inmates during the pandemic. They note that individuals under incarceration are unable to take individual health measures to protect themselves, and therefore certain inmates with preexisting health measures should have been eligible for community release.

NATURE AND SOURCES OF OPPOSITION:

Susan Bradford: The testimony expresses opposition to the bill, which in their opinion provides "Get Out of Jail Free" cards.

Linda Dalessio: The testimony expresses opposition to the bill.

Reported by: James McNealey

Date: March 30, 2023