



General Assembly

Amendment

January Session, 2023

LCO No. 9632



Offered by:

REP. STAFSTROM, 129th Dist.

SEN. WINFIELD, 10th Dist.

REP. FISHBEIN, 90th Dist.

To: Senate Bill No. 952

File No. 508

Cal. No. 510

"AN ACT CONCERNING PAROLE ELIGIBILITY FOR AN INDIVIDUAL SERVING A LENGTHY SENTENCE FOR A CRIME COMMITTED BEFORE THE INDIVIDUAL REACHED THE AGE OF TWENTY-FIVE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 54-125a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2023*):

5 (a) A person convicted of one or more crimes who is incarcerated on
6 or after October 1, 1990, who received a definite sentence or total
7 effective sentence of more than two years, and who has been confined
8 under such sentence or sentences for not less than one-half of the total
9 effective sentence less any risk reduction credit earned under the
10 provisions of section 18-98e or one-half of the most recent sentence
11 imposed by the court less any risk reduction credit earned under the
12 provisions of section 18-98e, whichever is greater, may be allowed to go

13 at large on parole (1) in accordance with the provisions of section 54-
14 125i, or (2) in the discretion of a panel of the Board of Pardons and
15 Paroles, if (A) it appears from all available information, including any
16 reports from the Commissioner of Correction that the panel may
17 require, that there is a reasonable probability that such inmate will live
18 and remain at liberty without violating the law, and (B) such release is
19 not incompatible with the welfare of society. At the discretion of the
20 panel, and under the terms and conditions as may be prescribed by the
21 panel including requiring the parolee to submit personal reports, the
22 parolee shall be allowed to return to the parolee's home or to reside in a
23 residential community center, or to go elsewhere. The parolee shall,
24 while on parole, remain under the jurisdiction of the board until the
25 expiration of the maximum term or terms for which the parolee was
26 sentenced less any risk reduction credit earned under the provisions of
27 section 18-98e. Any parolee released on the condition that the parolee
28 reside in a residential community center may be required to contribute
29 to the cost incidental to such residence. Each order of parole shall fix the
30 limits of the parolee's residence, which may be changed in the discretion
31 of the board and the Commissioner of Correction. Within three weeks
32 after the commitment of each person sentenced to more than two years,
33 the state's attorney for the judicial district shall send to the Board of
34 Pardons and Paroles the record, if any, of such person.

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

47 involve the use, attempted use or threatened use of physical force
48 against another person shall be ineligible for parole under subsection (a)
49 of this section until such person has served not less than eighty-five per
50 cent of the definite sentence imposed.

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

59 (d) The Board of Pardons and Paroles may hold a hearing to
60 determine the suitability for parole release of any person whose
61 eligibility for parole release is not subject to the provisions of subsection
62 (b) of this section upon completion by such person of seventy-five per
63 cent of such person's definite or total effective sentence less any risk
64 reduction credit earned under the provisions of section 18-98e. An
65 employee of the board or, if deemed necessary by the chairperson, a
66 panel of the board shall assess the suitability for parole release of such
67 person based on the following standards: (1) Whether there is
68 reasonable probability that such person will live and remain at liberty
69 without violating the law, and (2) whether the benefits to such person
70 and society that would result from such person's release to community
71 supervision substantially outweigh the benefits to such person and
72 society that would result from such person's continued incarceration. If
73 a hearing is held, and if the board determines that continued
74 confinement is necessary, the board shall articulate for the record the
75 specific reasons why such person and the public would not benefit from
76 such person serving a period of parole supervision while transitioning
77 from incarceration to the community. If a hearing is not held, the board
78 shall document the specific reasons for not holding a hearing and
79 provide such reasons to such person. No person shall be released on
80 parole without receiving a hearing. The decision of the board under this

81 subsection shall not be subject to appeal.

82 (e) The Board of Pardons and Paroles may 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 total effective sentence.
87 An employee of the board or, if deemed necessary by the chairperson, a
88 panel of the board shall assess the suitability for parole release of such
89 person based on the following standards: (1) Whether there is a
90 reasonable probability that such person will live and remain at liberty
91 without violating the law, and (2) whether the benefits to such person
92 and society that would result from such person's release to community
93 supervision substantially outweigh the benefits to such person and
94 society that would result from such person's continued incarceration. If
95 a hearing is held, and if the board determines that continued
96 confinement is necessary, the board shall articulate for the record the
97 specific reasons why such person and the public would not benefit from
98 such person serving a period of parole supervision while transitioning
99 from incarceration to the community. No hearing pursuant to the
100 provisions of this subsection may proceed unless the parole release
101 panel is in possession of the complete file for such applicant, including
102 any documentation from the Department of Correction, the trial
103 transcript, the sentencing record and any file of any previous parole
104 hearing. Each member of the panel shall certify that all such
105 documentation has been reviewed in preparation for such hearing. If a
106 hearing is not held, the board shall document the specific reasons for not
107 holding a hearing and provide such reasons to such person. No person
108 shall be released on parole without receiving a hearing. The decision of
109 the board under this subsection shall not be subject to appeal.

110 (f) (1) Notwithstanding the provisions of subsections (a) to (e),
111 inclusive, of this section, a person convicted of one or more crimes
112 committed while such person was under eighteen years of age, who is
113 incarcerated on or after October 1, 2015, and who received a definite
114 sentence or total effective sentence of more than ten years for such crime

115 or crimes prior to, on or after October 1, 2015, may be allowed to go at
116 large on parole in the discretion of the panel of the Board of Pardons
117 and Paroles for the institution in which such person is confined,
118 provided (A) if such person is serving a sentence of fifty years or less,
119 such person shall be eligible for parole after serving sixty per cent of the
120 sentence or twelve years, whichever is greater, or (B) if such person is
121 serving a sentence of more than fifty years, such person shall be eligible
122 for parole after serving thirty years. Nothing in this subsection shall
123 limit a person's eligibility for parole release under the provisions of
124 subsections (a) to (e), inclusive, of this section if such person would be
125 eligible for parole release at an earlier date under any of such provisions.

126 (2) The board shall apply the parole eligibility rules of this subsection
127 only with respect to the sentence for a crime or crimes committed while
128 a person was under eighteen years of age. Any portion of a sentence that
129 is based on a crime or crimes committed while a person was eighteen
130 years of age or older shall be subject to the applicable parole eligibility,
131 suitability and release rules set forth in subsections (a) to (e), inclusive,
132 of this section.

133 (3) Whenever a person becomes eligible for parole release pursuant
134 to this subsection, the board shall hold a hearing to determine such
135 person's suitability for parole release. At least twelve months prior to
136 such hearing, the board shall notify the office of Chief Public Defender,
137 the appropriate state's attorney, the Victim Services Unit within the
138 Department of Correction, the Office of the Victim Advocate and the
139 Office of Victim Services within the Judicial Department of such
140 person's eligibility for parole release pursuant to this subsection. The
141 office of Chief Public Defender shall assign counsel for such person
142 pursuant to section 51-296 if such person is indigent. At any hearing to
143 determine such person's suitability for parole release pursuant to this
144 subsection, the board shall permit (A) such person to make a statement
145 on such person's behalf, (B) counsel for such person and the state's
146 attorney to submit reports and other documents, and (C) any victim of
147 the crime or crimes to make a statement pursuant to section 54-126a. The
148 board may request testimony from mental health professionals or other

149 relevant witnesses, and reports from the Commissioner of Correction or
150 other persons, as the board may require. The board shall use validated
151 risk assessment and needs assessment tools and its risk-based
152 structured decision making and release criteria established pursuant to
153 subsection (d) of section 54-124a in making a determination pursuant to
154 this subsection.

155 (4) After such hearing, the board may allow such person to go at large
156 on parole with respect to any portion of a sentence that was based on a
157 crime or crimes committed while such person was under eighteen years
158 of age if the board finds that such parole release would be consistent
159 with the factors set forth in subdivisions (1) to (4), inclusive, of
160 subsection (c) of section 54-300 and if it appears, from all available
161 information, including, but not limited to, any reports from the
162 Commissioner of Correction, that (A) there is a reasonable probability
163 that such person will live and remain at liberty without violating the
164 law, (B) the benefits to such person and society that would result from
165 such person's release to community supervision substantially outweigh
166 the benefits to such person and society that would result from such
167 person's continued incarceration, and (C) such person has demonstrated
168 substantial rehabilitation since the date such crime or crimes were
169 committed considering such person's character, background and
170 history, as demonstrated by factors, including, but not limited to, such
171 person's correctional record, the age and circumstances of such person
172 as of the date of the commission of the crime or crimes, whether such
173 person has demonstrated remorse and increased maturity since the date
174 of the commission of the crime or crimes, such person's contributions to
175 the welfare of other persons through service, such person's efforts to
176 overcome substance abuse, addiction, trauma, lack of education or
177 obstacles that such person may have faced as a child or youth in the
178 adult correctional system, the opportunities for rehabilitation in the
179 adult correctional system, whether the person has also applied for or
180 received a sentence modification and the overall degree of such person's
181 rehabilitation considering the nature and circumstances of the crime or
182 crimes.

183 (5) After such hearing, the board shall articulate for the record its
184 decision and the reasons for its decision. If the board determines that
185 continued confinement is necessary, the board may reassess such
186 person's suitability for a new parole hearing at a later date to be
187 determined at the discretion of the board, but not earlier than two years
188 after the date of its decision.

189 (6) The decision of the board under this subsection shall not be subject
190 to appeal.

191 (g) (1) Notwithstanding the provisions of subsections (a) to (f),
192 inclusive, of this section, a person convicted of one or more crimes
193 committed while such person was under twenty-one years of age, who
194 was sentenced on or before October 1, 2005, and who received a definite
195 sentence or total effective sentence of more than ten years' incarceration
196 for such crime or crimes committed on or before October 1, 2005, may
197 be allowed to go at large on parole in the discretion of the panel of the
198 Board of Pardons and Paroles for the institution in which such person is
199 confined, provided (A) if such person is serving a sentence of fifty years
200 or less, such person shall be eligible for parole after serving sixty per
201 cent of the sentence or twelve years, whichever is greater, or (B) if such
202 person is serving a sentence of more than fifty years, such person shall
203 be eligible for parole after serving thirty years. Nothing in this
204 subsection shall limit a person's eligibility for parole release under the
205 provisions of subsections (a) to (f), inclusive, of this section if such
206 person would be eligible for parole release at an earlier date under any
207 of such provisions.

208 (2) The board shall apply the parole eligibility rules of this subsection
209 only with respect to the sentence for a crime or crimes committed while
210 a person was under twenty-one years of age. Any portion of a sentence
211 that is based on a crime or crimes committed while a person was twenty-
212 one years of age or older, shall be subject to the applicable parole
213 eligibility, suitability and release rules set forth in subsections (a) to (e),
214 inclusive, of this section.

215 (3) Whenever a person becomes eligible for parole release pursuant
216 to this subsection, the board shall hold a hearing to determine such
217 person's suitability for parole release. At least twelve months prior to
218 such hearing, the board shall notify the office of Chief Public Defender,
219 the appropriate state's attorney, the Victim Services Unit within the
220 Department of Correction, the Office of the Victim Advocate and the
221 Office of Victim Services within the Judicial Department of such
222 person's eligibility for parole release pursuant to this subsection. The
223 office of Chief Public Defender shall assign counsel for such person
224 pursuant to section 51-296 if such person is indigent. At any hearing to
225 determine such person's suitability for parole release pursuant to this
226 subsection, the board shall permit (A) such person to make a statement
227 on such person's behalf, (B) counsel for such person and the state's
228 attorney to submit reports and other documents, and (C) any victim of
229 the crime or crimes to make a statement pursuant to section 54-126a. The
230 board may request testimony from mental health professionals or other
231 relevant witnesses, and reports from the Commissioner of Correction or
232 other persons, as the board may require. The board shall use validated
233 risk assessment and needs assessment tools and its risk-based
234 structured decision making and release criteria established pursuant to
235 subsection (d) of section 54-124a in making a determination pursuant to
236 this subsection.

237 (4) After such hearing, the board may allow such person to go at large
238 on parole with respect to any portion of a sentence that was based on a
239 crime or crimes committed while such person was under twenty-one
240 years of age, if the board finds that such parole release would be
241 consistent with the factors set forth in subdivisions (1) to (4), inclusive,
242 of subsection (c) of section 54-300 and if it appears, from all available
243 information, including, but not limited to, any reports from the
244 Commissioner of Correction, that (A) there is a reasonable probability
245 that such person will live and remain at liberty without violating the
246 law, (B) the benefits to such person and society that would result from
247 such person's release to community supervision substantially outweigh
248 the benefits to such person and society that would result from such

249 person's continued incarceration, and (C) such person has demonstrated
250 substantial rehabilitation since the date such crime or crimes were
251 committed considering such person's character, background and
252 history, as demonstrated by factors, including, but not limited to, such
253 person's correctional record, the age and circumstances of such person
254 as of the date of the commission of the crime or crimes, whether such
255 person has demonstrated remorse and increased maturity since the date
256 of the commission of the crime or crimes, such person's contributions to
257 the welfare of other persons through service, such person's efforts to
258 overcome substance abuse, addiction, trauma, lack of education or
259 obstacles that such person may have faced as a person who was under
260 twenty-one years of age in the adult correctional system, the
261 opportunities for rehabilitation in the adult correctional system,
262 whether the person has also applied for or received a sentence
263 modification and the overall degree of such person's rehabilitation
264 considering the nature and circumstances of the crime or crimes.

265 (5) After such hearing, the board shall articulate for the record its
266 decision and the reasons for its decision. If the board determines that
267 continued confinement is necessary, the board may reassess such
268 person's suitability for a new parole hearing at a later date to be
269 determined at the discretion of the board, but not earlier than two years
270 after the date of its decision.

271 (6) The decision of the board under this subsection shall not be subject
272 to appeal.

273 [(g)] (h) Any person released on parole under this section shall
274 remain in the custody of the Commissioner of Correction and be subject
275 to supervision by personnel of the Department of Correction during
276 such person's period of parole.

277 Sec. 2. Subsection (e) of section 54-142a of the general statutes, as
278 amended by section 1 of house bill 6918 of the current session, as
279 amended by House Amendment Schedule "A", is repealed and the
280 following is substituted in lieu thereof (*Effective July 1, 2023*):

281 (e) (1) (A) Except as provided in subdivisions (2) and (3) of this
282 subsection, whenever any person has been convicted in any court of this
283 state of a classified or unclassified misdemeanor offense or a motor
284 vehicle violation for which a maximum term of imprisonment of not
285 more than one year could have been imposed, or a class D or E felony
286 or an unclassified felony offense for which a maximum term of
287 imprisonment of not more than five years could have been imposed or
288 a motor vehicle violation for which a maximum term of imprisonment
289 greater than one year and not more than five years could have been
290 imposed, any police or court record and record of the state's or
291 prosecuting attorney or the prosecuting grand juror pertaining to such
292 conviction, or any record pertaining to court obligations arising from
293 such conviction held by the Board of Pardons and Paroles shall be
294 erased as follows: (i) For any classified or unclassified misdemeanor
295 offense or a motor vehicle violation for which a maximum term of
296 imprisonment of not more than one year could have been imposed,
297 except for a violation of section 14-227a, such records shall be erased
298 seven years from the date on which the court entered the convicted
299 person's most recent judgment of conviction (I) by operation of law, if
300 such offense occurred on or after January 1, 2000, or (II) upon the filing
301 of a petition on a form prescribed by the Office of the Chief Court
302 Administrator, if such offense occurred prior to January 1, 2000; and (ii)
303 for any class D or E felony, unclassified felony offense for which a
304 maximum term of imprisonment of not more than five years could have
305 been imposed or a motor vehicle violation for which a maximum term
306 of imprisonment in excess of one year and not more than five years
307 could have been imposed, or any violation of section 14-227a, such
308 records shall be erased ten years from the date on which the court
309 entered the convicted person's most recent judgment of conviction (I) by
310 operation of law, if such offense occurred on or after January 1, 2000, or
311 (II) upon the filing of a petition on a form prescribed by the Office of the
312 Chief Court Administrator, if such offense occurred prior to January 1,
313 2000.

314 (B) For purposes of subparagraph (A) of this subdivision, the

315 classification of the offense, and the maximum sentence that could have
316 been imposed for a conviction of such offense, shall be determined
317 based on the law that was in effect at the time the offense was
318 committed.

319 (2) Convictions for the following offenses shall not be eligible for
320 erasure pursuant to this subsection:

321 (A) Any conviction, on or after January 1, 2000, designated as a family
322 violence crime, as defined in section 46b-38a;

323 (B) Any conviction for an offense that is a nonviolent sexual offense
324 or a sexually violent offense, each as defined in section 54-250;

325 (C) Any conviction for a violation of section 29-33, 53a-60a, 53a-60b,
326 53a-60c, 53a-61a, 53a-64bb, 53a-64cc, 53a-72a, 53a-90a, 53a-103a, 53a-
327 181c, 53a-191, 53a-196, 53a-196d, 53a-196f, 53a-211, 53a-212, 53a-216,
328 53a-217, 53a-217a, 53a-217c, 53a-322, 53a-323, 54-251, 54-252, 54-253 or
329 54-254 or subdivision (1) of subsection (a) of section 53a-189a; or

330 (D) Any conviction for a violation of section 14-227a [within the
331 preceding ten years of any arrest] if the defendant has been convicted
332 for [the] another violation of section 14-227a within the ten years
333 following such conviction.

334 (3) The provisions of subdivision (1) of this subsection shall not apply
335 to any conviction for any offense until the defendant:

336 (A) Has completed serving any period of incarceration, parole,
337 special parole, medical parole, compassionate parole or transitional
338 supervision associated with any sentence for such offense and any other
339 offense for which the defendant has been convicted on or after January
340 1, 2000, in this state;

341 (B) Has completed serving any period of probation for any sentence
342 for any crime or crimes for which the defendant has been convicted on
343 or after January 1, 2000, in this state; and

344 (C) Is not the subject of any pending state criminal charge in this state.

345 (4) If a person has been convicted of a violation of subsection (c) of
346 section 21a-279 prior to October 1, 2015, such conviction shall not be
347 considered as a most recent offense when evaluating whether a
348 sufficient period of time has elapsed for an offense to qualify for erasure
349 pursuant to this subsection.

350 (5) Nothing in this subsection shall limit any other procedure for
351 erasure of criminal history record information, as defined in section 54-
352 142g, or prohibit a person from participating in any such procedure,
353 even if such person's criminal history record information has been
354 erased pursuant to this section.

355 (6) Nothing in this subsection shall be construed to require the
356 Department of Motor Vehicles to erase criminal history record
357 information on an operator's driving record. When applicable, the
358 Department of Motor Vehicles shall make such criminal history record
359 information available through the Commercial Driver's License
360 Information System.

361 (7) Nothing in this subsection shall terminate a defendant's obligation
362 to register as a person convicted of an offense committed with a deadly
363 weapon pursuant to section 54-280a, a felony for a sexual purpose
364 pursuant to section 54-254 or a criminal offense against a victim who is
365 a minor pursuant to section 54-251.

366 (8) No erasure under this subsection shall be construed to terminate
367 a defendant's obligation to abide by a standing criminal protective order
368 imposed under section 53a-40e or terminate a defendant's obligation to
369 pay any unremitted fine imposed as part of the court's sentence.

370 (9) Notwithstanding any provision of this section and the provisions
371 of section 54-142c, any record required to substantiate any defendant's
372 conviction shall be available to law enforcement, the court and the
373 state's attorney for the purpose of (A) verifying such defendant's
374 obligation to register pursuant to section 54-251, 54-254 or 54-280a and

375 prosecuting any such defendant for violating any provision of such
376 sections, and (B) verifying such defendant's obligation to abide by any
377 standing criminal protective order imposed under section 53a-40e and
378 prosecuting any such defendant for a violation of section 53a-223a."

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

Section 1	<i>October 1, 2023</i>	54-125a
Sec. 2	<i>July 1, 2023</i>	54-142a(e)