



General Assembly

January Session, 2023

Raised Bill No. 6738

LCO No. 4410



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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

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2 statutes are repealed and the following is substituted in lieu thereof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 October 1, 2023*):

4 (e) (1) Each parole release panel, including any such panel for the
5 purpose of compassionate parole release or medical parole release, shall
6 be composed of three members, one of whom shall be the chairperson
7 or a full-time member designated by the chairperson to serve
8 temporarily as chairperson.

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

13 (3) Each panel that discharges persons on parole from the custody of

14 the Commissioner of Correction or that terminates the period of special
15 parole for persons shall be composed of three members, one of whom
16 shall be the chairperson or a full-time member designated by the
17 chairperson to serve temporarily as chairperson.

18 (f) The Board of Pardons and Paroles shall have independent
19 decision-making authority to (1) grant or deny parole in accordance
20 with sections 54-125, 54-125a, 54-125e and 54-125g, medical parole in
21 accordance with the provisions of sections 54-131a to 54-131g, inclusive,
22 as amended by this act, or compassionate parole in accordance with the
23 provisions of section 54-131k, as amended by this act, (2) establish
24 conditions of parole, medical parole, compassionate parole or special
25 parole supervision in accordance with section 54-126, (3) rescind or
26 revoke parole or special parole in accordance with sections 54-127, as
27 amended by this act, and 54-128, as amended by this act, (4) grant
28 commutations of punishment or releases, conditioned or absolute, in the
29 case of any person convicted of any offense against the state and
30 commutations from the penalty of death in accordance with section 54-
31 130a, (5) discharge any person on parole, medical parole or
32 compassionate parole or inmate eligible for parole from the custody of
33 the Commissioner of Correction pursuant to section 54-129, as amended
34 by this act, and (6) terminate special parole in accordance with section
35 54-129, as amended by this act.

36 Sec. 2. Section 54-127 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2023*):

38 The request of the Commissioner of Correction or any officer of the
39 Department of Correction so designated by the commissioner, or of the
40 Board of Pardons and Paroles or its chairman shall be sufficient warrant
41 to authorize any officer of the Department of Correction or any officer
42 authorized by law to serve criminal process within this state, to return
43 any convict or inmate on parole, medical parole or compassionate
44 parole into actual custody; and any such officer, police officer, constable
45 or state marshal shall arrest and hold any parolee or inmate when so
46 requested, without any written warrant.

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

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

59 Sec. 4. Subsection (a) of section 54-128 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective October*
61 *1, 2023*):

62 (a) Any paroled inmate, including an inmate allowed to go on parole
63 pursuant to sections 54-131a to 54-131g, inclusive, as amended by this
64 act, or section 54-131k, as amended by this act, who has been returned
65 to any institution of the Department of Correction for violation of such
66 inmate's parole may be retained in a correctional institution for a period
67 equal to the unexpired portion of the term of such inmate's sentence at
68 the date of the request or order for such inmate's return less any
69 commutation or diminution of such inmate's sentence earned, except
70 that the Board of Pardons and Paroles may, in its discretion, determine
71 that such inmate shall forfeit any or all of such earned time, or may be
72 again paroled by said board.

73 Sec. 5. Subsection (a) of section 54-129 of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective October*
75 *1, 2023*):

76 (a) If it appears to the appropriate panel of the Board of Pardons and
77 Paroles that any person on parole, medical parole or compassionate
78 parole or inmate eligible for parole, medical parole or compassionate

79 parole or any person serving a period of special parole will lead an
80 orderly life, the panel, by a unanimous vote, may (1) declare such person
81 on parole, medical parole or compassionate parole or inmate discharged
82 from the custody of the Commissioner of Correction, or (2) at any time
83 during such person's period of special parole, terminate such period,
84 without a court order, before such person completes such period.

85 Sec. 6. Section 54-131a of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

93 [The] A panel of the Board of Pardons and Paroles may release on
94 medical parole any inmate serving any sentence of imprisonment,
95 except an inmate convicted of a capital felony under the provisions of
96 section 53a-54b in effect prior to April 25, 2012, or murder with special
97 circumstances under the provisions of section 53a-54b in effect on or
98 after April 25, 2012, who has been diagnosed pursuant to section 54-131c
99 as suffering from a terminal condition, disease or syndrome, and is so
100 debilitated or incapacitated by such condition, disease or syndrome as
101 to be physically incapable of presenting a danger to society.
102 Notwithstanding any provision of the general statutes to the contrary,
103 the Board of Pardons and Paroles may release such inmate at any time
104 during the term of such inmate's sentence.

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

107 (a) The Board of Pardons and Paroles may grant a compassionate
108 parole release to any inmate serving any sentence of imprisonment,
109 except an inmate convicted of a capital felony under the provisions of

110 section 53a-54b in effect prior to April 25, 2012, or murder with special
111 circumstances under the provisions of section 53a-54b in effect on or
112 after April 25, 2012, if [it] the panel finds that such inmate (1) is so
113 physically or mentally debilitated, incapacitated or infirm as a result of
114 advanced age or as a result of a condition, disease or syndrome that is
115 not terminal as to [be physically incapable of presenting a] present a
116 significantly reduced risk of danger to society, and (2) (A) has served
117 not less than one-half of such inmate's definite or aggregate sentence, or
118 (B) has served not less than one-half of such inmate's remaining definite
119 or aggregate sentence after commutation of the original sentence by the
120 Board of Pardons and Paroles.

121 (b) (1) During a major disaster or an emergency declaration by the
122 President of the United States covering any part of the state, or an
123 emergency declaration issued by the Governor, that shall include, but
124 need not be limited to, those declarations issued concerning the COVID-
125 19 pandemic, any other disease epidemic or public health emergency or
126 a natural disaster, a panel of the Board of Pardons and Paroles may grant
127 a compassionate parole release to any inmate serving any sentence of
128 imprisonment, except an inmate convicted of a capital felony under the
129 provisions of section 53a-54b in effect prior to April 25, 2012, or murder
130 with special circumstances under the provisions of section 53a-54b in
131 effect on or after April 25, 2012, at any time during the term of such
132 inmate's sentence, if the panel finds (A) circumstances exist which pose
133 a higher risk of harm to such inmate should such inmate remain
134 confined, and (B) such inmate presents a reduced risk of presenting any
135 danger to society.

136 (2) For purposes of this subsection, "COVID-19" means the
137 respiratory disease designated by the World Health Organization on
138 February 11, 2020, as coronavirus 2019, and any related mutation thereof
139 recognized by said organization as a communicable respiratory disease.

140 (3) Any person granted a compassionate parole release pursuant to
141 this subsection shall, upon expiration or termination of the major
142 disaster or emergency declaration, be ordered to appear before the

143 Board of Pardons of Paroles or any special panel thereof appointed
144 pursuant to this section not later than twenty days after such expiration
145 or termination for a hearing as to whether such compassionate parole
146 release shall be revoked, continued or modified. The Board of Pardons
147 of Paroles or any special panel thereof shall revoke a compassionate
148 parole release if the board or panel finds (A) the risk of harm to such
149 person should such person be confined is no longer higher than prior to
150 the major disaster or emergency declaration, and (B) returning such
151 person to confinement is in the best interest of public safety.

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

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

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

164 (f) Not later than October 1, 2024, and annually thereafter, the Board
165 of Pardons and Paroles shall report, in accordance with the provisions
166 of section 11-4a, to the joint standing committee of the General
167 Assembly having cognizance of matters relating to the judiciary (1) the
168 number of persons granted compassionate parole release in the prior
169 year, (2) the number of such persons released who have been arrested
170 in the prior year, (3) the number of such persons released who have been
171 ordered reconfined based upon violations of the terms or conditions of
172 compassionate parole release in the prior year, and (4) the number of
173 such persons released who have been sentenced to confinement
174 pursuant to a separate and unrelated offense.

175 Sec. 9. (NEW) (*Effective October 1, 2023*) (a) The Commissioner of
176 Correction shall grant public health emergency release credits in
177 accordance with subsection (b) of this section to any inmate who is
178 serving a sentence of imprisonment whose scheduled release date is
179 within one year of the issuance of a declaration described in subsection
180 (b) of this section, except to an inmate who is sentenced for a violation
181 of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a,
182 53a-70c or 53a-100aa of the general statutes, or who is a persistent
183 dangerous felony offender or persistent dangerous sexual offender
184 pursuant to section 53a-40 of the general statutes.

185 (b) (1) Notwithstanding any provision of the general statutes, during
186 a major disaster or an emergency declaration by the President of the
187 United States covering any part of the state, or an emergency declaration
188 issued by the Governor, that shall include, but need not be limited to,
189 those declarations issued concerning the COVID-19 pandemic, any
190 other disease epidemic or public health emergency or a natural disaster,
191 the commissioner shall award public health emergency release credits
192 to any inmate described in subsection (a) of this section who is serving
193 a sentence of imprisonment during the time period covered by such
194 major disaster or declaration toward a reduction of such inmate's term
195 of imprisonment, in an amount equal to one hundred twenty-two days
196 per month for each month such inmate is imprisoned during the period
197 covered by such declaration, the amount of which shall be reduced pro
198 rata for any month that did not fall entirely during the period covered
199 by such declaration. The commissioner shall not award more than two
200 hundred forty-four days' worth of credits to any such inmate during the
201 time period covered by any such declaration.

202 (2) For purposes of this subsection, "COVID-19" means the
203 respiratory disease designated by the World Health Organization on
204 February 11, 2020, as coronavirus 2019, and any related mutation thereof
205 recognized by said organization as a communicable respiratory disease.

206 (c) Any credit awarded under this section may only be awarded
207 during the period of time that the inmate is sentenced to a term of

208 imprisonment and committed to the custody of the commissioner and
209 may not be transferred or applied to a subsequent term of
210 imprisonment. In no event shall any credit awarded under this section
211 be applied so as to reduce a mandatory minimum term of imprisonment
212 such inmate is required to serve by statute.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	54-124a(e) and (f)
Sec. 2	<i>October 1, 2023</i>	54-127
Sec. 3	<i>October 1, 2023</i>	54-127a
Sec. 4	<i>October 1, 2023</i>	54-128(a)
Sec. 5	<i>October 1, 2023</i>	54-129(a)
Sec. 6	<i>October 1, 2023</i>	54-131a
Sec. 7	<i>October 1, 2023</i>	54-131b
Sec. 8	<i>October 1, 2023</i>	54-131k
Sec. 9	<i>October 1, 2023</i>	New section

Statement of Purpose:

To create a release panel for determinations of 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.

[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.]