



General Assembly

Substitute Bill No. 1058

January Session, 2021



**AN ACT CONCERNING COMPASSIONATE OR MEDICAL PAROLE
RELEASE BY THE BOARD OF PARDONS AND PAROLES AND
CONCERNING STAFF OF THE DEPARTMENT OF CORRECTION.**

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2 statutes are repealed and the following is substituted in lieu thereof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, 2021*):

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, medical parole, compassionate parole or special parole
27 in accordance with sections 54-127, as amended by this act, and 54-128,
28 as amended by this act, (4) grant commutations of punishment or
29 releases, conditioned or absolute, in the case of any person convicted of
30 any offense against the state and commutations from the penalty of
31 death in accordance with section 54-130a, (5) discharge any person on
32 parole, medical parole or compassionate parole or inmate eligible for
33 parole from the custody of the Commissioner of Correction pursuant to
34 section 54-129, and (6) terminate special parole in accordance with
35 section 54-129.

36 Sec. 2. Section 54-127 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2021*):

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, 2021*):

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, or 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, 2021*):

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. Section 54-131a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

79 Sec. 6. Section 54-131b of the general statutes is repealed and the

80 following is substituted in lieu thereof (*Effective October 1, 2021*):

81 [The] A panel of the Board of Pardons and Paroles may release on
82 medical parole any inmate serving any sentence of imprisonment,
83 except an inmate convicted of a capital felony under the provisions of
84 section 53a-54b in effect prior to April 25, 2012, or murder with special
85 circumstances under the provisions of section 53a-54b in effect on or
86 after April 25, 2012, who has been diagnosed pursuant to section 54-131c
87 as suffering from a terminal condition, disease or syndrome, and is so
88 debilitated or incapacitated by such condition, disease or syndrome as
89 to be physically incapable of presenting a danger to society.
90 Notwithstanding any provision of the general statutes to the contrary,
91 the Board of Pardons and Paroles may release such inmate at any time
92 during the term of such inmate's sentence.

93 Sec. 7. Section 54-131k of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2021*):

95 (a) The Board of Pardons and Paroles may grant a compassionate
96 parole release to any inmate serving any sentence of imprisonment,
97 except an inmate convicted of a capital felony under the provisions of
98 section 53a-54b in effect prior to April 25, 2012, or murder with special
99 circumstances under the provisions of section 53a-54b in effect on or
100 after April 25, 2012, if [it] the panel finds that such inmate (1) is so
101 physically or mentally debilitated, incapacitated or infirm as a result of
102 advanced age or as a result of a condition, disease or syndrome that is
103 not terminal as to [be physically incapable of presenting a] present a
104 significantly reduced risk of danger to society, and (2) (A) has served
105 not less than one-half of such inmate's definite or aggregate sentence, or
106 (B) has served not less than one-half of such inmate's remaining definite
107 or aggregate sentence after commutation of the original sentence by the
108 Board of Pardons and Paroles.

109 (b) (1) During a major disaster or an emergency declaration by the
110 President of the United States covering any part of the state, or an
111 emergency declaration issued by the Governor, that shall include, but

112 need not be limited to, those declarations issued concerning the COVID-
113 19 pandemic, any other disease epidemic or public health emergency or
114 a natural disaster, a panel of the Board of Pardons and Paroles may grant
115 a compassionate parole release to any inmate serving any sentence of
116 imprisonment, except an inmate convicted of a capital felony under the
117 provisions of section 53a-54b in effect prior to April 25, 2012, or murder
118 with special circumstances under the provisions of section 53a-54b in
119 effect on or after April 25, 2012, at any time during the term of such
120 inmate's sentence, if the panel finds circumstances exist which pose a
121 higher risk of harm to such inmate should he or she remain confined.

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

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

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

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

138 Sec. 8. Section 18-81nn of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective from passage*):

140 (a) Any correction officer who witnesses another correction officer
141 use what the witnessing correction officer objectively knows to be
142 excessive or illegal use of force shall intervene and attempt to stop such

143 other correction officer from using such force. Any correction officer
144 who fails to intervene in such an incident may be prosecuted and
145 punished in accordance with the provisions of section 53a-8 for the same
146 acts as the correction officer who used unreasonable, excessive or illegal
147 force.

148 (b) Any correction officer who witnesses another correction officer
149 use what the witnessing correction officer objectively knows to be
150 unreasonable, excessive or illegal use of force or is otherwise aware of
151 such use of force by another correction officer shall report, as soon as is
152 practicable, such use of force to the witnessing correction officer's
153 immediate supervisor. Such supervisor shall immediately report such
154 use of force to the immediate supervisor of the correction officer who is
155 reported to have used such force. Any correction officer required to
156 report such an incident who fails to do so may be prosecuted and
157 punished in accordance with the provisions of sections 53a-165 to 53a-
158 167, inclusive.

159 (c) The Department of Correction or any employee of the department
160 shall not take any retaliatory personnel action or discriminate against a
161 correction officer because such correction officer intervened in an
162 incident pursuant to subsection (a) of this section or reported an incident
163 pursuant to subsection (b) of this section. Such intervening or reporting
164 correction officer shall be protected by the provisions of section 4-61dd
165 or 31-51m, as applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	54-124a(e) and (f)
Sec. 2	October 1, 2021	54-127
Sec. 3	October 1, 2021	54-127a
Sec. 4	October 1, 2021	54-128(a)
Sec. 5	October 1, 2021	54-131a
Sec. 6	October 1, 2021	54-131b
Sec. 7	October 1, 2021	54-131k
Sec. 8	from passage	18-81nn

Statement of Legislative Commissioners:

In Section 1(e)(1), the new language was moved for clarity, and in Section 7, Subsecs. (b) and (c) were made Subsecs. (b)(1) and (2) and the remaining Subsecs. were renumbered and the notwithstanding language was deleted for accuracy and to conform with standard drafting conventions.

JUD *Joint Favorable Subst.*