



General Assembly

**Governor's Bill No. 14**

February Session, 2018

LCO No. 246



Referred to Committee on JUDICIARY

Introduced by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

REP. RITTER M., 1<sup>st</sup> Dist.

**AN ACT CONCERNING SPECIAL PAROLE FOR HIGH-RISK, VIOLENT AND SEXUAL OFFENDERS.**

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

1 Section 1. Section 54-91a of the 2018 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2018*):

4 (a) No defendant convicted of a crime, other than a capital felony  
5 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
6 or murder with special circumstances under the provisions of section  
7 53a-54b in effect on or after April 25, 2012, the punishment for which  
8 may include imprisonment for more than one year, may be sentenced,  
9 or the defendant's case otherwise disposed of, until a written report of  
10 investigation by a probation officer has been presented to and  
11 considered by the court, if the defendant is so convicted for the first

12 time in this state or upon any conviction of a felony involving family  
13 violence pursuant to section 46b-38a for which the punishment may  
14 include imprisonment; but any court may, in its discretion, order a  
15 presentence investigation for a defendant convicted of any crime or  
16 offense other than a capital felony under the provisions of section 53a-  
17 54b in effect prior to April 25, 2012, or murder with special  
18 circumstances under the provisions of section 53a-54b in effect on or  
19 after April 25, 2012.

20 (b) A defendant who is convicted of a crime and is not eligible for  
21 sentence review pursuant to section 51-195 may, with the consent of  
22 the sentencing judge and the prosecuting official, waive the  
23 presentence investigation, except that the presentence investigation  
24 may not be waived when the defendant is convicted of a felony  
25 involving family violence pursuant to section 46b-38a and the  
26 punishment for which may include imprisonment.

27 (c) Whenever an investigation is required, the probation officer shall  
28 promptly inquire into the circumstances of the offense, the attitude of  
29 the complainant or victim, or of the immediate family where possible  
30 in cases of homicide, and the criminal record, social history and  
31 present condition of the defendant. Such investigation shall include an  
32 inquiry into any damages suffered by the victim, including medical  
33 expenses, loss of earnings and property loss. All local and state police  
34 agencies shall furnish to the probation officer such criminal records as  
35 the probation officer may request. When in the opinion of the court or  
36 the investigating authority it is desirable, such investigation shall  
37 include a physical and mental examination of the defendant. If the  
38 defendant is committed to any institution, the investigating agency  
39 shall send the reports of such investigation to the institution at the time  
40 of commitment.

41 (d) No court may sentence a defendant convicted of a crime to a  
42 period of special parole until a written report of investigation by a  
43 probation officer has been presented to and considered by the court.

44 The probation officer shall conduct such investigation in accordance  
45 with subsection (c) of this section and additionally investigate or assess  
46 and include in such written report (1) the defendant's history of  
47 violations of probation or parole, (2) the likelihood that the defendant  
48 will be granted parole pursuant to section 54-125a, prior to the  
49 expiration of the sentence of incarceration, (3) the risk posed to public  
50 safety by the release of the defendant from incarceration, as assessed  
51 under the system developed in accordance with section 54-108b, and  
52 (4) whether the defendant could be supervised in the community by  
53 the Office of Adult Probation in a manner that would adequately  
54 ensure public safety.

55 [(d)] (e) Any information contained in the files or report of an  
56 investigation pursuant to this section shall be available to the Court  
57 Support Services Division for the purpose of performing the duties  
58 contained in section 54-63d and to the Department of Mental Health  
59 and Addiction Services for purposes of diagnosis and treatment.

60 Sec. 2. Subsection (c) of section 54-125e of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2018*):

63 (c) The period of special parole shall be not less than one year or  
64 more than [ten] two years, except that such period [may be for] shall be  
65 not less than one year or more than ten years for a person convicted of  
66 a violation of subdivision (2) of section 53-21 of the general statutes in  
67 effect prior to October 1, 2000, subdivision (2) of subsection (a) of  
68 section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-  
69 72b or sentenced as a persistent dangerous felony offender pursuant to  
70 subsection (i) of section 53a-40 or as a persistent serious felony  
71 offender pursuant to subsection (k) of section 53a-40.

72 Sec. 3. Section 54-129 of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2018*):

74 If it appears to the appropriate panel of the Board of Pardons and

75 Paroles that any convict or inmate on parole or eligible for parole or on  
76 special parole will lead an orderly life, said panel, by a unanimous vote  
77 of all the members present at any regular meeting [thereof] of the  
78 panel, may declare such convict or inmate discharged from the  
79 custody of the Commissioner of Correction and shall thereupon  
80 deliver to him a written certificate to that effect under the seal of the  
81 Board of Pardons and Paroles and signed by its chairman and the  
82 commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	54-91a
Sec. 2	<i>October 1, 2018</i>	54-125e(c)
Sec. 3	<i>October 1, 2018</i>	54-129

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[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.]*