

PA13-69

SB0238

House	5405-5412	8
Judiciary	670, 672-673, 674-680, 683-685, 720, 749, 756, 758	17
Senate	1884-1890, 2068-2070	10
		35

H – 1165

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 16
5210 – 5544**

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HOUSE OF REPRESENTATIVES

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May 22, 2013

Total Number Voting	'140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Absent and not voting	'10

DEPUTY SPEAKER ORANGE:

The bill, as amended, passes.

Will the Clerk please call Calendar Number 567?

THE CLERK:

Yes, Madam Speaker.

On Page 28 of today's Calendar, House Calendar 567, Favorable Report of the Joint Standing Committee on JUDICIARY, Substitute Senate Bill 238, AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.

DEPUTY SPEAKER ORANGE:

Representative Matthew Ritter of the 1st District.

You have the floor, sir.

REP. RITTER (1st):

Good morning, Madam Speaker.

Nice to see you this morning.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. RITTER (1st):

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Or afternoon now. I apologize.

DEPUTY SPEAKER ORANGE:

I know you have a new baby. It's tough.

REP. RITTER (1st):

Thank you.

I move acceptance of the Joint Committee's favorable report and passage of the bill, in concurrence with the Senate, Madam Speaker.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Ritter.

REP. RITTER (1st):

Thank you, Madam Speaker.

And this bill comes to us from the Department of Correction. A lot of it is some clean up that they suggested that we make to discharge savings accounts and obligations and inmates' savings accounts for inmates currently housed here in the State of Connecticut.

There's also some language regarding allowing a pilot program that's been in place now for sometime, pursuant to Federal guidelines that would allow, in

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certain instances, inmates to -- to work in the private industry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Will you care to remark further?

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker, and good afternoon.

DEPUTY SPEAKER ORANGE:

Good afternoon, madam.

REP. REBIMBAS (70th):

Through you, Madam Speaker.

A few questions to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Through you, Madam Speaker.

This savings account, the ability to take 10 percent off and accumulate \$1,000, what is the purpose behind -- or the intent behind the bill that's before us?

DEPUTY SPEAKER ORANGE:

Representative Ritter.

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REP. RITTER (1st):

Through you, Madam Speaker.

I think it's just to clarify and again, it makes reference to other statutory sites in Title 18, about payments that an inmate will have to make. It includes things like Federal taxes, any dependent children, and could also include cost of incarceration at some point as you go further down the ladder.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Through you, Madam Speaker.

So there's certain things that the savings account for any inmate -- certain obligations that the inmate would have to pay, such as taxes, restitution, any outstanding court orders for child support, things of that nature. All that is still first in priority before we establish the system of taking 10 percent towards a savings account that, I believe, the maximum amount allotted is \$1,000, in order then for the inmate to be able -- when upon, discharge, would be able to take that with them.

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So this ability to accumulate \$1,000 to have some kind of funds when the person is released, that is not a priority over the already established obligations, is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ritter.

REP. RITTER (1st):

That is correct.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And just for further clarification, I did certainly highlight some of the other obligations, restitution, things of that nature. It also not a priority to accumulate the \$1,000 above any reimbursement to the State for the cost of the incarceration, is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ritter.

REP. RITTER (1st):

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That is my understanding.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

I do rise in support of the bill that's before us and I do know it did pass the Senate unanimously. I know some of us on the Judiciary Committee had some concern regarding the language drafted, that it does treat inmates in the State of Connecticut slightly different than inmates that are -- reside outside the State of Connecticut, but certainly still incarcerated.

And some of the testimony provided was some of those other states may not be obligated to follow our rules and regulations, but, in fact, also through testimony, we do know that there are some states that would be able to follow it. Certainly, that's maybe something as we proceed forward, if this is a program that does work, maybe we can certainly entertain and consider whether or not we would want to do this for any out-of-state incarcerated inmates.

The intent of the bill is certainly a good one.

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It allows funding for these people, upon discharge, that have some kind of financial means, maximum amount of \$1,000. Many times we do have inmates that get released with very little money in their pockets at which, then, unfortunately, the turnaround is then they may commit additional crimes and land themselves back. The \$1,000 hopefully would give them enough, at least temporary room and board and food and enough time to get back on their feet. Hopefully again, to deter having to commit another crime and being thrown in -- in prison.

So I do stand in support of the bill that's before us. And I certainly look forward to knowing how this will be played out in the future.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further on the bill before us? Will you care to remark further on the bill before us? Will you care to remark further?

If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

Members to the Chamber please. The House of Representative is voting by roll. Members to the Chamber.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

Please check the board to determine if your vote has been properly cast.

If so, the machine will be locked and the Clerk will take a tally please.

And will the Clerk please announce the tally?

THE CLERK:

Yes, Madam Speaker.

In concurrence with the Senate, Senate Bill Number 238.

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Absent and not voting	10

DEPUTY SPEAKER ORANGE:

The bill passes, in concurrence with the Senate.

Are there any announcements or introductions?

Are there any announcements or introductions?

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STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 2
365 - 727**

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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

HB5515
SB 238

HB5514

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.

SB 238

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.

HB 5515

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

SB238

ago.

COMMISSIONER LEO C. ARNONE: Yep.

REP. GONZALEZ: And the reason behind that was because the state paid for every inmate, I think it's between what 35 - 37,000 dollars a year?

COMMISSIONER LEO C. ARNONE: Yes, something like that.

REP. GONZALEZ: Right. And -- and then -- the -- these inmates, they have family, and they send money to the commissary. And knowing that even though the state is paying 35 - 37,000 dollars a year, this inmate has to pay like medication; they have to pay -- they have to -- they have to buy things that they really need. And even though his family may -- they don't have the money. The state provides for them some things like, what, maybe soap or toothpaste?

COMMISSIONER LEO C. ARNONE: Correct.

REP. GONZALEZ: But if they receive money, the state would take that money from the commissary. And also the idea was to also be sure that when they leave -- when they leave Correction, they have some money in their pocket. So my question is I don't like -- I -- I passed this bill, and we worked very hard on this bill. And I would like to see if we can work on something now because I want to be sure that this inmate, when they leave Correction, they - - because they are dumping all the inmates in Hartford, you know, and we've been fighting that.

And they are dumping because some of these inmates, they don't have not even three or four dollars to take the bus to go back home. And -

- and this knowing that they will have some money in their pocket, you help them maybe, you know, to get back home or maybe to pay a room for a week, because that -- that was the reason behind this. So we can work -- we have to work on something else, because I, me personally, I don't agree. We have to do something. I know so -- I don't understand --

COMMISSIONER LEO C. ARNONE: Well, I think we agree. This change would make the program -- would make the bill work. The bill right now, we can't -- we can't implement the bill that's already -- or the statute that's already there. We can't make it work because of these two issues that are outstanding. If we change this, it's a technical change to -- to -- the present statute. The bill that you fought to pass in 2007, we would start -- we would implement that immediately. But we can't implement it until we fix these -- these issues that are in it.

REP. GONZALEZ: Okay. And my question is why is the state paying for the inmates between 35 - 37,000 dollars a year? Why if -- if the inmates receive any commissary, they deduct all of that. Like, you know, they're going to buy toothpaste and whatever they -- they buy, they deduct that money because they got money at the commissary. But at the same time, even though that they are paying, we also paying. So I -- I'm not -- I don't think that that's right and that's fair because the state is paying, but at the same time the inmates are paying for that too.

COMMISSIONER LEO C. ARNONE: Well, yes.

REP. GONZALEZ: So it's like getting paid, you know, twice for the -- for the same things that they, you know, that they buy at the commissary.

COMMISSIONER LEO C. ARNONE: If an inmate is indigent, he's given toiletries and soap and toothpaste and a toothbrush and all the things you would need --

REP. GONZALEZ: Right.

COMMISSIONER LEO C. ARNONE: -- for free. If they have money, they usually, on their own, are happy to purchase Crest Toothpaste, and better soap, and things. So that's what the commissary really does is it provides another level of things that they can buy --

REP. GONZALEZ: Yeah, but they --

COMMISSIONER LEO C. ARNONE: -- in essence, including snacks and things like that.

REP. GONZALEZ: There are also some deductible that they had that they --

COMMISSIONER LEO C. ARNONE: Well, they do, yes, you're right. And also they have to pay a deductible for seeing the doctor, if they have money. But if they don't have money, the deductible is waived.

REP. GONZALEZ: Okay. So what I'm saying -- the question is why is the state paying for -- for -- for that. Why do they have to pay a deductible?

COMMISSIONER LEO C. ARNONE: Well, because that -- that deductible really comes off -- off of the cost of incarceration. So if it's -- if it's 37,000, just making up, if it's \$37,000 a year and they paid a \$3 deductible, it would be \$37,000 minus \$3 in -- in reality because that money that they pay comes around and goes back to the state which -- which really comes off in

the big picture comes off of the cost of incarceration.

REP. GONZALEZ: When you say \$3 for one, but when you said \$3 for 300. But still, you know, it's a big difference. But I didn't know that those \$3 came back to the state.

COMMISSIONER LEO C. ARNONE: Oh, absolutely. Because, yes, nobody gets that. I mean that -- that money really comes back to the state, and it lowers the cost of incarceration. Does it lower it a lot? No, not really, but it does lower the cost of incarceration. So nobody is making money on that, but it does -- it does, the cost of UCONN goes down because they got -- because of the \$3 or whatever the medical is. So -- so, yes, all the money that is collected for that comes back to the State of Connecticut. I -- and I'm not here defending that. I'm just telling you that that's, you know, that's the way it is.

REP. GONZALEZ: Thank you.

COMMISSIONER LEO C. ARNONE: You're welcome.

REP. FOX: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Good afternoon, Commissioner.

COMMISSIONER LEO C. ARNONE: Good afternoon.

REP. HOLDER-WINFIELD: Excuse me. Really quickly, can you just lay out the two issues, with the issue you were just talking about with Representative Gonzalez again.

COMMISSIONER LEO C. ARNONE: Sure. That's the . . .

REP. HOLDER-WINFIELD: Just so I'm clear.

COMMISSIONER LEO C. ARNONE: So we have inmates that are pretrial detainees that really we shouldn't be touching any of their money. They're -- they're not wards of the state yet. They're simply being held for court and the attorney general doesn't think it's a good idea that this apply to them, although the statute says that it's -- it's all inmates in the Department of Correction.

So we want to be able to exclude pretrial detainees and also exclude those inmates that are being held out of -- they're Connecticut inmates but being held out of state, because we really can't require another state to follow that statute. So those two fixes and this statute would be implemented.

REP. HOLDER-WINFIELD: Yeah. I guess my -- my question would be for people who may be pre-trial detainees for a period longer than you or I would like to see. I'm not -- and I wouldn't quibble with the attorney general, but I'm not sure some of those people will ultimately become actually people who belong in the custody of the state.

But I'm not sure that simply moving away from -- I guess, completely away from this policy for people who are in the possession of the state at least for a very long time, is actually much better because some of those people wind up in positions where the -- the point of having done this bill would actually be a good thing to have in place.

COMMISSIONER LEO C. ARNONE: Yeah.

REP. HOLDER-WINFIELD: So as we move forward, I hope that we think a little bit about that. I understand why you're putting the policy forth as you are, but I think that this policy could

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

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REP. REBIMBAS: Thank you, Mr. Chair. And good afternoon, Commissioner.

COMMISSIONER LEO C. ARNONE: Good afternoon.

REP. REBIMBAS: Just a question regarding 238,
CONCERNING THE INMATE DISCHARGE SAVINGS
ACCOUNT. One of the exceptions you were doing
was based on the fact that it was represented
that we may not be able to collect from inmates
that are outside the state of Connecticut. But
you did highlight at least New Jersey and Texas
that have similar programs.

COMMISSIONER LEO C. ARNONE: Uh-huh.

REP. REBIMBAS: My concern in excluding something
from legislation is, if we so happen to have
someone in New Jersey or Texas, we've just
pretty much waived our right for doing so
opposed to keeping it in there, not excluding,
and if we can't collect it from another state,
we can't collect it. But as laws are evolving
and other states may take up this piece of
legislation, I see it as not losing anything by
having it in there. If we can't collect it, we
can't collect it. If we certainly have it in
there, then we can try to do so. Would you
agree with that analogy and --

COMMISSIONER LEO C. ARNONE: I would -- I mean --

REP. REBIMBAS: -- and would you be comfortable if
we didn't specifically exclude it?

COMMISSIONER LEO C. ARNONE: If we said that, you
know, I mean we could probably use the word
"may" versus "shall" and, you know, for -- for
that exclusion. Or, you know, the other thing
is when these -- when the inmates are out of
state, according to the Interstate Compact,
they are following the rules, regulations, and

statutes of the state that they're in.

So -- and I don't know this. I'm just thinking this out loud right now, but my guess is, if they're in New Jersey, Texas, or another state that has this, they're following -- they're following the law as though they were from that state. And then when they come back to Connecticut, they're -- whatever they saved would be there.

And then we would automatically, because they're back in Connecticut, manage that as though it happened in Connecticut, for those states that have already approved it. So, I mean either -- either way is okay. But in order to get this off the ground, we need to -- we need to do something about it.

REP. REBIMBAS: Thank you for your response.

COMMISSIONER LEO C. ARNONE: You're very welcome.

REP. FOX: Anybody else for the first time? Anybody else for the first time? Why don't we just -- on the bill, and then you.

Representative Gonzalez for the second time.

REP. GONZALEZ: Thank you. Thank you, Mr. Chair. Why, if we passed this bill in 2007, why take you so long to come back?

COMMISSIONER LEO C. ARNONE: Well, we've been coming every year. This comes up every year, this same bill. I spoke on it last year. I know the year before that it was up as well.

REP. GONZALEZ: So you came back last year?

COMMISSIONER LEO C. ARNONE: Yes, oh, yes.

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REP. GONZALEZ: 2012?

COMMISSIONER LEO C. ARNONE: '11 or '12, yeah.

REP. GONZALEZ: Right. But we passed this in 2007.

COMMISSIONER LEO C. ARNONE: Yes.

REP. GONZALEZ: Okay. Thank you.

COMMISSIONER LEO C. ARNONE: You're welcome.

REP. FOX: Senator Kissel.

SENATOR KISSEL: Hey, cousin, how you doing?

COMMISSIONER LEO C. ARNONE: I'm doing well,
Senator, how are you?

SENATOR KISSEL: You know, I just wanted to -- to
just say farewell at this time. Although we
should have some other Correction bills between
now and April 1st, I guess is when --

COMMISSIONER LEO C. ARNONE: I'm sure.

SENATOR KISSEL: -- you're leaving.

COMMISSIONER LEO C. ARNONE: Yes.

SENATOR KISSEL: I don't know if you have an
accumulated seven years of vacation time or
something like that.

COMMISSIONER LEO C. ARNONE: I do, but I'm not going
to use it. I'm going to hang in there until
April Fool's Day.

SENATOR KISSEL: You know what, that, well, I don't
know why you picked April Fool's Day, but --

COMMISSIONER LEO C. ARNONE: My wife is asking the

REP. FOX: Deborah Del Prete Sullivan.

DEBORAH DEL PRETE SULLIVAN: Good afternoon. With the Chair's permission, can Christine Rapillo come up with me from our office?

REP. FOX: Sure. I mean it's -- there's only a couple more left, but, I mean, sure.

DEBORAH DEL PRETE SULLIVAN: We'll be short. My name is Deborah Del Prete Sullivan. Thank you, Representative Fox and Senator Coleman and members of the Judiciary Committee. My name is Deborah Del Prete Sullivan. I'm legal counsel to the Chief Public Defender's Office. I'm just here today on four bills that we've submitted testimony on.

I did bring Christine Rapillo with me. She's the director of Delinquency and Child Protection. As you will recall, the Legislature did put the Child Protection Commission into our agency a couple of years ago, and she will be just speaking very briefly on one of the bills, which happens to be 5516.

I've submitted testimony on three other bills, 238, 828, and just briefly would like to speak to 6342. What I did in this particular piece of testimony was highlight a dilemma that our social workers that are employed by our agency, as well as doctors and -- and other people that we retain as experts in our criminal defense cases, are faced with as they represent indigent clients here in the State of Connecticut.

We're not unique. I just want you to know that. This is throughout the United States, as all 50 states have mandated reporter statutes. But we do have a situation where we try to

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
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2013



State of Connecticut

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Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender

Raised Bill No. 238
An Act Concerning Inmate Discharge Savings Accounts

Judiciary Committee Public Hearing
February 13, 2013

The Office of Chief Public Defender supports Raised Bill No. 238, An Act Concerning Inmate Discharge Saving Accounts. The proposed bill makes technical changes to those statutes pertaining to inmate discharge savings accounts, inmate compensation for employment and inmate labor in private industry. It does not appear to decrease the benefit to an inmate who has an inmate discharge savings account. Providing the funds accumulated in this account to an inmate upon release assists the inmate in his/her reentry into the community.

Section 1 pertains to inmate discharge savings account. Currently, the Department of Correction can deduct up to 10% of all deposits to an inmate's individual account to be deposited into his/her inmate discharge savings account until it reaches \$1000. When the account reaches \$1000, this deduction ceases. Thereafter, the Commissioner of DOC is required to deduct 10% of all deposits made to the inmate's individual savings account to reimburse the state of the cost of incarceration. The inmate discharge savings account balance is provided to the inmate upon release from incarceration.

Sections 2-4 pertain to the Commissioner's ability to disburse compensation earned by an inmate while incarcerated to satisfy current priorities to be paid from such which include federal and state tax obligations, restitution and support for the inmate's dependents. The proposed bill places deposits credited to the inmate's discharge savings account as the 8th priority to be paid after other obligations have been satisfied.

Department of Correction
Testimony of Leo C. Arnone, Commissioner

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Judiciary Committee
February 13, 2013

SB 238

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

Raised Bill No. 238, An Act Concerning Inmate Discharge Savings Accounts

Raised Bill No. 238, An Act Concerning Inmate Discharge Savings Accounts, would make changes that are needed to effectively implement the inmate discharge savings legislation passed in 2007, which allows the DOC to set aside up to 10 percent of all money credited to an inmate's account to establish a savings fund that would be available to the inmate upon release to aid in reentry to the community. Once the legislation passed and staff began to work towards implementing its provisions, we recognized the need for some technical revisions and clarification. Our proposed changes generally keep the implementation of Discharge Savings consistent with the Cost of Incarceration provisions.

The DOC is seeking to limit the requirement to accumulate discharge savings to sentenced inmates only and exempt inmates sentenced in this state but confined in another state. The DOC also seeks to specify that inmates contribute to inmate discharge savings accounts after most other statutory disbursements are satisfied.

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SENATE**

**PROCEEDINGS
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passed. He has essentially spoken about the need for it and why it's so important and if there is no objection, Madam Chair, I'd like to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call as the next item, returning to Calendar page 23, Calendar 480, Senate Bill 238.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 23, Calendar 480, Substitute for Senate Bill Number 238, AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Madam President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN:

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Yes, Madam President, this bill is technical and it attempts to clarify and conform -- or making conforming changes to the statutes concerning the establishment and disbursement of inmate discharge savings accounts and there are generally two types of accounts that pertain to inmates in our correctional system. One is an individual account and the other is a discharge savings account. The individual account receives deposits and the inmate can draw out of that account for personal needs whatever expenses they may incur at the commissary at the facility. The discharge savings account is created by virtue of taking ten percent of each deposit into the individual savings account and putting that into the discharge savings account up to a limit of \$1,000. So the discharge savings account will never exceed \$1,000.

The purpose of this bill is to make clear that although an individual may be sentenced in Connecticut, if that individual is actually incarcerated in another state, the requirements of the discharge savings account would not apply to such inmate. But as far concerning inmates that are incarcerated in the state of Connecticut Department of Correction, in addition to the deposits into the individual accounts, the compensation from any institution related services that the inmate receives or compensation from work-release programs would also be subject to attachment for deposit into the discharge savings account so ten percent of any earnings that are earned by an inmate by virtue of work-release programs or services contributed to the institution where the inmate is being held, 10 percent of those earnings would be deposited into the inmate's discharge savings account. And I support the provisions of this bill particularly relating to Connecticut inmates because I think it is consistent with our overall concern about successful reentry into the community and that the discharge savings account would serve as a nest egg or the inmate upon the inmate's release and it also would help the inmate get off to the kind of start that would hopefully mitigate against recidivism, the

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inmate's recidivism. So I support the bill, Madam President. I'll urge my colleagues to also support it. Thank you.

THE CHAIR:

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I rise in support of the bill. What it does is administratively is centralizes the administration of these accounts into one account as opposed to individual accounts associated with each facility. It also allows the Department of Corrections to assess a fee for participation in this program. And I agree with Senator Coleman that we do want to break the cycle of recidivism. The vast majority of folks in our correctional system are nonviolent offenders. They will be back on the streets and to the extent they have some funds to help them with that transition. It's a good thing. That's not say that we shouldn't be tough on the violent offenders that we have in our society. Obviously, I believe that we should, but it would misguided not to acknowledge that we want these folks to turn their lives around and it's very difficult if all you have is a 20 dollar bill in your pocket and you end up being taken back and dropped off on the street corner where you used to live maybe one or two or three years ago. So to the extent that this money can be sectioned aside and put into a savings account for discharge purposes. It really will help individuals if they are committed to turning their lives around and becoming responsible citizens back in our society.

For that reason, Madam President, I'm happy to support the bill. Thank you.

THE CHAIR:

Thank you.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

And, Senator Coleman, it sounds like you've crafted another -- yet another good bill that has a good public purposes. And through you, Madam President, I do have two questions for the Senator.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Senator Coleman, was the \$1,000 limit set arbitrarily or was there a specific reason why you chose the \$1,000 as the upper limit for that particular account?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, to the good Senator Frantz, \$1,000 is current law -- is in the existing statute. The bill doesn't change that limit and I apologize but I'm not familiar with the rationale or the basis concerning why the powers at be chose \$1,000 as the limit for the account. Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. Through you, Madam President, for that answer, and a follow-up statement to that Senator Coleman is we all I think in the circle want to see recidivism as its bare minimum, the lowest it could possibly be and I think one of the ways we can possibly achieve that goal is to have incentives in place, which it sounds like the prison program already does, but to open up the amount of money that they can put away for their discharge account, if I have that term correct, so they feel even more empowered once they get out of prison and relearn or learn for the first time the ways of the private sector and how one can become self-empowered and very successful through hard work and that leads to all sorts of wonderful things happening to that individual.

And through you, Madam President, a second question.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you, Madam President.

I'm not familiar with the prison system -- system and how prisoners are compensated for the -- in prison work programs that they have. Are they subject to minimum wage? Are they subject to much smaller amounts, larger amounts? I'm just curious.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Through you to Senator Frantz, the compensation for institutional service is far less than

minimum wage. My recollection from years ago -- hopefully it's improved and increased -- but it was like 50 cents a day for service typically in the kitchen of the facility, in the laundry of the facility. There are probably some other positions, but those are probably the primary jobs that inmates compete for. In the work release programs, the compensation may more closely approach market rate employment wages and I don't -- I can't think of -- well, there were prison industry jobs, for example, at one point in time in Somers, they had a microfilming operation. They also had a baseball cap making operation. Those positions probably didn't pay market rate wages, but it was certainly compensation exceeding the 50 cents a day. Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

So if, in fact, the wages are that low perhaps \$1,000 is the appropriate amount. I don't know. But I would hope that in the future, maybe they adjust it for inflation or the realities of today's marketplace. With that, thank you for a good bill here.

And thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

If not, Senator Coleman.

SENATOR COLEMAN:

Madam President, if there are no further remarks

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to be made concerning this bill and if there is no objection, I would move it to the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR COLEMAN:

Thank you.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call as the next item, Madam President, Calendar page 40, Calendar Number 60, Senate Bill 859 to be followed by 'under matters returned Calendar page 46, Calendar 222, Senate Bill 952, as the next two items, and also Calendar page 45, Calendar 207, Senate Bill 236. Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

On page 40, Calendar 60, Senate Bill Number 859, AN ACT CONCERNING THE REGULATION OF PRIVATE TRANSFER FEES, amended by Senate "A," favorable report of the Committee on Insurance and Real Estate, and there are amendments.

THE CHAIR:

Senator Crisco.

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk might now call the items on the Consent Calendar before proceeding to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 545, Senate Resolution Number 27; also on Page 1, Calendar 546, Senate Resolution Number 28. On Page 2, Number 547, Senate Resolution Number 29. On Page 2, Number 549, Senate Resolution Number 31. On Page 5, Number 184, Senate Bill 1026. On Page 7, Calendar Number 253, Senate Bill Number 763. On Page 16, Calendar Number 412, Senate Bill Number 962. On Page 17, Calendar Number 436, Senate Bill Number 673. On Page 18, Calendar Number 438, Senate Bill Number 761. Also on Page 18, Calendar Number 443, Senate Bill Number 1056. On Page 19, Calendar Number 449, Senate Bill Number 828. On Page 20, Calendar Number 461, House Bill Number 6540.

On Page 21, Number 469, House Bill Number 6574. On Page 23, Number 480, Senate Bill Number 238. On Page 25, Calendar Number 501, House Bill Number 5799. Also on Page 25, Number 507, House Bill Number 5117. On Page 26, Calendar Number 508, House Bill Number 6571. On Page 26, Calendar Number 509, House Bill Number 6348. Also on Page 26, Calendar Number 510, House Bill Number 6007 and on Page 26, Calendar Number 512, House Bill Number 6392.

On Page 40, Calendar Number 48, Senate Bill Number 519. On Page 40, Calendar Number 60, Senate Bill Number 859. Also on Page 40, Calendar Number 104, Senate Bill Number 833.

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On Page 41, Calendar Number 107, Senate Bill Number 917. On Page 42, Calendar Number 123, Senate Bill Number 434. On Page 43, Calendar Number 129, Senate Bill Number 898. Also on Page 43, Calendar Number 139, Senate Bill Number 158. On Page 43, Calendar Number 167, Senate Bill Number 879.

On Page 45, Calendar Number 195, Senate Bill Number 816. Also on Page 45, Calendar Number 204, Senate Bill 652. On Page 47, Calendar Number 241, Senate Bill 1040. On Page 48, Calendar Number 269, Senate Bill 1003. Also on Page 48, Calendar Number 270, Senate Bill Number 1007.

On Page 50, Calendar Number 304, Senate Bill 1019. Also on Page 50, Calendar Number 310, Senate Bill 903. And finally on Page 53, Calendar Number 399, Senate Bill 1069.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. The machine will be open on the Consent Calendar.

THE CLERK:

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

THE CHAIR:

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

THE CLERK:

On Consent Calendar Number 1.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and not Voting	0

THE CHAIR:

Consent Calendar is passed.

Are there any points of personal privilege?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

Yeah for a point of information for the Chamber.

THE CHAIR:

Please proceed, sir.

SENATOR DOYLE:

Yes, thank you, Madam President.

Tomorrow the General Law Committee will be meeting at 11:15 outside the Hall of the House. The bulletin said 15 minutes before the early session so now we're making it definitive. Tomorrow at 11:15 outside the Hall of the House the General Law Committee will be considering one bill that was referred to us.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Duff next.

SENATOR DUFF:

Thank you, Madam President.

For the point of announcement please.

THE CHAIR:

Please proceed, sir.