

**PA13-165**

HB5515

House	1317-1330	14
Judiciary	670, 671-672, 673-674, 680-682, 756-757	10
Senate	4396-4409	14
		<b>38</b>

**H - 1153**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 4  
1026 - 1360**

Have all members voted? Have all members voted?  
Will the members please check the board to determine  
if their vote is properly cast?

If all members have voted, the machine will be  
locked, and the Clerk will announce the tally -- take  
a tally.

THE CLERK:

Bill Number 6472 as amended by House "A."

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 143

Those voting Nay 0

Absent and not voting 8

DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please call Calendar Number 103.

THE CLERK:

Mr. Speaker, on Page 11, Calendar Number 103,  
Favorable Report of the joint standing Committee on  
Judiciary, House Bill 5515, AN ACT CONCERNING  
RESIDENTIAL STAYS AT CORRECTIONAL FACILITIES.

DEPUTY SPEAKER BERGER:

Thank you, Mr. Clerk.

The dais recognizes Representative Ritter.

mhr/gbr  
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REP. M. RITTER (1st):

Good afternoon. Thank you, Mr. Speaker.

I move for acceptance of joint committee's  
Favorable Report and passage of the bill.

DEPUTY SPEAKER BERGER:

Question before the Chamber is -- is the joint  
committee's Favorable Report and passage of bill.

Will you comment further, Representative Ritter?

REP. M. RITTER (1st):

Yes; thank you, Mr. Speaker.

This -- this bill essentially makes one, minor  
change in our statutes which requires an inmate to  
stay up to 30 days -- it's all optional, by his or her  
choice -- in a correction facility, if this person is  
leaving the correctional facility to go receive  
treatment. A good example might be that if you were  
going for substance abuse and your term ended on, say,  
December 30th, and there was no beds open, then they  
would let you stay for up to 30 days, until a bed  
opened for this treatment.

I thank Commissioner Arnone for pushing this;  
it's a common-sense measure, help reduce recidivism  
and things like that. To put somebody back on the  
street because we don't have a bed empty for drug or

alcohol rehab, things like that, is really contrary to what our goals should be, and it's really not cost-effective, as well. So I would urge the, my colleagues here in the Chamber to please support this measure.

REP. CARPINO (32nd):

Than you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill? Will you comment further on the bill?

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, I do rise in support of the bill, and I certainly do echo what Representative Ritter just said in the sense of it is a common-sense legislation that's before us.

Some people may have some concern because this is voluntary. So, in other words, there's a prisoner whose time is up, so they would normally be discharged. But what this bill would allow is if this prisoner is identified for additional need, so needs to be placed in a transitional facility, whether it's

for substance abuse, as one of the examples was provided, or some other type of rehabilitation, then the facility is actually identified as to when that bed will be available.

This is not just a holding pattern voluntarily for prisoners who don't want to leave and go back into society; you actually have to identify that they have a need for a transitional facility, a real need, and then you also have to identify the facility, that there is going to be an open spot for them. And it is limited to 30 days.

So, again, I do support this legislation. It was requested by the Commissioner of Corrections, and he did adequately identify that this will be very limited circumstances, but, again, one that we have to take seriously, because we don't want to just throw these people out into the streets if, in fact, that they would benefit from a rehabilitation. So we could, again, eliminate the recurrence of them going back into prison. So I think it is a good legislation. So I do support it.

And I also want to thank Representative Ritter, one, and congratulate him, as well, as being a new, a new father, if I may, Mr. Speaker.

And I do urge support for this piece of legislation.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Representative Carpino, of the 32nd.

REP. CARPINO (32nd):

Thank you, Mr. Speaker.

If I may, two questions to the proponent.

DEPUTY SPEAKER BERGER:

Representative Ritter, please prepare yourself.

Please proceed, Representative Carpino.

REP. CARPINO (32nd):

Thank you.

Could the proponent tell me approximately how many times each year the agency plans on using this?

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

I don't have an exact number, through you, Mr. Speaker, but we were -- when that question was asked, it was brought up, I would say it's -- it's an insignificant number in the overall grand schemes in the prison population in the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Carpino.

REP. CARPINO (32nd):

Thank you.

And my final question is: Does the agency have a proximate cost they would be expending on each inmate that they keep, assuming that they're there for the maximum of the 30-day extended stay?

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

Through you, Mr. Speaker, I mean, it's a fair question. There's is a -- a cost, a little bit associated to the context of you'd be staying and obviously housed in the prison.

However, I think the testimony that we heard, through you, Mr. Speaker, was that by releasing people without giving them the proper treatment, the cost of that recidivism rate, having them go back for longer sentences, longer stays, over time they believe this will be a cost-saving measure for the state over the years, as we implement this program.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Carpino.

REP. CARPINO (32nd):

Thank you. I will be supporting this bill, knowing that the agency plans on using this a limited number of times per year.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Representative Alberts, of the 50th.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may, a question to the proponent of the bill before us.

DEPUTY SPEAKER BERGER:

Representative Ritter, prepare yourself.

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In looking at the fiscal note that's before us, the fiscal note references an estimated cost of \$7000, and I just wanted to confirm that in light of the previous discussion, I'm -- I'm hearing a lot of

discussion that this is going to be limited; they'll be very few instances where this is put in place. But the fiscal note makes reference to \$7000, and I wanted to confirm that that is the proponent's understanding of the total cost of the program.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

Yes, through you, Mr. Speaker, as we note, it's very limited in its application. Yes, our understanding, it's about \$7000, approximately.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And the, and the fiscal note goes further to say such costs could be partially mitigated to the extent that a per diem charge is levied against the inmate.

How does that work?

Through you, Mr. Speaker?

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

Yes, through you, Mr. Speaker, it's our understanding that you could mitigate the cost by levying some sort of per diem on the prisoner. It may have to go with ability to pay and things like that.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So do I understand, then, that the bill actually creates a structure where there would be an attempt to levy a per diem charge?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

Yeah. Yeah, through you, Mr. Speaker, that would fall under the existing statutory structure that we have for that type of issue with a prisoner and per diem expenditure, you know, paying back the state for those things.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I do appreciate the proponent's comments, and I do think that, based on what I've heard, there are likely to be very few instances that this would be utilized and would be glad to support it today.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Will you comment further on the bill before us?

Representative Ziobron, of the 34th.

REP. ZIOBRON (34th):

Thank you, Mr. Speaker.

I have a question for the proponent of the bill, through you.

DEPUTY SPEAKER BERGER:

Representative Ritter, prepare yourself.

Representative Ziobron.

REP. ZIOBRON (34th):

Thank you, Mr. Speaker.

I'd like to follow up on that line of questioning, regarding the fiscal note. And I saw underneath that they're saying that this is a cost of \$3500 per inmate. So if the program only has a fiscal

note impact of 7000, I mean, you're really talking about a handful, a one, two. And is that the max that we're going to be spending on this program?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

Through you, Mr. Speaker, that's an estimate based on previous years and who they think would utilize the program. Of course you -- it's very difficult to make estimates. It seems like it'd be a handful, and that's about approximately right.

But whether that number could fluctuate between 3500 and, you know, could it go above 7000? Sure, but, again, we're still talking about a very small number of people, based on previous years and estimates from the Department of Corrections.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ziobron.

REP. ZIOBRON (34th):

Thank you, Mr. Speaker.

If I go up, previous in the bill, I believe it's on Line 7, it talks about an inmate that may be able

to request staying in a correctional facility up to 90 days.

Can I ask, through you, Mr. Speaker, to the proponent of the bill, has this request been offered in the past, and if so, how many inmates request to stay, incarceration for 90 days, with substance abuse?

Through you.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. M. RITTER (1st):

Through you, Mr. Speaker, again, this -- that provision in Line 7, through you, Mr. Speaker, is the current law. And, again, the testimony didn't speak to, you know, how many people are utilizing this, but they already have this ability. These are people who are currently in an educational-type program or things like that, so it's currently utilized. It's currently in statute.

The only amendment begins on Line 9, which would be new to the Department of Corrections' policies.

Through you, Mr. Speaker.

REP. ZIOBRON (34th):

Thank you, Mr. Speaker.

That answers --

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DEPUTY SPEAKER BERGER:

Representative Ziobron.

REP. ZIOBRON (34th):

That answers my question.

Thank you.

DEPUTY SPEAKER BERGER:

Thank you.

Will you comment further on the bill before us?

Will you remark further on the bill before us?

If not, will staff and guests please come to the Well of the House. Will the members please take their seat. The -- the machine will be open.

THE CLERK:

The House of Representative is voting by roll.

The House of Representatives is voting by roll. Will members return to the Chamber, immediately.

DEPUTY SPEAKER BERGER:

Representative Orange, what purpose do you rise?

REP ORANGE (48th):

Thank you, Mr. Speaker. Good afternoon to you.

I'm here to apologize that I inadvertently pressed Representative Elizabeth Ritter's button, which is now reading in the red, and I would like that to be corrected so she may vote.

Thank you, sir.

DEPUTY SPEAKER BERGER:

Thank you, Representative, for the clear-up.

A VOICE:

That's great.

DEPUTY SPEAKER BERGER:

I believe the vote is properly cast.

Have all members voted? Have all members voted?

Will the members please check the board to see if  
their vote is properly cast?

If all members have voted, the machine will be  
locked. And the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 5515.

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 143

Those voting Nay 0

Absent and not voting 8

DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please announce House Calendar

188.

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SENATE**

**PROCEEDINGS  
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SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Mr. Clerk -- before we proceed can we have order in the Chamber please.

Please bring your conversations outside the Chamber in the Caucus rooms.

Thank you.

Mr. Clerk.

THE CLERK:

On Page 5, Calendar 350, House Bill Number 5515, AN ACT CONCERNING RESIDENTIAL STAYS AT CORRECTIONAL FACILITIES, Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Hello, Mr. President.

THE CHAIR:

Hello, Senator.

SENATOR DOYLE:

I move acceptance of the Committee's Favorable Report and passage of the bill.

THE CHAIR:

On acceptance and passage, will you remark?

SENATOR DOYLE:

Yes, thank you, Mr. President.

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This bill was passed out of the Judiciary Committee unanimously 39 to zero. What it does is an inmate that's currently -- or at the completion of his sentence, as strange as it may seem, the inmate may want to stay longer than the term of his sentence for a few particular instances in the sense that, if -- if he has to go to a treatment facility or a health facility and the bed is not available, he may stay longer, up to 30 days longer in the prison. And the -- the bill also has the ability for the Commissioner to permit the -- the inmate to stay an additional 30 days for any other issue in -- consistent with the -- the offender rehabilitation or treatment.

I'm not sure there will be a -- a long list for this but it's -- it's a reasonable bill in the sense that if we're looking for our -- our inmates to -- to -- to get out back in their community and get rehabilitation, if an additional 30 days will assure that our inmates will assimilate into society better, I think it's a good bill. And I urge the Chamber to accept this bill.

Thank you, Mr. President.

(President in the Chair.)

THE CHAIR:

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President, great to see you this afternoon.

I stand in support of this bill. It's been proposed by the Department of Corrections for the past few years. And what it addresses is that sometimes inmates who really want to turn their lives around need to get that half-way house bed, they need to get that drug counseling, they need to get that treatment, but occasionally what happens is they reach the end of their sentence.

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And what the Commissioner -- and I would like commend the former Commissioner of the Department of Corrections, Leo Arnone, for championing this -- is he brought to our attention through the public hearing that we had in the Judiciary Committee is that if an inmate wants that treatment to help turn their lives around, to help stop that cycle of recidivism, to become a law-abiding citizen, and the Department of Corrections reaches out and says there will a bed available in two weeks or there will be a spot for drug -- intensive drug treatment and counseling in three weeks, there is no authority, no authority in statute, that would allow the Department of Corrections to hold on to that inmate, that they have to let the inmate go, even though the inmate says if you just throw me back in my neighborhood without the support structure, I'm afraid that I'm going to go back to my old bad ways. And that's what we've been doing.

And so it's a great bill because it allows those inmates that want to turn their lives around to voluntarily agree, up to not more than 30 days, to stay in the Department of Corrections, presumably in a minimal security setting, while the Department of Corrections nails down when that halfway house bed is available, when that intensive drug treatment or counseling is available, whatever is needed for that inmate. And then, hopefully, the chances of that inmate turning their live -- life around goes up dramatically.

So minimal cost to the State of Connecticut, voluntary program on behalf of the inmate, better utilization of our support structures for rehabilitation and less victimization because we will be more successful in breaking the cycle of recidivism for some of these nonviolent offenders.

And these are nonviolent offenders in most instances. They wouldn't be in this spot. And, again, the alternative is you just throw someone out into the environment that they came from, very little support, if any, and setting them up for a fall.

So with that, Madam President, I stand in strong support of this legislation and urge my colleagues to support it as well.

Thank you.

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THE CHAIR:

Will you remark? Will you remark?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

A couple of questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you.

Through you, Madam President.

When -- obviously this legislation is before us because folks are getting to the end of their sentence and, from what I just heard in the debate, that they've been allowed -- or a bed becomes available for them to seek treatment.

Could the good Senator explain why we're waiting -- or it seems to be that it's always at the end of a -- a prisoner's sentence that a bed becomes available and not somewhere in the middle or towards the end?

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes. Through you, Madam President.

Unfortunately, I think it's probably because of limited resources for the department in the state. It's always the goal of me and others to try to get the maximum amount

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of monies for treatment but we do have limited treatment, and we're all aware of that and -- and if -- if this bill can help, you know, get a person back on track and get off the drugs, I think it's a good bill.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Through you, Madam President.

From what I understand, and it's a very minimal knowledge in this subject matter once they're behind bars, is that there's a waiting list in order to -- to get into a treatment program through the prison system. And my question would be why wouldn't we try to expand the system's -- the -- the classes while they are contained within our correctional facilities rather than extend a stay at the correctional facilities towards the end?

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

I think we're -- we're discussing two different types of treatment. We're talking about -- you know there -- there -- we should have -- we have some treatment, we probably need more treatment in prisons, but here we're talking about, you know, leaving the facility going to a full-time treatment facility. So these are really off-site treatment.

And unfortunately those -- I think those facilities are -- are competing with other non-inmates. So you have -- you have waiting lists, you know. And even in

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people that aren't serving sentences, judges order people into treatment, so I think it's a question of just a lack of out-of-prison beds we're talking about here.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Then, through you, Madam President, is there anything in the legislation that requires them to be in a program or is this basically for housing a -- a pre-determined house so they have a place to go when they get out, i.e., a bed waiting. If they have to wait two weeks, they know one will become available.

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, this bill has no specifics along those lines in the sense of whether it's a permanent facility, you know, a treatment facility with beds or not. It's more just getting -- and there are many different options out there in treatment. Some are day programs. Some are full-time programs.

So this piece of legislation is more general in nature. It's just saying if the inmate has the will and the desire to try to turn his life around and get treatment and he really doesn't want to go in the streets until he has it, we'll -- we'll let him stay longer in the prison up to 30 days.

Through you, Madam President.

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Senator Witkos.

SENATOR WITKOS:

Thank you.

Through you, Madam President, has the -- I know the department is supportive of this but how -- how does that work for an inmate who has served their time and they are required to -- they have X amount of free time, are they contained within a cell or is there other accommodations now? Are they with the general population if they voluntarily stay in -- in our correctional facility?

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

It's my understanding the terms of the inmate's sentence -- I mean the terms of his treatment -- sorry -- the terms of his sentence during his time in the prison would remain the same. They're not going to create a whole new locked unit or something or a more lenient unit for someone in this situation.

Basically, the person would stay -- the inmate would stay in the same terms or conditions that he is in the prison before his term expires.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Through you, Madam President.

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How -- how does that impact on -- if -- if a -- a judge sentences an inmate to a specific time period and if it's -- if it's to time served, is the legislation that we're creating today say this -- that trumps that and says even though you're -- you can walk out that -- that door a free person, you have to -- you're voluntarily staying in here.

So now with all these conditions that were applicable to you before, i.e., you've got one hour of recreation, one hour of classroom, one hour of, et cetera, are still applicable to you when you can just walk up to the warden, I'll say, and say I want to go home or I want to leave because I've served my time.

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

As you -- as the good Senator mentioned, it's really a voluntary decision by the inmate to stay longer. So when you volunteer you -- he's basically agreeing to the same terms of his service while in the facility, so he's not going to be able to negotiate any other, you know, looser terms.

And the question if the inmate desires to leave earlier, I would suspect if he changed his mind and he -- his term was up, he probably could leave at that point.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

And through you, Madam President.

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We have a good-time credit program here in the State of Connecticut for these nonviolent offenders. So if the inmate decided to -- to stay or extend their welcome, if you will, for the 90 days, do they -- how does that impact the -- the good-time credit? Does that reduce a potential probation period or parole period?

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

Well, first of all, the maximum in the bill is 30 days and it would -- it would be -- your -- your -- he's a ground -- he's allowing to remain 30 days in there. That certainly doesn't impact any of the good-time credits or the like because this -- this bill deals with the end of his term of imprisonment so he's agreeing to stay longer.

In terms of supervised parole, if you're still in a facility, he -- you know it wouldn't be subject to parole until he leaves.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I -- I thank the gentleman for his answers.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

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Senator Kane. The real Senator Kane this time.

SENATOR KANE:

That's right. There can only be one, madam.

THE CHAIR:

Thank God.

SENATOR KANE:

Through you, a couple of questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

The OLR analysis, Senator Doyle -- well, let me take a step back. In the fiscal note it said it won't cost very much because only one or two a year of these inmates take advantage of this opportunity. But in the OLR analysis, it says that the bill extends to more inmates the opportunity.

So is the OFA analysis wrong? Is this going to cost more money because the opportunity will be greatly expanded?

Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

Of course I don't know what the exact implications of this legislation would be, but I certainly would not think there would be a large stampede for prisoners wanting to stay longer in prison for any reason.

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I think this piece of legislation is designed for the very small percentage, very few inmates that, you know -- you know, fortunately, I would say, are -- are -- are willing to stay in a facility longer to try to get treatment.

But I think, clearly, we're not talking about a lot of inmates are going to want to stay longer. Your average inmate, of course, is very eager to leave the facility so I would stick with the OFA position. There would be very minimal costs, and the department has -- since this is -- this is their proposal, I'm sure they're certain that it's not significant costs or they would have not presented this legislation.

Through -- through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And when we say that the bill extends to more inmates the opportunity, how are we expanding the opportunity?

Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

I think it's just -- this legislation, you know, provides clarity that the department can permit a -- an inmate to voluntarily decide to stay in a facility up to 30 days longer. Right now it's certainly not clear, and it -- it appears the Department needed clear clarity and legislation to allow the very rare inmate who wanted to stay longer waiting for treatment.

Through you, Madam President.

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THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And it also says that if the participating inmate is -- is involved in a program -- drug or work program, they may request an extended stay up to 90 days. Is that part of the bill and, if so, how often does that occur and -- and what type of costs are we looking at for that portion?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President.

I guess it's not in a text in the bill so we're -- we're referring to the -- I always look to the text of the bill as bible, but I'll read -- the OLR report does talk about -- the section the -- good Senator is referring to is unchanged by the bill but it's talking about inmates who are participating in a state program for an extend -- up to 90 days but it's really unrelated to the bill.

So through you, Madam President, I'm not too familiar with it but it's not at issue in the bill so I'm not too worried that I can't answer it.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I -- I thank Senator Doyle for answering my questions.

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THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Cassano.

SENATOR CASSANO:

Just a brief remark. Several years ago the Legislature created a committee to look at gang violence, and as part of that process we visited many of the prisons. I think you'll see under this rule a lot if -- if it's January and snowy and -- I want to stay longer.

And we had situations within the prisons, described to us by several inmates, that they could tell you what every infraction means. So if it's February and it's still cold, if I hit an officer, I might get two more months. I get out in April, and that's reality. And I think we may reduce a lot of some of the things that go on in the prisons simply by this option being there.

It doesn't change things but it may change how it's done. But there's no question that if you are the inmate, you don't have a job, you don't have a place to live and it's snowing, this is a good bill.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Doyle.

SENATOR DOYLE:

Yes, madam President. If there's no objection -- there is objection.

THE CHAIR:

There's objection.

Mr. Clerk, will you call for a roll call vote and the machine will be open.

gdm/cah/meb/gbr  
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THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll  
call has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the  
machine will be closed. Mr. Clerk, will you call the  
tally.

THE CLERK:

House Bill 5515,

Total Number Voting	35
Necessary for Adoption	18
Those Voting Yea	33
Those Voting Nay	2
Those Absent and Not Voting	1

THE CHAIR:

Okay the bill is passed. Sorry.

Mr. Clerk.

THE CLERK:

On Page 16, Calendar 603, House Bill Number 5514, AN ACT  
CONCERNING THE ADMINISTRATOR OF THE INTERSTATE COMPACT FOR  
ADULT OFFENDER SUPERVISION, Favorable Report of the  
Committee on Judiciary.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes. Hello again, Madam President.

I move acceptance of the Committee's Joint Favorable  
Report and passage of the bill in concurrence with the  
House.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 2  
365 - 727**

**2013**

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February 13, 2013  
2:30 P.M.

Thank you, Kevin.

KEVIN KANE: Thank you.

REP. FOX: Is Representative Bacchiochi here? Well, if she comes in, we'll come back to her.

Senator Looney? If he comes in, we'll go to him.

I do see COMMISSIONER LEO C. ARNONE. Welcome, Commissioner. I think this is the first time I've seen you since you announced that you will be leaving the Department of Correction, so let me just say you were definitely a pleasure to work with, and we wish you the best.

COMMISSIONER LEO C. ARNONE: Thank you. Thank you very much.

REP. FOX: Now, you're here on some bills, so you might as well --

COMMISSIONER LEO C. ARNONE: Yeah. So, good afternoon, Senator Coleman, Representative Fox, and members of the Judiciary Committee. I'm Leo Arnone, the Commissioner of the Connecticut Department of Correction. I'm here to speak on three bills today. I'll be brief. They're -- also these bills were up last year. They -- they cleared committee last year; two of them died in the final hours of -- of the Legislature last year.

First one is one that has been near and dear to my heart even though, if it passes, it won't help me because I won't be here anymore, but it's AN ACT CONCERNING THE ADMINISTRATOR OF THE INTERSTATE COMPACT FOR ADULT OFFENDERS. Basically what this -- actually what this bill does is allows the state a Council for the Interstate Compact. The Interstate Compact is

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HB5514

the compact we have where parolees and probationers and some inmates can be held in other states through this -- this national agreement.

By statute, I am the administrator. The administrator really should be elected by the council. The council are -- are -- is made up as you'll see in the -- in the write up by several different organizations and people in the Legislature. And -- and the Department of Correction really has the smallest group of people involved in Interstate Compact.

We move some inmates around; they are subject to the Interstate Compact. However, parole and probation, by far have the largest percentage, and really the administrator should be, I believe, democratically elected by the policy board that's -- that is set forth to do that. And we all voted and they all agreed, so I think it's a -- it's a good bill. It simply changes some language and makes a technical change in the bill.

The next one is AN ACT CONCERNING RESIDENTIAL STAYS AT CORRECTIONAL FACILITIES, another one that passed. Simply what this does is allows the Department of Correction to hold an inmate an extra 30 days voluntarily so that they can be -- a bridge so that that holding can be a bridge to a program. So easiest one to explain is a person needs an -- an inpatient drug treatment program after his incarceration, but he can't get that bed for two weeks.

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So what do we do with him? His sentence is ended so we have to release him. Usually release him to a -- if he has no other means, no friends or relatives to take him in, that person ends up in a shelter. So they sit around in a shelter for two and a half weeks

waiting for a bed that's available to them. And many times they lose that bed or they disappear, and we never can connect them with the program that may provide them with assistance.

This costs the Department really nothing. It's 30 days for a few people a year. This is not a huge thing. And in the overall scheme, when you're caring for 16,000 people, one or two, three times a year really doesn't cost you anything at all. But we think the benefits are worth it. It's done in some other states, and -- and it's a good -- a good bill.

And the last one is our annual foray -- I think we've been doing this since 2008 -- there is a -- this is AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS. There's a -- there's a statute on the books that requires us to withhold 10 percent of an inmate's account and hold it as a savings account so that when they leave, they have some money, which is laudable. It's a good idea. The problem is it's not workable because it really has some, probably, constitutional problems.

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But the attorney general has advised us not to implement it because, if an inmate is out of state, we can't require, legally, the other state to follow this program. That's all. By the way, it's all part of the Interstate Compact agreement we have as well. But -- so we can't require them to do it, so -- but the law says we have to, you know, the statute.

And the other piece is that pretrial detainees are not excluded from this legislation. It's everybody who is being held by the Department of Correction. So pretrial detainees, people who are innocent until proven guilty, are also subject to this 10 percent. The Attorney

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General's Office also feels that's not a good idea, that we'll end up in -- in some hot water. So these are simply technical changes to this bill to make this particular program -- or make us be able to facilitate the statute that's already on the books.

REP. FOX: Thank you, Commissioner.

COMMISSIONER LEO C. ARNONE: You're welcome.

REP. FOX: Representative Ritter.

REP. RITTER: Commissioner, nice to see you. Congratulations, again on your many years of service.

COMMISSIONER LEO C. ARNONE: Thank you.

REP. RITTER: Just a quick question on the ACT CONCERNING RESIDENTIAL STAYS AT CORRECTIONAL FACILITIES, why did you pick 30 days, because it's not much of a cost to the state? That's what I was worried about.

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COMMISSIONER LEO C. ARNONE: Yes.

REP. RITTER: And it's only a handful of people a year; could it be that it might need to be 31 or 41? Why did you pick 30?

COMMISSIONER LEO C. ARNONE: Well, last year, or two years ago we ended up in a kind of almost a filibuster situation where we were -- we were battling and trying to put together -- put together support to support this bill. And there were a lot of people feeling 90 days was too much. So through negotiation, we picked 30.

REP. RITTER: I understand a lot better. I am aware that those things can work sometimes. So thank

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you.

COMMISSIONER LEO C. ARNONE: Thank you.

REP. FOX: Representative Gonzalez.

REP. GONZALEZ: Thank you. Good afternoon,  
Commissioner.

COMMISSIONER LEO C. ARNONE: Good afternoon.

REP. GONZALEZ: About the 30 days, I will say who is  
going to be responsible if something happens to  
the -- that inmate during those 30 days?

COMMISSIONER LEO C. ARNONE: We would be. But --  
but it doesn't change our day-to-day  
responsibility any way. We have responsibility  
for 16,000, whether it's 16,001 for the extra  
30 days is really -- really kind of immaterial  
in the big picture. I don't think it's -- it's  
really an issue. It has not arisen -- actually  
in some states you would be surprised they do  
this. Texas and New Jersey does this, and they  
have had absolutely no problems with it. And  
with them, they're -- they're -- they only do  
about a half a dozen a year.

REP. GONZALEZ: And that is only if the inmate  
agrees with this?

COMMISSIONER LEO C. ARNONE: Absolutely. Has to be  
voluntary, and he has to have a program set up,  
and it has to be date certain that he can get  
into the program.

REP. GONZALEZ: Okay. The other bill to hold the 10  
percent.

COMMISSIONER LEO C. ARNONE: Yes.

REP. GONZALEZ: We passed that a couple of years

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be good for some of those people as well.

COMMISSIONER LEO C. ARNONE: It also might be worth looking at who, you know, what -- what the numbers look like when we shake it all about. Because my sense is -- I don't know this for any other reason but -- but a few years of service, my sense is that those are the very people that don't have any -- any money on the books anyway, you know, and so it almost doesn't apply. But, so we should look at that and -- and look at who it affects and what it's like, so I agree with you.

REP. HOLDER-WINFIELD: Okay. Thank you.  
COMMISSIONER LEO C. ARNONE: Thank you.

REP. FOX: Representative Buck-Taylor.

REP. BUCK-TAYLOR: Good afternoon.

COMMISSIONER LEO C. ARNONE: Good afternoon.

REP. BUCK-TAYLOR: Can you tell me what the status of the person would be who is remaining in the facility beyond the time of what would have been the expiration of their sentence? Is their sentence getting extended? HB5515

COMMISSIONER LEO C. ARNONE: No.

REP. BUCK-TAYLOR: Are they becoming a lessee of the state? I mean what --

COMMISSIONER LEO C. ARNONE: I don't know. I'm not sure. We can certainly find out, you know, what that looks like and get back to you on that. But they would -- exactly how we would categorize that, I don't know offhand.

REP. BUCK-TAYLOR: Now would you be obligated to continue providing the services that you would

have provided to the people that were  
incarcerated as in, you know, medical attention  
--

COMMISSIONER LEO C. ARNONE: Yep. Yes.

REP. BUCK-TAYLOR: -- and so --

COMMISSIONER LEO C. ARNONE: What we would do really  
is -- is we would move this person to a level -  
- a level one/two facility, lowest level  
security. We have because they were -- they  
would have been released anyway. And -- and  
the cost to keep -- you know, the other piece  
of this is the cost to keep somebody at a level  
one or a level two facility is a fraction of  
what it is for anybody else. I mean probably  
comes anywhere between 16 - 17,000 dollars a  
year.

So what we would do, we would move them to that  
-- to that level, and they would stay there.  
And if there was sick call, they would go to  
sick call or medical. Or if they got sick, you  
know, we would -- we would, while they were in  
the facility, care for them. But, you know, if  
they were on the street at the local shelter,  
then they would be getting those services  
through some other state agency, you know, as  
they -- as they were on some kind of  
assistance. So we don't see it as a big  
difference.

REP. BUCK-TAYLOR: I know that the state has a right  
-- has a claim against an inmate for the cost  
of the incarceration.

COMMISSIONER LEO C. ARNONE: Uh-huh.

REP. BUCK-TAYLOR: Now, is that going to be the same  
type of amount that you would be charging this  
person to remain on the facility?

COMMISSIONER LEO C. ARNONE: We wouldn't charge this person. This person is -- is -- the way we -- the way we're seeing this is this person is probably indigent anyway or has -- or doesn't have any means. If they had means, they would be -- they would have a place to go. They could rent their apartment, They could wait for that -- that program somewhere else.

These people are clearly people who have nowhere to go and will end up in a shelter anyway. Those are the people we lose all the time. And some of these people have significant mental health problems that are coming out of Garner, and we have a lock on an inpatient mental health facility, but it's coming in two weeks. And their sentence is over, and we've got this two-week gap.

So we're trying to fill that gap by keeping them with us voluntarily. We're not going to twist anybody's arm, but -- but voluntarily convince them to stay for the two weeks and slide them into the program. So Garner and the mental health piece is very important, we think on this, as well as like a -- a drug program.

REP. BUCK-TAYLOR: Where it says in the statute that they may be charged a reasonable daily fee by the appropriate department, who would have the discretion to make that determination?

COMMISSIONER LEO C. ARNONE: We would do that.  
Yeah.

REP. BUCK-TAYLOR: Okay. All right. Thank you.

COMMISSIONER LEO C. ARNONE: You're welcome.

REP. FOX: Representative Rebimbas.

**JOINT  
STANDING  
COMMITTEE  
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**JUDICIARY  
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**2013**

Department of Correction  
Testimony of Leo C. Arnone, Commissioner

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Judiciary Committee  
February 13, 2013

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Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction (DOC). I am here to speak in strong support of three Agency bills before you this afternoon.

**Raised Bill No. 5514, An Act Concerning the Administrator of the Interstate Compact for Adult Offender Supervision**

Raised Bill No. 5514, An Act Concerning the Administrator of the Interstate Compact for Adult Offender Supervision (ICAOS) would remove the statutory requirement that the Commissioner of Correction serve as the administrator of the interstate Compact for Adult Supervision (ICAOS) and allow for the appointment of Connecticut's compact administrator in accordance with section 54-133 of the general statutes.

Section 54-133 of the general statutes requires that either the State Council or the Governor, in consultation with the legislature and the judiciary, appoint a State Compact Administrator. The State Council by statute must include at least one representative of the legislative, judicial and executive branches, victims groups and compact administrators.

While I, as the Commissioner of Correction, have responsibility for the community supervision of all parolees, that are part of the compact population, the Judicial Branch has the greater number of ICAOS cases. Currently, the most that I do as the Compact Administrator is to chair the meetings. I do not have the working knowledge of ICAOS rules and the day-to-day operations that the Deputy Compact Administrators and their staff do, but I am by statutes responsible for voting on rules that supersede federal law. Making Compact Administrator subject to vote by the State Council would allow for the flexibility needed to adapt to changes as they are made by the legislature or by changes in the offender population.

Members of the State Council unanimously voted to support this proposed change when we raised this Bill last session. I urge your favorable report on Raised Bill No. 5514.

**Raised Bill No. 5515, An Act Concerning Residential Stays at Correctional Facilities**

As you know, I must discharge an inmate by the effective maximum term date of the inmate's sentence, regardless of the inmate needs. Raised Bill No. 5515, An Act

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*Concerning Residential Stays a Correctional Facility*, would allow an inmate, at his or her request, to stay at a correctional facility beyond the inmate's end of sentence discharge date if a treatment program or healthcare institution to which the inmate is scheduled to be released to is not able to accept the inmate on the inmate's discharge date. As an example, if it is determined that an inmate scheduled to be discharged is in need of a residential program for substance abuse, and instead is discharged into the community because a program bed is not available on the scheduled discharge date, the potential for recidivism is likely to be high.

There is current statutory language that allows the inmate to request to remain confined for up to 90 days beyond their end of sentence date for continued participation in a department program for drug dependency, in a work or education release program or in a program operated by a state agency other than the DOC. I would like to expand this authority to allow an inmate to request to remain in a correctional facility while awaiting entry into a treatment program, healthcare institution or for a compelling reason related to rehabilitation or treatment for up to 30 days beyond the inmate's discharge date. Last session the DOC proposed extending my authority for up to 90 days but because of concerns expressed about a potential fiscal impact, the DOC agreed to a period of up to 30 days. I assure you that I anticipate that this provision would be used infrequently.

A case in point involved an inmate at Garner Correctional Institution whose end of sentence date was pushed up by two months because the inmate was entitled to additional Jail Credit. The counselor contacted DMHAS and let them know of the impending release date and they immediately reacted and started putting together a discharge plan.

DMHAS was skeptical if a plan could be put together in 2.5 weeks and there was a discussion with the warden about extending the inmate's incarceration. The Warden was extremely supportive of the idea but he could not implement it because the current statute only applied to an extension for a drug treatment/education program.

Luckily, DMHAS was able to establish a plan which would be ready at the time of his end of sentence. Given the inmate's mental status, along with his past offense history, it would not have been optimal for the inmate to be discharged to a shelter with outpatient treatment.

The ability to extend an inmate's incarceration, if a DMHAS bed at a hospital or in a mental health program is not available at the time of his EOS, would be very beneficial for the inmate, for the DOC, and to the public. Allowing an inmate to stay a few extra days might make the discharge planners' task easier and the inmate's reentry more successful. If an inmate is deemed in need of a mental health bed or a residential program for substance abuse, and instead is sent out into the community, the recidivism risk may be greater.