

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Alcohol and Drug Abuse Commission

Subject

Requirements for Approval, Operation and Monitoring of Alcohol Education and Treatment Programs in the Pretrial Alcohol Education System

Inclusive Sections

§§ 54-56g-1—54-56g-13

CONTENTS

Sec. 54-56g-1—54-56g-4.	Repealed
Sec. 54-56g-5.	Definitions: for the purpose of sections 5 to 13 inclusive
Sec. 54-56g-6.	Program approval
Sec. 54-56g-7.	General requirements
Sec. 54-56g-8.	Evaluation
Sec. 54-56g-9.	Completion and reporting requirements
Sec. 54-56g-10.	Evaluators
Sec. 54-56g-11.	Instructors
Sec. 54-56g-12.	Therapist
Sec. 54-56g-13.	Program inspection

Requirements for Approval, Operation and Monitoring of Alcohol Education and Treatment Programs in the Pretrial Alcohol Education System

Sec. 54-56g-1—54-56g-4. Repealed

Repealed June 1, 1992.

Sec. 54-56g-5. Definitions: for the purpose of sections 5 to 13 inclusive

(A) “Pretrial Alcohol Education System” means a system created by the Legislature to deal with the problems caused by alcohol-impaired drivers on Connecticut’s roads and highways. Through the cooperation of the courts, the Office of Adult Probation, the Alcohol and Drug Abuse Commission and Approved Alcohol Education and Treatment Programs, education and treatment services are offered to eligible participants.

(B) “Approved Alcohol Education and Treatment Program” (“program”) means a program which has been inspected by the Alcohol and Drug Abuse Commission and found to meet the minimum standards of sections 6 and 7 as being able to supply evaluation, education and treatment services to participants in the Pretrial Alcohol Education System.

(C) “Participant” means a person charged with or convicted of a violation of Connecticut General Statutes Sec. 14-227a who has been found eligible to participate in the Pretrial Alcohol Education System.

(D) “Evaluation” means a procedure conducted by an Evaluator consisting of an interview with the participant and a review of diagnostic test results and other information which indicates the degree of the participant’s involvement with alcohol and determines to which phase of the program, education or treatment, the participant will be assigned.

(E) “Evaluator” means a person who meets the requirements for evaluators contained in section 10 who will evaluate and assign each participant to a phase of the program on the basis of the results of that evaluation.

(F) “Drinking Driver Attitude Reassessment Course” means the educational phase of the Alcohol Education and Treatment program, an 8 session, 16 hour course which is designed to improve the participant’s decision-making ability in regard to future drinking and driving behavior and to increase his knowledge of driver safety and alcohol’s effect on driving behavior.

(G) “Group Interaction” means the 10 session 15 hour phase of the Alcohol Education and Treatment Program which uses group therapy techniques and alcohol education to enable the participant, whose evaluation indicates the possibility of a drinking problem to understand and confront his drinking/driving behavior and begin to deal with it in a positive way.

(H) “Program Administrator” means the person designated by an approved Alcohol Education and Treatment Program to fulfill administrative responsibilities, meet record keeping and reporting requirements and act as the authorized agent of the program.

(I) “Instructor” means a person employed by an approved Alcohol Education and Treatment Program to conduct the Drinking Driver Attitude Reassessment Course, who has met the minimum requirements for instructors contained in section 11.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-56g-6

Alcohol and Drug Abuse Commission

(J) “Therapist” means a person with demonstrated experience and competency in group interaction who is utilized by an approved Alcohol Education and Treatment Program to conduct Group Interaction meetings and who has met the minimum requirements for therapists contained in section 12.

(K) “BAC” means blood alcohol content and refers to the results of blood, breath, or urine tests given to participants at the time of the participant’s arrest.

(Effective August 19, 1982)

Sec. 54-56g-6. Program approval

(a) Application procedure

1. An agency, organization, corporation, partnership or individual which applies for approval of an Alcohol Education and Treatment Program shall have its physical facilities and its plan for providing a group interaction program approved by the Alcohol and Drug Abuse Commission.

2. The agency, organization, corporation, partnership or individual which applies for approval shall submit the following information to the Alcohol and Drug Abuse Commission:

(A) The name and address of the agency, organization, corporation, partnership or individual making application.

(B) The address of each location where evaluations, the Drinking Driver Attitude Reassessment Course and Group Interaction will be held.

(C) The names and qualifications of the program administrator, participant evaluators, instructors and therapists.

(D) A description of the agency, organization, corporation, partnership or individual’s history of dealing with persons with alcohol problems, persons who have been arrested or convicted of alcohol related traffic offenses and persons who have been referred by the courts or the Office of Adult Probation.

(E) A plan which describes how the agency, organization, corporation, partnership or individual will implement Group Interaction.

3. If any portion of the program will be subcontracted a draft which clearly indicates all the terms of the subcontract shall be submitted to the Alcohol and Drug Abuse Commission. The subcontractor shall be responsible for submission of all information required by sections 5 to 13 inclusive for that portion of the program which he proposes to supply.

(b) Criteria for program approval

1. The agency, organization, corporation, partnership or individual seeking approval of its program shall offer the program in a geographical location where a need for new services has been determined to exist by the Office of Adult Probation.

2. The physical facilities the program will utilize shall:

(A) be sufficiently spacious to accommodate up to 40 persons for the Drinking Driver Attitude Reassessment Course and up to 15 persons for Group Interaction,

(B) meet all applicable local and state zoning, building, fire, health and safety regulations

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Alcohol and Drug Abuse Commission

§54-56g-7

and standards,

(C) have sufficient furniture, equipment and supplies to accommodate the participants,

(D) be in a central location with adequate parking facilities to accommodate the program participants,

(E) have been inspected and found to meet the foregoing requirements by the Alcohol and Drug Abuse Commission

3. The program must be able to hold a minimum of 6 Drinking Driver Attitude Reassessment Courses and 6 Group Interaction phases per year and have the ability to add up to 6 additional sessions of each if required to do so.

(Effective August 19, 1982)

Sec. 54-56g-7. General requirements

(a) Each Approved Alcohol Education and Treatment Program shall designate a program administrator who shall be responsible for:

(1) participant record keeping,

(2) reporting to the Office of Adult Probation and the Alcohol and Drug Abuse Commission as required by these regulations,

(3) staff selection and supervision,

(4) establishing operating procedures for the program.

(b) Each Approved Alcohol Education and Treatment Program shall establish a participant record keeping system which will chronicle the participant's involvement in the program from the time the participant is assigned to the program until his relationship with the program terminates. The record for each participant shall include:

(1) the results of all tests and examinations given to the participant,

(2) the results of the evaluation and the phase to which the participant was assigned,

(3) a notation of any referrals of the participant to other alcohol or drug treatment agencies,

(4) copies of all reports received from other agencies including the Office of Adult Probation concerning the participant,

(5) copies of all correspondence to, from or relating to the participant, including notes of any telephone conversations with or about the participant,

(6) a consent to release of information form signed by the participant permitting release of information by the program to the court and the Office of Adult Probation,

(7) a record of the participant's attendance at the program phase to which he was assigned,

(8) any documents supporting an excused absence and the date on which the missed session was made up,

(9) a duplicate of the notice of successful completion including the date upon which the program requirements were satisfied and the date upon which notification of successful completion was mailed to the Office of Adult Probation,

(10) documentation indicating a violation of an attendance or participation requirement

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-56g-7

Alcohol and Drug Abuse Commission

which precludes the possibility of the participant's successful completion of the course and the date and manner in which the participant and the Office of Adult Probation were notified of the violation,

(11) any change in program assignment and the reasons supporting such change.

(12) for participants enrolled in Group Interaction the record shall include the therapist's assessment of the person's behavior and participation during each session.

(c) All client records shall be maintained for a period of seven years.

(d) All required record keeping and reporting shall be in accordance with federal confidentiality regulations 42 CFR part 2.

(e) Each meeting of a Drinking Driver Attitude Reassessment Course or Group Interaction shall be held at the original location or locations approved by the Alcohol and Drug Abuse Commission unless prior written approval for a change of location has been obtained from the Alcohol and Drug Abuse Commission.

(f) The program shall schedule meetings of the Drinking Driver Attitude Reassessment Course and Group Interaction so that they begin no earlier than 6:00 p.m. on weekdays or 9:00 a.m. on Saturdays and end no later than 10:30 p.m. on weekdays or 5:00 p.m. on Saturdays. No meetings shall be held on Sundays or legal holidays. The program must have a prior written approval of the Alcohol and Drug Abuse Commission if it wishes to schedule meetings at times other than those permitted by this section.

(g) The program shall attempt to notify all participants by telephone if it is necessary to postpone a scheduled meeting. Postponed meetings must be promptly rescheduled.

(h) The program shall use a curriculum approved by the Alcohol and Drug Abuse Commission for the Drinking Driver Attitude Reassessment Course. Any substantial deviations from approved curriculum shall have the prior written approval of the Alcohol and Drug Abuse Commission.

(i) The program shall follow a plan for Group Interaction approved by the Alcohol and Drug Abuse Commission. Any substantial deviation or change in the plan shall have the prior written approval of the Alcohol and Drug Abuse Commission.

(j) The program shall assign no more than 20 participants to each session of the Drinking Driver Attitude Reassessment Course.

(k) The program shall assign no more than 12 participants to each Group Interaction session.

(l) When enough participants have been assigned to either phase of the Alcohol Education and Treatment Program so that the program is ready to hold a session of either phase, the participants assigned to that phase shall be notified by mail sent to their home addresses of the date, time, and location of the session. A copy of attendance and participation requirements shall be included in the notice. The notice must be mailed at least one full week prior to the starting date of the session.

(m) When an Approved Alcohol Education and Treatment Program wishes to appoint a new individual to the position of program administrator, instructor, therapist or participant evaluator, it must notify the Alcohol and Drug Abuse Commission of the identity of the

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Alcohol and Drug Abuse Commission

§54-56g-8

new appointee and supply information which demonstrates that the new appointee meets the requirements of these regulations.

(n) Each program shall schedule the 8 meetings of each session of the Drinking Driver Attitude Reassessment Course so that participants may complete that phase in eight weeks. Programs may schedule two meetings per week.

(o) Each program shall schedule the 10 meetings of each session of Group Interaction so that participants may complete the phase in no less than 10 weeks.

(p) Each program shall permit non-English speaking and hearing impaired participants to be accompanied by a person qualified to act as an interpreter. The interpreter shall confine his participation to that role.

(q) Each program shall provide the opportunity for every participant during the last session of the phase to which he was assigned to make written comments on the value and relevance of the material presented, the effectiveness of the instructor or therapist in delivering that program phase and to make written suggestions for improving the phase. The program shall not require the participant's signature or other identifying information on the above commentary.

(Effective August 19, 1982)

Sec. 54-56g-8. Evaluation

(a) Upon notification by the Office of Adult Probation that a participant has been assigned to the program an evaluation meeting with the participant shall be scheduled.

(b) The evaluation of the participant shall be made after the program has obtained the following:

- (1) the participant's full name, home address and telephone number
- (2) a consent to release of information form signed by the participant which permits the program to release information about the client to the court and the Office of Adult Probation
- (3) results of the BAC tests taken after the participant was arrested. If the participant refused to take the test, then notice of the refusal may be accepted in lieu of the test results.
- (4) the participant's driving record showing prior alcohol related arrests and convictions and a record of other alcohol related arrests, if available.

(c) At the evaluation meeting the evaluator shall determine to which program phase the participant shall be assigned. In making this determination, the evaluator shall consider the participant's score on the Mortimer-Filkins Test, the BAC at the time of the participant's arrest, prior alcohol related arrests and convictions, (if such records are available) the participant's history of treatment for alcohol related problems and whether the participant is a first offender or is a second or subsequent offender.

(d) The participant shall be notified at the evaluation meeting or by mail sent to his home address of his program assignment, the time and place of meetings, attendance and participation requirements and the starting date of the session to which he was assigned and shall receive written information describing the program and listing the rules and requirements for successful completion of the program. Such notice shall be given at least

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-56g-9

Alcohol and Drug Abuse Commission

one week before the date of the first meeting.

(Effective August 19, 1982)

Sec. 54-56g-9. Completion and reporting requirements

(a) The instructor or therapist shall read the requirements for successful completion of the program at the first meeting of each session. The requirements shall be prominently displayed in the meeting room at all times Alcohol Education and Treatment Program meetings are in session.

(b) In order to successfully complete the Drinking Driver Attitude Reassessment Course the participant shall:

- (1) cooperate in the evaluation procedure,
- (2) attend all scheduled meetings of the course,
- (3) participate in discussions and required activities,
- (4) complete all assignments,
- (5) arrive on time and remain until the end of the meeting,
- (6) arrive sober and refrain from consuming any alcoholic beverages or any drugs during a course meeting except those prescribed for the participant by a licensed physician,
- (7) refrain from disruptive behavior during meetings.

(c) Every scheduled meeting of the Drinking Driver Attitude Reassessment Course must be attended in order to successfully complete the course. Under the following conditions a participant who fails to attend a session may be permitted to transfer to and complete the course during a subsequent session with the permission of the program administrator:

- (1) death in the immediate family, supported by a newspaper death notice or other evidence acceptable to the program administrator
- (2) serious illness or injury of the participant or a member of his immediate family supported by a physician's signed statement
- (3) other good cause acceptable to the program administrator. Such rescheduling shall only be permitted once for each participant.

(d) The program administrator shall give or mail notice of successful completion to all participants who fulfill the requirements of the Drinking Driver Attitude Reassessment Course within one week of the date of successful completion. Notice of the participant's successful completion shall be mailed to the Office of Adult Probation within the same time period.

(e) The program administrator shall notify the Office of Adult Probation and the participant within one week of the occurrence of any infraction which precludes successful completion of the Drinking Driver Attitude Reassessment Course.

(f) A participant in the Drinking Driver Attitude Reassessment Course who is precluded from successful completion because of a violation of the requirements may elect to attend a subsequent Group Interaction phase in lieu of being returned to the judicial system. If such election is made, the participant must successfully complete Group Interaction in order to successfully complete the program. The program shall promptly notify the

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Alcohol and Drug Abuse Commission

§54-56g-10

Office of Adult Probation of any transfer between program phases.

(g) The participant in Group Interaction shall fulfill the following requirements:

- (1) cooperate in the evaluation procedure,
- (2) attend all scheduled meetings of Group Interaction unless excused for reasons acceptable to the program administrator on no more than two occasions,
- (3) participate in discussions,
- (4) complete all assignments,
- (5) arrive on time and remain until the end of the meeting,
- (6) arrive sober and refrain from consuming any alcoholic beverages or any drugs during a Group Interaction meeting except those prescribed for the participant by a licensed physician,
- (7) refrain from disruptive behavior during meetings.

(h) The program administrator shall notify the participant and the Office of Adult Probation within 1 week from the date of the last required meeting attended by the participant that the participant has fulfilled the requirements of Group Interaction. The notice sent to the Office of Adult Probation shall include the therapist's assessment of the client's progress in dealing with his drinking problem and any recommendations concerning additional treatment needs.

(i) The program administrator shall notify the Office of Adult Probation and the participant within one week of the date of the occurrence of any infraction which precludes the possibility that the participant can fulfill the requirements of Group Interaction.

(j) A participant shall not be permitted to attend any meetings of either the Drinking Driver Attitude Reassessment Course or Group Interaction nor receive a certificate of successful completion after notification is received by the program from the Office of Adult Probation that the participant is no longer eligible to attend the program.

(Effective August 19, 1982)

Sec. 54-56g-10. Evaluators

(a) Each person who wishes to act as a participant evaluator shall:

- (1) be certified as an alcoholism counselor by the Connecticut Alcoholism Counselor Certification Board, or be eligible for such certification within 1 year after beginning employment as an Evaluator,
- (2) have at least 1 year's experience in evaluating persons with alcohol related problems,
- (3) have successfully completed an evaluator's training course approved by the Alcohol and Drug Abuse Commission.

(b) No person who has been arrested and convicted of an alcohol or drug related traffic offense or who has had his license suspended or revoked, or who has been arrested and convicted of any alcohol or drug related offense within the preceding three years shall be permitted to become an Evaluator.

(c) No person shall continue to act as an Evaluator after being arrested and convicted of an alcohol or drug related traffic offense, or after having had his license suspended or

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-56g-11

Alcohol and Drug Abuse Commission

revoked for any violation of the Motor Vehicle Code or after being arrested and convicted of any alcohol or drug related offense.

(Effective August 19, 1982)

Sec. 54-56g-11. Instructors

(a) Each person who wishes to act as an instructor for a Drinking Driver Attitude Reassessment Course shall:

- (1) be a high school graduate or holder of a high school equivalency diploma,
- (2) hold a valid Connecticut driver's license,
- (3) have at least three years of driving experience,
- (4) have successfully completed a Drinking Driver Attitude Reassessment Instructor's training course approved by the Alcohol and Drug Abuse Commission,
- (5) participate in additional education courses and workshops for Drinking Driver Attitude Reassessment Course instructors as they become available.

(b) No person who has been arrested and convicted of an alcohol or drug related traffic offense or who has had his license suspended or revoked, or who has been arrested and convicted of any alcohol or drug related offense within the preceding three years shall be permitted to become a Drinking Driver Attitude Reassessment Course Instructor.

(c) No person shall continue to act as a Drinking Driver Attitude Reassessment Course Instructor after being arrested and convicted of an alcohol or drug related traffic offense, or after having had his license suspended or revoked for any violation of the Motor Vehicle Code or after being arrested and convicted of any alcohol or drug related offense.

(Effective August 19, 1982)

Sec. 54-56g-12. Therapist

(a) Each person who wishes to act as a therapist for Group Interaction shall:

- (1) be certified as an alcoholism counselor by the Connecticut Alcoholism Counselor Certification Board, or be eligible for such certification within one year after beginning employment as a group interaction therapist.
- (2) have at least one year's experience in conducting group therapy in the alcohol treatment field.
- (3) participate in education courses and workshops for Group Interaction therapists as they become available.

(b) No person who has been arrested and convicted of an alcohol or drug related traffic offense or who has had his license suspended or revoked, or who has been arrested and convicted of any alcohol or drug related offense within the preceding three years shall be permitted to become a therapist.

(c) No person shall continue to act as a therapist after being arrested and convicted of an alcohol or drug related traffic offense, or after having had his license suspended or revoked for any violation of the Motor Vehicle Code or after being arrested and convicted of any

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Alcohol and Drug Abuse Commission

§54-56g-13

alcohol or drug related offense.

(Effective August 19, 1982)

Sec. 54-56g-13. Program inspection

(a) Each Approved Alcohol Education and Treatment Program and each agency, organization, corporation, partnership, or individual which is applying for approval of an Alcohol Education and Treatment Program shall permit authorized representatives of the Alcohol and Drug Abuse Commission to make periodic inspections of all Pretrial Alcohol Education and Treatment program facilities and records, to have access to all the participants' written comments on the program as required by Sec. 7 (g) of these regulations and to visit the Drinking Driver Attitude Reassessment classroom and Group Interaction site while each is in session if such visits are deemed necessary by the Alcohol and Drug Abuse Commission in order to monitor the program's compliance with these regulations.

(b) The Alcohol and Drug Abuse Commission monitor shall visit all approved programs at least once yearly and may visit more frequently if in the monitor's discretion such additional visits are necessary during the term of the program's contract,

(c) The Alcohol and Drug Abuse Commission shall mail a written report of the results of the inspection to the program administrator and the Director of the Office of Adult Probation within 15 working days after each inspection.

(d) If the results of the inspection are unsatisfactory, the Alcohol and Drug Abuse Commission shall notify the program in writing of the specific areas in which the program has failed to meet the requirements of sections 5 to 13 inclusive and shall offer specific suggestions to correct the deficiencies.

(e) A program which has had an unsatisfactory inspection report shall be reinspected by the Alcohol and Drug Abuse Commission monitor after a reasonable time to permit the program to correct the deficiencies has elapsed.

(f) A program which fails to meet the minimum requirements after a second inspection shall no longer be deemed to be an approved program and the Alcohol and Drug Abuse Commission shall notify the Office of Adult Probation of the program's change of status immediately.

(g) An Approved Alcohol Education and Treatment Program shall submit a Participant Information Form to the Alcohol and Drug Abuse Commission for each participant referred to that program. Such forms shall contain all information requested by the Alcohol and Drug Abuse Commission and shall be submitted in the manner and at the time required by that Commission.

(Effective August 19, 1982)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Department of Public Safety

Subject

DNA Data Bank

Inclusive Sections

§§ 54-102i-1—54-102i-1a

CONTENTS

Sec. 54-102i-1.	Repealed
Sec. 54-102i-1a.	Disposition of samples remaining after analysis

DNA Data Bank

Sec. 54-102i-1. Repealed

Repealed March 5, 2007.

Sec. 54-102i-1a. Disposition of samples remaining after analysis

(a) The remainder of a biological sample shall be stored in a secure location within the forensic science laboratory of the Division of Scientific Services within the Department of Public Safety, hereinafter “the forensic science laboratory,” and shall be accessible only to the forensic science laboratory director or his or her designee.

(b) Remaining liquid blood shall be maintained at the forensic science laboratory until testing is complete. If the results of the testing obtained from the stain portion meet standard laboratory matching criteria, any liquid remaining in the original blood tube and the tube itself shall be disposed of in laboratory biohazard containers after all identifying markings have been obliterated.

(c) The forensic science laboratory may use any blood or biological sample stain remaining after profiling is complete for the creation of a statistical database or retesting to validate or update the original analysis.

(Adopted effective March 5, 2007)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Department of Public Safety

Subject

DNA Data Bank

Inclusive Sections

§§ 54-102j-1—54-102j-4

CONTENTS

Sec. 54-102j-1—54-102j-4.	Repealed
Sec. 54-102j-1a.	Definition
Sec. 54-102j-2a.	DNA records searches and release of information
Sec. 54-102j-3a.	Establishment of a statistical database
Sec. 54-102j-4a.	Positions that require access to records and samples

DNA Data Bank

Sec. 54-102j-1—54-102j-4. Repealed

Repealed March 5, 2007.

Sec. 54-102j-1a. Definition

For the purposes of sections 54-102j-1a to 54-102j-4a, inclusive, of the Regulations of Connecticut State Agencies, “forensic science laboratory” means the forensic science laboratory maintained by the Division of Scientific Services within the Department of Public Safety.

(Adopted effective March 5, 2007)

Sec. 54-102j-2a. DNA records searches and release of information

(a) Procedure for a search request by a law enforcement agency

(1) With the exception of a request made by the forensic science laboratory director or his or her designee, any request to search the DNA data bank shall include the name and position of the person making the search request, the requesting agency and the purpose of the search. Such search request, which shall be directed to the forensic science laboratory director, shall be submitted in writing on official letterhead of the agency making the request. Such written request may be submitted in person, by mail or by electronic means.

(2) The forensic science laboratory director or his or her designee shall verify the identity and employment or other affiliation of the person making the search request by telephoning or writing to someone in authority at the agency that the person represents to confirm that the individual has the authority to make the request.

(b) Procedure in the event of a match

(1) Only when the director of the forensic science laboratory or his or her designee is satisfied that a sample or DNA profile supplied by the person making the request matches a profile in the DNA data bank, and such match is based upon standard laboratory matching criteria, shall the existence of data in the DNA data bank be confirmed or identifying information from the DNA data bank be disseminated.

(2) The results of an analysis and comparison of the identification characteristics from two or more blood or other biological samples shall be made available directly to federal, state or local law enforcement officers engaged in an official investigation of the criminal offense that prompted the search request. Results shall be released to such officers upon written request to the director of the forensic science laboratory or his or her designee, in accordance with the verification procedures set forth in subdivisions (1) and (2) of subsection (a) of this section.

(c) Notification of authorities in the event of a non-match

If a DNA data bank search does not result in a match, the director of the forensic science laboratory or his or her designee shall promptly notify the person that made the search request or the state’s attorney handling the case.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-102j-3a

Department of Public Safety

(d) Procedure for providing copies of search requests and their results to persons identified and charged with an offense

(1) In accordance with subsection (c) of section 54-102j of the Connecticut General Statutes, a copy of a search request and the results shall be furnished to any person identified and charged with an offense as a result of a search of information in the DNA data bank. Requests pursuant to this subsection shall not be made directly to the forensic science laboratory, except as provided in subsection (e) of this section.

(2) Copy requests shall be transmitted to the forensic science laboratory by the law enforcement agency that made the original search request. Such law enforcement agency shall verify the identity of the person seeking such copy.

(e) Procedure when copies are not provided by the law enforcement agency that made the original search request

In the event that the copies requested in accordance with subsection (d) of this section are not provided within ten (10) business days of the date of the request to the law enforcement agency, the forensic science laboratory shall provide such copies upon written request, following verification of the identity of the person making the request. Such request shall be addressed to the director or his or her designee.

(f) Release of a profile to a person from whom a blood or other biological sample has been taken

As provided in section 54-102j of the Connecticut General Statutes, a copy of a person's DNA profile shall be released to such person. The request shall be made to the director of the forensic science laboratory or his or her designee on such form or forms as the Commissioner of Public Safety may prescribe. The form or forms shall request information that will assist the director of the forensic science laboratory in verifying the identity of the person making the request. A person making a request under this subsection shall also provide a thumbprint, which shall be witnessed by an employee of a law enforcement agency or such other government agency as has authority under section 54-102h of the Connecticut General Statutes to take blood or other biological samples for DNA testing.

(g) Authority to conduct searches in the absence of a request

The director of the forensic science laboratory or his or her designee may initiate a DNA data bank search in the absence of a specific request from federal, state or local law enforcement officers. Such search may be made for the purpose of ensuring the accuracy of DNA data bank retrieval systems or in furtherance of an official investigation into a criminal offense.

(Adopted effective March 5, 2007)

Sec. 54-102j-3a. Establishment of a statistical database

(a) Removal of identifying information

Any data obtained from a DNA data bank sample and used to establish a separate statistical database shall have any individual identifying information deleted from the database file when used for this purpose.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Department of Public Safety

§54-102j-4a

(b) Release of statistical information

Statistical information may be released and shared by authorized laboratory personnel with other laboratories, statisticians, law enforcement or criminal justice agencies.

(Adopted effective March 5, 2007)

Sec. 54-102j-4a. Positions that require access to records and samples

The director, assistant director, supervising criminalist or their designees shall have regular access to DNA data bank records and samples as a necessary function of their positions.

(Adopted effective March 5, 2007)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Board of Pardons and Paroles

Subject

Revocation and Rescission of Parole

Inclusive Sections

§§ 54-124a(j)(1)-1—54-124a(j)(1)-12

CONTENTS

Sec. 54-124a(j)(1)-1.	Definitions
Sec. 54-124a(j)(1)-2.	Application
Sec. 54-124a(j)(1)-3.	Scope. Parole revocation and rescission proceedings are not contested cases. No appeal
Sec. 54-124a(j)(1)-4.	Remand
Sec. 54-124a(j)(1)-5.	Preliminary hearing and detention
Sec. 54-124a(j)(1)-6.	Pending criminal charges. Acquittal, dismissal or nolle prosequi
Sec. 54-124a(j)(1)-7.	New conviction. Revocation. New eligibility date
Sec. 54-124a(j)(1)-8.	Diversion. Expedited revocation disposition. Procedure
Sec. 54-124a(j)(1)-9.	Revocation hearing
Sec. 54-124a(j)(1)-10.	Rescission of parole
Sec. 54-124a(j)(1)-11.	Rescission of parole following a new conviction
Sec. 54-124a(j)(1)-12.	Counsel

Revocation and Rescission of Parole

Sec. 54-124a(j)(1)-1. Definitions

As used in this regulation:

- (1) “Board” means the Board of Pardons and Paroles.
- (2) “Chairperson” means the Chairperson of the Board of Pardons and Paroles.
- (3) “Conditions of Parole” means the conditions established for the release of an offender to the community and the conditions established for the conduct of the offender while on parole.
- (4) “Discretionary Parole” means conditional release from imprisonment before the end of a criminal sentence granted in the discretion of the Board that allows the offender to serve the remainder of the sentence in the community under supervision following the conditions of parole.
- (5) “Effective Parole Status” means that status of an offender who has been voted to parole and is within thirty days of the “On or after” release date or for whom a file review within sixty days of the “On or after” release date has revealed no serious misconduct, no significant adverse information and the existence of a suitable parole plan.
- (6) “Hearing Examiner” means an employee of the Board who conducts preliminary and final revocation hearings and rescission hearings.
- (7) “Notice of Parole Rescission” means the written notice to an offender of the allegations of personal misconduct or other circumstances upon which the Board intends to rescind its previous parole release decision.
- (8) “Notice of Parole Violation” means the written notice to an offender detailing the allegations of violation of parole and the supporting or documenting evidence relied upon.
- (9) “Offender” means a person convicted of a crime and includes inmates of correctional facilities and persons granted parole.
- (10) “On or After Date” means the earliest date an offender may be released on discretionary parole.
- (11) “Preliminary hearing” means a hearing to determine whether there is probable cause to believe the offender has committed an act in violation of the conditions of parole, whether the act is serious enough to warrant revocation of parole, and whether detention pending further proceedings is warranted.
- (12) “Rescission of parole” means the cancellation of scheduled release on discretionary parole before release for serious misconduct, significant adverse information not available at the time of granting of parole, or lack of a suitable release plan.
- (13) “Rescission hearing” means a hearing to determine whether the parole granted to an offender should be rescinded before actual release.
- (14) “Reinstate” means restoration of parole as previously approved by a panel of the Board, the Chairperson or designee.
- (15) “Remand to Actual Custody Order” means the written temporary legal authority directed to any proper officer by which an offender is arrested, charged with violation of parole and returned from parole status to actual custody.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-124a(j)(1)-2

Board of Pardons and Paroles

(16) “Remand to actual custody” means the physical procedures used to arrest and return an offender to actual custody.

(17) “Revocation of parole” means the cancellation of the status of discretionary parole or special parole for failure to comply with the conditions of parole.

(18) “Revocation hearing” means a hearing to determine whether the offender is subject to conditions of parole; whether the offender has violated the conditions of parole and, if so, whether the violation merits revocation and to determine the appropriate disposition.

(19) “Special Parole” means that period of supervision of an offender ordered by the court to follow a term of imprisonment, subject to conditions of parole set by the Board or by the Chairperson, as provided by sections 53a-28(b)(9) and 54-125e of the Connecticut General Statutes.

(20) “Technical Violation” means a violation of terms and conditions of supervision other than the commission of a new crime.

(21) “Voted to Parole Status” means that status of an offender between the time discretionary parole has been granted by the Board until thirty days before the “On or After Date”, which status and release are contingent upon continued good conduct, a suitable release plan and the absence of significant adverse information not otherwise available at the time the offender was voted to parole.

(22) “Warrant for Reimprisonment” means the formal, continuing legal authority, issued by the Board, directed to a proper officer and based on probable cause, to arrest, hold and confine a person for violation of parole.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-2. Application

Sections 54-124a(j)(1)-1 to 54-124a(j)(1)-12, inclusive, of the Regulations of Connecticut State Agencies, apply to persons under supervision on parole, regardless of how they were released to parole status. Sections 54-124a(j)(1)-1 to 54-124a(j)(1)-12, inclusive, of the Regulations of Connecticut State Agencies, are not the source of rights of offenders but describe the process by which any rights such offenders may have under the Constitution or laws of the United States or the Constitution or laws of the State of Connecticut may be exercised.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-3. Scope. Parole revocation and rescission proceedings are not contested cases. No appeal

Parole revocation and rescission proceedings involve the cancellation of the conditional privilege of the service of a portion of a criminal sentence outside prison under supervision in the community or the cancellation of the period of special parole imposed by a court as part of the disposition of a criminal case. Parole revocation and rescission proceedings are not contested cases pursuant to the provisions of the Uniform Administrative Procedure Act, section 4-166 of the Connecticut General Statutes. There is no appeal from a decision

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§54-124a(j)(1)-5

to revoke or rescind parole.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-4. Remand

(a) The Commissioner of Correction, any officer designated by the Commissioner of Correction, the Board of Pardons and Paroles and the Chairperson of the Board may remand to actual custody any offender charged with violation of parole.

(b) Offenders remanded to actual custody for parole violation have no right to bail and may be detained pending revocation proceedings.

(c) The Remand to Actual Custody Order shall be valid for thirty business days, after which it shall be void, provided that:

(1) Any Remand to Actual Custody Order not executed may be renewed and reissued;

(2) any Remand to Actual Custody Order may be renewed by a Hearing Examiner pending completion of a preliminary hearing rescheduled past thirty days from return to actual custody for good cause; and

(3) any Remand to Actual Custody Order for an offender held on behalf of another jurisdiction may be renewed by the Deputy Compact Administrator under the Interstate Compact for Adult Offender Supervision for good cause.

(d) Not later than three business days after the remand to actual custody of the offender, the authority issuing the Remand to Actual Custody Order, shall serve or cause to be served on the offender a Notice of Parole Violation which notice shall state, with particularity, the acts alleged to be in violation of the conditions of parole and the evidence relied upon. Upon service of the notice, the remanding authority shall:

(1) Advise the offender regarding the availability and scope of a preliminary hearing;

(2) advise the offender of the right to counsel at personal expense and limited right to counsel appointed by the State to represent him, in accordance with section 54-124a(j)(1)-12 of the Regulations of Connecticut State Agencies; and

(3) if a technical violation, inquire regarding the offender's intentions concerning a plea and wishes relating to the preliminary hearing, counsel and witnesses.

(e) Not later than seven business days after the remand to actual custody of the offender, the Commissioner of Correction or the Commissioner's designee shall send to the Board:

(1) An Application for a Warrant of Reimprisonment, including all documentary evidence upon which the Commissioner relies;

(2) a copy of the executed Remand to Actual Custody Order;

(3) a copy of the Notice of Parole Violation showing service on the offender and the offender's intentions and wishes regarding plea, appearance, representation, appointment of counsel, and witnesses.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-5. Preliminary hearing and detention

(a) Unless waived, an offender charged with violation of parole shall be afforded a

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-124a(j)(1)-5

Board of Pardons and Paroles

preliminary hearing on the charges of violation of parole.

(b) Not later than fourteen business days after the remand to actual custody, a Hearing Examiner shall conduct the preliminary hearing, unless continued for good cause.

(c) On three days advance notice to the offender, for good cause, the preliminary hearing may be expanded to constitute the final revocation hearing.

(d) At the preliminary hearing the offender may appear and testify and may present written materials and witnesses who can give relevant and material information to the Hearing Examiner regarding the allegations of violation of parole and mitigation. On request of the offender, persons who have given adverse information upon which revocation is premised shall be made available for questioning unless excused for good cause.

(e) The preliminary hearing shall be for the purpose of determining:

(1) Whether there is probable cause to believe that the offender has committed an act in violation of the conditions of parole; provided that, the probable cause finding included in an arrest warrant issued by a judge of a court of competent jurisdiction or determined at arraignment by any such court of competent jurisdiction following a new arrest shall be conclusive evidence that there is probable cause to believe that the offender has violated a condition of parole and the issue of probable cause shall not be revisited by the Hearing Examiner or other parole officials;

(2) whether the act is serious enough to warrant revocation of parole; and

(3) whether the offender should be detained pending further revocation proceedings.

(f) If the Hearing Examiner finds no probable cause to believe the offender has committed an act in violation of parole, or finds probable cause to believe the offender has committed an act in violation of parole but determines the violation is not serious enough to warrant revocation, the Hearing Examiner, shall order the offender's Parole reinstated.

(g) If the Hearing Examiner finds probable cause to believe the offender has committed an act in violation of parole serious enough to warrant revocation, the Hearing Examiner may order continued detention pending the final revocation hearing or, upon an affirmative finding that the offender is unlikely to engage in further misconduct and release does not jeopardize public safety, the Hearing Examiner, may authorize the offender released to supervision pending the hearing.

(h) Not later than twenty-one business days after the remand to actual custody, or upon completion of any preliminary hearing, if detention beyond thirty days from the remand to actual custody is appropriate, the Chairperson, or designee, shall review:

(1) The Application for Warrant for Reimprisonment;

(2) the Remand to Actual Custody Order;

(3) the Notice of Parole Violation;

(4) Any documentary or other evidence being relied upon to support revocation and, if applicable, the Hearing Examiner's findings on the preliminary hearing.

(i) The Chairperson or designee shall review the submissions to ensure probable cause exists for continued detention and, if so, shall issue and cause to be delivered to a proper officer a Warrant for Reimprisonment.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§54-124a(j)(1)-7

(j) If the offender is already in actual custody in Connecticut, the Warrant for Reimprisonment shall substitute for the expiring Remand to Actual Custody Order and shall be delivered to the Commissioner of Correction not later than thirty business days following the remand to actual custody.

(k) If the offender has absconded from supervision, the Warrant for Reimprisonment shall be held pending determination of the offender's location and delivered to appropriate authorities when the offender is located.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-6. Pending criminal charges. Acquittal, dismissal or *nolle prosequi*

Parole revocation procedures premised upon criminal misconduct that is the subject of prosecution shall be continued until the criminal matter is disposed. Dispositions of acquittal, dismissal or *nolle prosequi* are not binding on the Board for revocation purposes. Such a disposition shall be reviewed to determine whether revocation proceedings remain appropriate. If not, the revocation matter shall be dismissed, the warrant withdrawn, and the offender's parole reinstated.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-7. New conviction. Revocation. New eligibility date

(a) The supervising parole officer shall monitor the status of criminal prosecution of each offender accused of violation of parole based upon criminal misconduct. Not later than fourteen business days following any new conviction the supervising parole officer shall report to the Board the circumstances regarding the conviction.

(b) Conviction of a new crime is conclusive evidence of violation of conditions of parole and shall result in revocation of parole.

(c) If the new sentence or aggregation of sentences results in a new calculated parole eligibility date that exceeds the term or period of supervision of the original sentence from which the offender was paroled, or any confinement that would be imposed for violation of parole with respect to the original sentence, no further hearing is required. The Hearing Examiner shall send to the Commissioner of Correction and to the offender a notice of revocation of parole and, to the offender, a preliminary new parole eligibility date with respect to the new sentence.

(d) If the new sentence or aggregation of sentences results in a calculated parole eligibility date that falls within the term of the original sentence from which the offender was paroled, the Hearing Examiner shall conduct a revocation hearing to determine mitigation surrounding the violation and the possibility and conditions of potential reparole within the term of the original sentence. The Hearing Examiner, may recommend no reparole, reparole, or a parole eligibility date following the hearing.

(Adopted effective April 5, 2007)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-124a(j)(1)-8

Board of Pardons and Paroles

Sec. 54-124a(j)(1)-8. Diversion. Expedited revocation disposition. Procedure

In any appropriate case and at any stage of the revocation process before final revocation, the Board may:

(1) Divert the offender from revocation and reinstate without a finding of violation upon the same conditions of parole as originally provided for; or, with sufficient notice and opportunity for hearing to the offender, impose additional or more stringent conditions of parole; or

(2) Offer the offender a time-limited, one-time only, non-negotiable expedited revocation disposition, conditioned upon admission to one or more of the pending parole violation charges and acceptance of responsibility for the parole violation conduct in return for a specified revocation disposition. If the offender accepts the expedited revocation disposition within the time period allowed, the expedited revocation disposition shall become the official Board action. If the offender does not accept the expedited revocation disposition within the time period allowed, the expedited revocation disposition shall not be considered further during continuing revocation proceedings.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-9. Revocation hearing

(a) Parole revocation matters not resolved earlier shall proceed to a revocation hearing not later than sixty business days from remand unless continued for good cause.

(b) The purpose of the revocation hearing is to determine contested relevant facts regarding allegations of violation of parole; to determine whether the facts as found warrant revocation of parole; and, if so, to determine an appropriate disposition.

(c) The revocation hearing shall be conducted by a Hearing Examiner and shall be electronically recorded.

(d) The rules of evidence shall not apply in a revocation hearing. The Hearing Examiner may exclude, but is not required to exclude, evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds or based on evidentiary privilege. The Hearing Examiner may admit hearsay and evidence seized by police, and other evidence which may not be admissible in a criminal proceeding under the rules of evidence, provided there is sufficient indicia of reliability.

(e) An employee of the Board may present evidence and advocacy in support of the allegation that the offender violated conditions of parole. Alternatively, the hearing may proceed without a presenter. The absence of a presenter shall not preclude the Hearing Examiner from considering any evidence regarding revocation.

(f) Unless revocation is based on a new criminal conviction, the Hearing Examiner may require the presence of any relevant witness and shall, upon timely request of the offender, make available for questioning in the presence of the offender any person who has given information upon which revocation may be based unless the witness is excused for cause. The Chairperson shall issue and cause to be served any subpoena necessary to ensure the timely presence of any witness.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§54-124a(j)(1)-9

(g) The offender shall have the opportunity to be heard and present evidence and advocacy in defense against the allegation, showing there was no violation of the conditions of parole or, if so, that circumstances in mitigation show that the violation does not warrant revocation. The offender may appear and testify and may present written materials and witnesses who can give relevant and material information to the Hearing Examiner regarding the allegations of violation of parole and mitigation.

(h) At the conclusion of evidence regarding the alleged violation, the Hearing Examiner shall make findings regarding violation of parole. If the Hearing Examiner finds no violation, the hearing shall conclude and the offender's parole reinstated. If the Hearing Examiner concludes that the offender violated a condition of parole and that the violation may merit revocation, the Hearing Examiner shall hear from both the attending parole officer and the offender regarding the offender's background and history for the purpose of considering the appropriate disposition.

(i) At the conclusion of evidence and advocacy regarding the offender's background and history, the Hearing Examiner shall determine whether to reinstate, with or without modification of the conditions of parole, or whether to recommend revocation. If revocation is recommended, the Hearing Examiner shall also recommend the period of confinement to be imposed.

(j) If reinstatement with modification of the conditions of parole is being considered, the Hearing Examiner shall afford the offender the opportunity to be heard with respect to the modification of the conditions of parole.

(k) At the conclusion of the hearing the Hearing Examiner may:

(1) Find that the offender has violated the conditions of parole but recommend to the Chairperson or designee that the offender's parole be reinstated and may recommend to the Chairperson or designee modifications of the conditions of parole. If the offender disagrees with the modification of the conditions of parole, the offender may petition the Board by letter to reconsider the modified conditions of parole, but the modified conditions of parole shall remain in effect until removed by the Board;

(2) Find that the offender has violated the conditions of parole and recommend:

(A) Reincarceration for the remainder of the sentence imposed by the court, a reparole date, or a new parole eligibility date.

(B) Forfeiture of any good conduct credit which may have been earned pursuant to Section 18-7 and 18-7a of the Connecticut General Statutes.

(l) The Hearing Examiner shall prepare a written report of the findings and recommendations for approval by a panel of the Board.

(m) A panel of the Board shall consider all recommendations to revoke parole or to modify the conditions of parole, and may:

(1) Approve and adopt the recommendation as the decision of the Board;

(2) disapprove the recommendation and, using the evidence presented at the hearing, impose a shorter period of reincarceration or lesser amount of good conduct credit forfeiture than that proposed, or reinstate, with or without modifications; or

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-124a(j)(1)-10

Board of Pardons and Paroles

(3) impose a period of reincarceration longer than or impose a forfeiture of good conduct credit in addition to that recommended but only after notice and opportunity for a supplementary hearing to allow the offender to respond to concerns of the Board.

(A) Any supplementary hearing held by the Board shall be duly noticed and limited to the issues the Board determines may justify additional confinement upon revocation. Upon imposition of a period of incarceration longer than that recommended, the Board shall include its reasons therefor in the written decision.

(n) The Board shall issue a final written decision and shall notify the offender and the Commissioner of Correction or designee.

(o) Upon revocation of discretionary parole, the offender shall be held on the original criminal court mittimus for a period equal to the unexpired portion of the sentence, in accordance with Section 54-128(a) of the Connecticut General Statutes, or such lesser time as specified by the Board.

(p) Upon revocation of Special Parole, the Chairperson or designee shall issue a mittimus declaring the cause of commitment and requiring the warden of the correctional institution or community correctional center to receive and keep such person for the period fixed by the judgment of the Board, in accordance with the provisions of section 54-97 of the Connecticut General Statutes.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-10. Rescission of parole

(a) After the Board has granted parole, it may modify or rescind parole for the following reasons:

- (1) A serious act of misconduct before release;
- (2) significant adverse information regarding the offender, received after the hearing resulting in the parole grant but before release; or
- (3) the absence of a suitable release plan.

(b) Not earlier than sixty days before the “On or After Date” and not later than thirty days before the “On or After Date”, the Board shall conduct an electronic pre-release file review for each offender voted to parole to determine continued good conduct, the absence of significant adverse information and the existence of a suitable release plan.

(c) If the electronic pre-release file review reveals no reason for possible rescission, the offender’s status shall advance from Voted to Parole Status to Effective Parole Status.

(d) If the electronic file review indicates reason for possible rescission, parole release shall be suspended temporarily and the case referred to the Board for consideration for rescission of parole.

(1) In the case of serious misconduct or significant adverse information, the case may be referred to the Board for rescission.

(A) If the serious misconduct or significant adverse information is not a new criminal charge, the Board shall hold a rescission hearing in accordance with subsections (e) and (f) of this section.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§54-124a(j)(1)-10

(B) If the offender is arrested on a new criminal charge, parole release shall be held in abeyance pending disposition of the new criminal charge. Conviction of a new criminal charge shall result in automatic rescission of the parole release.

(2) In the absence of a suitable release plan:

(A) Release may be deferred for up to one hundred twenty days past the scheduled release date, without a hearing, while the Department of Correction, Parole and Community Services Division, continues efforts in placement; or

(B) in the event a suitable parole plan cannot be implemented, or, in any event, one hundred twenty days after the scheduled release date without a suitable release plan, the case shall be referred to the Board for rescission.

(e) **Rescission Process – Effective Parole Status – Serious Misconduct or Significant Adverse Information.** After a successful pre-release file review or, in the absence of such review, thirty days before the “On or After Date”, the offender’s status becomes Effective Parole Status. The process to rescind a previously granted parole with less than thirty days remaining to the “On or After Date” for serious misconduct or significant adverse information, except in the case of a new criminal charge, shall be the same as for parole revocation and shall include:

(1) Ten-day advance written notice of the intent to rescind parole and the specific misconduct or adverse information supporting rescission;

(2) a hearing before a neutral and detached Hearing Examiner not bound by the result of prison disciplinary proceedings;

(3) the right to counsel and the limited right to counsel appointed by the state.

(4) the right to confront and cross examine willing adverse witnesses when doing so would not be unduly hazardous to institutional safety;

(5) the right to call witnesses and present documentary evidence when doing so would not be unduly hazardous to institutional safety;

(6) a written statement of the evidence relied on and the reasons for rescinding parole;

(7) a written or electronic record of the proceedings.

(f) **Rescission Process. Effective Parole Status. Lack of Suitable Parole Plan.** In those cases where the Board has specified conditions precedent to release, the process to impose such conditions precedent and to rescind parole based on the lack of a suitable parole plan shall include:

(1) To Impose or Modify Conditions:

(A) Notice of all conditions precedent to release imposed at the time parole is granted or as soon as practicable following the imposition of conditions precedent;

(B) an explanation of the reasons why such conditions precedent were being imposed;

(C) an opportunity to dispute the grounds for application of the condition or conditions precedent;

(2) To Rescind Parole:

(A) Advance written notice of intent to rescind parole for lack of a suitable parole plan and the reasons therefor;

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-124a(j)(1)-11

Board of Pardons and Paroles

(B) consistent with safety and security, the opportunity to review relevant materials regarding failure to implement a suitable parole plan and opportunity to contend for release;

(C) review of all written materials regarding suitability of parole plan by a neutral and detached Hearing Examiner;

(D) a written statement of the evidence relied on and the reasons for rescinding parole for lack of a suitable parole plan.

(g) **Rescission Process – Voted to Parole Status – Serious Misconduct or Significant Adverse Information. After being voted to parole.** After being voted to parole but before the pre-release file review, and earlier than thirty days before the “On or After Date”, upon notice that the offender has engaged in serious misconduct or that there is significant adverse information previously unknown, parole release shall be suspended temporarily and the matter referred to the Board for rescission. The process to rescind a previously granted parole in such circumstance for serious misconduct or significant adverse information, except in the case of a new criminal charge, shall include:

(1) Ten-day advance written notice of the intent to rescind parole and the specific misconduct or adverse information supporting rescission;

(2) review of written reports by a neutral and detached Hearing Examiner who may accept such written reports as conclusive evidence of misconduct, provided that the offender is given the opportunity to explain;

(3) a written statement of the evidence relied on and the reasons for rescinding parole.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-11. Rescission of parole following a new conviction

Conviction of a new crime committed before release on parole shall be conclusive evidence of serious misconduct and parole shall be rescinded.

(Adopted effective April 5, 2007)

Sec. 54-124a(j)(1)-12. Counsel

(a) Offenders subject to revocation proceedings and offenders in Effective Parole Status subject to rescission proceedings for serious misconduct may retain counsel of their choice to assist in the revocation or rescission process.

(b) The Chairperson shall appoint counsel to represent offenders subject to revocation proceedings and offenders in Effective Parole Status subject to rescission proceedings for serious misconduct in the following circumstances:

(1) The offender is indigent;

(2) the offender makes a timely and colorable claim of:

(A) Innocence of the misconduct alleged; or

(B) although guilty of misconduct, the existence of substantial reasons that justify or mitigate the violation and render the revocation or rescission inappropriate;

(3) the claim of innocence or the reasons justifying or mitigating the violation are complex or otherwise difficult to develop or present; and,

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§54-124a(j)(1)-12

(4) the offender appears incapable of speaking effectively.

(c) Any request for appointment of counsel shall be in writing, directed to the Chairperson, and shall include:

(1) A statement of indigence;

(2) any written statement or other relevant materials the offender may wish the Board to consider regarding appointment of counsel. The offender is not required to discuss the substance of the violation charges but must provide sufficient relevant information regarding claims of complexity or difficulty to allow for a decision to be made regarding appointment of counsel or risk being denied appointed counsel;

(3) the results of an interview or evaluation by the interviewing parole officer regarding the complexity of the circumstances surrounding the alleged violation, the offender's apparent ability to understand the proceedings and the offender's apparent ability to speak effectively.

(d) In the case of multiple charges, the Chairperson may dismiss a complex or difficult charge and decline to appoint counsel if the remaining charges are simple and amenable to resolution without the participation of counsel.

(e) If the Chairperson declines a request to appoint counsel, the reasons for such refusal shall be stated in writing with a copy delivered to the offender.

(Adopted effective April 5, 2007)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Board of Pardons and Paroles

Subject

Administrative Pardons Process

Inclusive Sections

§§ 54-124a(j)(2)-1—54-124a(j)(2)-8

CONTENTS

Sec. 54-124a(j)(2)-1.	Definitions
Sec. 54-124a(j)(2)-2.	Review of applications received
Sec. 54-124a(j)(2)-3.	Board review of application prior to scheduled pardons hearing
Sec. 54-124a(j)(2)-4.	Provisions of pardons granted without a hearing
Sec. 54-124a(j)(2)-5.	Discretion of board — placement of application on docket
Sec. 54-124a(j)(2)-6.	Notice to state's attorney that prosecuted the crime
Sec. 54-124a(j)(2)-7.	Attempt to identify and notify victim of crime
Sec. 54-124a(j)(2)-8.	Notification to board by victim to be heard personally

Administrative Pardons Process

Sec. 54-124a(j)(2)-1. Definitions

As used in Sections 54-124a(j)(2)-1 to 54-124a(j)(2)-8, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Administrative Pardon Docket” means a list of pardon applications that will be reviewed for a pardon by a panel of the Board of Pardons and Paroles without a hearing;

(2) “Administrative Pardon Process” means a process by which a pardon, conditioned or absolute, may be granted without a hearing to a person convicted of a crime after consideration of written materials submitted to the Board of Pardons and Paroles for consideration in accordance with sections 54-124a(j)(2)-1 to 54-124a(j)(2)-8, inclusive, of the Regulations of Connecticut State Agencies;

(3) “Board” means the Board of Pardons and Paroles or a panel thereof;

(4) “Chairperson” means the Chairperson of the Board of Pardons and Paroles;

(5) “Incarceration” means the period of time an individual is confined in a correctional institution, under Department of Correction community supervision, or under parole supervision;

(6) “Pardon” means the conditional or absolute release from the legal penalties resulting from the conviction of a crime;

(7) “Victim” means “victim of crime” or “crime victim” as defined in section 1-1k of the Connecticut General Statutes.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-2. Review of applications received

An employee of the Board of Pardons and Paroles shall review each application received for a pardon and identify applications that meet the criteria defined in Section 54-124a(j)(2)-4 of the Regulations of Connecticut State Agencies for pardon consideration by an administrative pardon process.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-3. Board review of application prior to scheduled pardons hearing

Prior to the scheduled pardon hearing, the Board shall meet and review all applications identified pursuant to section 54-124a(j)(2)-2 of the Regulations of Connecticut State Agencies for pardon consideration by an administrative pardon process. At least two members of a panel of the Board of Pardons must approve an application being placed on the administrative pardon docket for further consideration. Pardon applications that have been placed on the administrative pardon docket shall not be scheduled for a hearing unless the Board determines to consider the applications on the regular pardon docket pursuant to section 54-124a(j)(2)-5 of the Regulations of Connecticut State Agencies or the victim or the Office of the State’s Attorney pursuant to section 54-124a(j)(2)-8 of the Regulations of

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-124a(j)(2)-4

Board of Pardons and Paroles

Connecticut State Agencies.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-4. Provisions of pardons granted without a hearing

The Board shall consider and may grant a pardon pursuant to an application that was placed on the administrative docket, without a hearing, provided that a victim of the crime or the Office of the State's Attorney has not requested a hearing and:

(1) The conduct for which the applicant was convicted was a misdemeanor and no longer constitutes a crime;

(2) Such applicant was convicted of a misdemeanor, under twenty-one years of age at the time of conviction, and has not been convicted of a crime during the five years preceding the date on which the administrative pardon is granted;

(3) Such misdemeanor conviction occurred prior to the effective date of the establishment of one of the following diversionary programs for which the applicant would have been eligible had such program existed at the time of conviction, provided the chairperson determines the applicant would likely have been granted entry into such program:

(A) **Suspended Prosecution or Conviction and Probation and Court-Ordered Treatment for Drug or Alcohol Dependency.** Sections 17a-692 to 17a-701, inclusive, of the Connecticut General Statutes (formerly sections 19a-127a to 19a-127j, inclusive, of the Connecticut General Statutes), effective January 1, 1990;

(B) **Pretrial Family Violence Education Program.** Section 46b-38c of the Connecticut General Statutes, effective October 1, 1986;

(C) **Alternate Incarceration Program.** Section 53a-39a of the Connecticut General Statutes, effective, July 5, 1989;

(D) **Community Service Labor Program.** Section 53a-39c of the Connecticut General Statutes, effective July 1, 1990;

(E) **Accelerated Pretrial Rehabilitation.** Section 54-56e of the Connecticut General Statutes (Formerly Section 54-76p of the Connecticut General Statutes), effective June 12, 1973;

(F) **Pretrial Alcohol Education Program.** Section 54-56g of the Connecticut General Statutes, effective October 1, 1981;

(G) **Pretrial Drug Education Program.** Section 54-56i of the Connecticut General Statutes, effective January 1, 1998;

(H) **Pretrial School Violence Prevention Program.** Section 54-56j of the Connecticut General Statutes, effective January 1, 2000; or

(4) Such applicant was convicted of a violation of any of the following crimes, and such applicant has not been convicted of a crime during the five years preceding the date on which the administrative pardon is granted, provided such date is at least ten years after the date of conviction or release from incarceration, whichever is later:

(A) Section 21a-277 of the Connecticut General Statutes (Formerly Section 19-480 of the Connecticut General Statutes);

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§54-124a(j)(2)-8

(B) Section 21a-278 of the Connecticut General Statutes (Formerly Section 19-480a of the Connecticut General Statutes);

(C) Section 21a-279 of the Connecticut General Statutes.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-5. Discretion of board — placement of application on docket

The Board shall have the discretion to move any application that was placed on the administrative pardon docket to the regular pardon docket and require a full hearing.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-6. Notice to state's attorney that prosecuted the crime

The Board shall notify the Office of the State's Attorney that prosecuted the crime that is the subject of a pardon application that has been placed on the administrative pardon docket, and shall include notice of a comment period of not less than thirty days prior to the date that the application will be considered pursuant to the administrative pardon process.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-7. Attempt to identify and notify victim of crime

The Board shall attempt to identify and notify the victim of the crime that is the subject of a pardon application that has been placed on the administrative pardon docket by contacting the Office of Victim Services and the Department of Correction's Victim Service Unit. The Board shall include notice of a comment period of not less than thirty days prior to the date that the application will be considered pursuant to the administrative pardon process.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-8. Notification to board by victim to be heard personally

If the Board is notified of a request for the opportunity to be heard personally by the victim or the Office of the State's Attorney prior to the Board taking final action on the application, the application shall be ineligible for consideration by an administrative pardon process and the Board shall reassign the application to the regular pardons docket. The Board shall notify the applicant, the Office of the State's Attorney, and the victim of the hearing date.

(Adopted effective October 6, 2008)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Board of Pardons and Paroles

Subject

Reasons for Denial of Pardon Application

Section

§ 54-124a(j)(3)-1

CONTENTS

Sec. 54-124a(j)(3)-1. Reasons for denial of pardon application

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Pardons and Paroles

§

Reasons for Denial of Pardon Application

Sec. 54-124a(j)(3)-1. Reasons for denial of pardon application

Any pardons panel of the Board of Pardons and Paroles that denies an application for a pardon shall provide a written statement of reasons the application was denied.

(Adopted effective July 18, 2005)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Board of Parole

Subject

Statutory Provisions for Parole Pursuant to Public Act 95-255

Inclusive Sections

§§ 54-125a-1—54-125a-6

CONTENTS

Sec. 54-125a-1.	Definitions
Sec. 54-125a-2.	Application
Sec. 54-125a-3.	Procedure
Sec. 54-125a-4.	Criteria
Sec. 54-125a-5.	Guidelines
Sec. 54-125a-6.	Effect

Statutory Provisions for Parole Pursuant to Public Act 95-255

Sec. 54-125a-1. Definitions

For the purposes of sections 54-125a-1 through 54-125a-6, the following definitions shall apply:

(1) “Board” means the Board of Parole as established under section 54-124a of the general statutes, and shall include the full board membership or a panel of two or more board members appointed under subsection (e) of section 54-124a.

(2) “Definite sentence” means a sentence of imprisonment under section 53a-35a of the general statutes.

(3) “Inmate” means any person who is in the custody of the Commissioner of Correction or the Board of Parole.

(4) “Offense” shall have the same meaning as provided in section 53a-24 of the general statutes.

(5) “Parole” means a change of custody from the Commissioner of Correction to the Board of Parole.

(6) “Parole eligibility date” means the earliest date on which an inmate may be allowed to go at large on parole in accordance with section 54-125a of the general statutes, as amended by public act 95-255.

(Effective May 2, 1997)

Sec. 54-125a-2. Application

Sections 54-125a-1, 54-125a-2, 54-125a-3, 54-125a-4, 54-125a-5 and 54-125a-6 shall apply to inmates who, on or after July 1, 1996, are convicted of an offense for which parole is authorized.

(Effective May 2, 1997)

Sec. 54-125a-3. Procedure

(a) The Board shall make a determination whether the inmate is ineligible for parole until he or she has served not less than 85% of his or her definite sentence or sentences, pursuant to section 54-125a of the general statutes, as amended by public act 95-255. If such determination is in the affirmative, the board shall notify the inmate of his or her earliest parole eligibility date based upon serving not less than 85% of his or her definite sentence or sentences. The Board shall also notify the Department of Correction of all such determinations.

(b) The Board of Parole shall make a determination of an inmate’s earliest parole eligibility date. The Board, in making such determination, shall obtain, on a weekly basis, a list of all inmates sentenced within the previous week. A criminal history of the inmate, will be obtained which may include, but shall not be limited to, a State Police criminal records check, out of state criminal records check, police reports, previous parole and probation reports, and any other information that the Board deems relevant. Criminal justice

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-125a-4

Board of Parole

data systems will be queried for information regarding the length of sentence for each specific charge. The Chairman of the Board of Parole shall convene a panel of two or more parole board members to review the information compiled. The panel will determine whether the inmate must serve 50% or 85% of his or her sentence before becoming eligible for Parole. The inmate and the Department of Correction will then be notified of the Board's determination.

(Effective May 2, 1997)

Sec. 54-125a-4. Criteria

(a) The board shall determine whether the statutory definition of the offense or any offenses for which an inmate is serving a sentence of imprisonment contains one or more elements which involve the use, attempted use or the threatened use of physical force against another person. Such inmates shall be ineligible for parole until they shall have served not less than 85% of their definite sentences pursuant to section 54-125a of the general statutes, as amended by public act 95-255.

(b) In all other cases, the board shall determine whether the underlying act or acts constituting the offense or any offense for which the inmate is serving a sentence of imprisonment, or any other relevant information, demonstrate that the inmate is a violent offender. Not less than thirty days prior to making such determination, the board shall notify the division of criminal justice, and shall consider all information and comment provided by that agency. If the board determines that an inmate meets such criteria, the inmate shall be ineligible for parole until he or she has served not less than 85% of his or her definite sentence or sentences pursuant to section 54-125a of the general statutes, as amended by public act 95-255.

(c) In classifying inmates under subsections (a) and (b) of this section, the board may consider any information which it deems to be relevant.

(Effective May 2, 1997)

Sec. 54-125a-5. Guidelines

(a) The Board shall determine whether the statutory definition of the offense or any offenses for which an inmate was convicted of or is serving a sentence of imprisonment contains one or more elements which involve the use, attempted use or threatened use of physical force against another person. No such inmate shall become parole eligible until he or she has served not less than 85% of his or her definite sentence pursuant to the general statutes listed. The following Connecticut General Statutes are applicable to an inmate's 85% determination: 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c, 53a-181c.

(b) In all other cases, the Board shall consider the underlying act or acts constituting the offense or any offense for which the inmate is serving a sentence of imprisonment or any

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Parole

§54-125a-6

other relevant information that demonstrates a tendency toward the use, attempted use or threatened use of physical force against another person. Information may include, but not be limited to, presentence reports. State Police criminal records check, sentencing dockets, Criminal Justice Information System information, police reports, out of state criminal records, parole and probation reports, victim(s) statement, witness statements, inmates prior incarceration history. After reviewing this information, the panel will determine whether the inmate has a past history and/or a series or a pattern of convictions for an offense or offenses described in subsection (a) of these guidelines.

(Effective May 2, 1997)

Sec. 54-125a-6. Effect

Decisions of the Board under sections 54-125a-1 to 54-125a-6, inclusive, of the Regulations of Connecticut State Agencies shall be limited solely to the determination of inmates' earliest parole eligibility dates pursuant to section 54-125a of the general statutes, as amended by public act 95-255, and shall not be relevant in proceedings to determine whether an inmate should be granted parole on that or subsequent dates, nor to any other parole matter.

(Effective May 2, 1997)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Board of Parole

Subject

Criteria and Procedures for Release of Inmates Without Parole Hearing

Section

§ 54-125b-1

CONTENTS

Sec. 54-125b-1. Criteria and procedures for release of inmates without parole hearing (Repealed)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Board of Parole

§

Criteria and Procedures for Release of Inmates Without Parole Hearing

Sec. 54-125b-1. Criteria and procedures for release of inmates without parole hearing (Repealed)

Repealed June 11, 2014.

(Adopted effective July 30, 1997; Amended November 2, 2001; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Department of Public Safety

Subject

Duties of Peace Officers

Inclusive Sections

§§ 54-222a-1—54-222a-3

CONTENTS

Sec. 54-222a-1.	Responsibilities of peace officers
Sec. 54-222a-2.	Victim suffering physical injury to receive victim assistance card
Sec. 54-222a-3.	Other victims shall receive a victim assistance card

Duties of Peace Officers

Sec. 54-222a-1. Responsibilities of peace officers

(a) Each peace officer within this state, as defined in Section 53a-3 (9) of the Connecticut General Statutes, who determines that a crime has been committed shall, pursuant to Section 54-222a of Connecticut General Statutes, render immediate assistance to each victim of such crime unless another peace officer has already done so.

(b) That assistance shall include obtaining medical assistance for the victim if the peace officer determines that the victim has suffered physical injury as defined in Section 53a-3 (3) of the Connecticut General Statutes, unless the victim, having been advised of the availability of medical assistance, instructs the peace officer not to obtain such assistance.

(Effective September 26, 1990)

Sec. 54-222a-2. Victim suffering physical injury to receive victim assistance card

(a) In the event that an investigation reveals one or more identifiable victims who have suffered physical injury, the peace officer in charge shall insure that a victim assistance card is delivered to each such victim pursuant to Section 54-222a of the Connecticut General Statutes.

(b) The victim assistance card shall be delivered at the first reasonable opportunity, taking into account the physical and emotional condition of the victim, the exigencies of the investigation and any other relevant factors.

(Effective September 26, 1990)

Sec. 54-222a-3. Other victims shall receive a victim assistance card

(a) A member of the family of any crime victim who has been killed or rendered unconscious shall receive a card.

(b) A crime victim who has suffered serious emotional trauma shall receive a card.

(c) A victim of Family Violence, as defined by Section 46b-38b of the Connecticut General Statutes, shall receive a card.

(Effective September 26, 1990)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Agency

Office of the Secretary of the State

Subject

Address Confidentiality Program

Inclusive Sections

§§ 54-240a-1—54-240a-12

CONTENTS

Sec. 54-240a-1.	Definitions
Sec. 54-240a-2.	Application for program participation
Sec. 54-240a-3.	Certification of program participants
Sec. 54-240a-4.	Certification renewal
Sec. 54-240a-5.	Forwarding of program participant's mail
Sec. 54-240a-6.	Program certification withdrawal, cancellation and appeal from cancellation
Sec. 54-240a-7.	Agency use of program addresses
Sec. 54-240a-8.	Confidentiality of marriage records
Sec. 54-240a-9.	Voting by program participants
Sec. 54-240a-10.	Agency exemption requests
Sec. 54-240a-11.	Service of process
Sec. 54-240a-12.	Records requests to the Secretary of the State

Address Confidentiality Program

Sec. 54-240a-1. Definitions

For purposes of Sections 54-240a-1 to 54-240a-12, inclusive of the Regulations of Connecticut State Agencies:

(1) “Address confidentiality program” or “program” or “ACP” means “Address confidentiality program” or “program” as defined in section 54-240 of the Connecticut General Statutes;

(2) “Agency” means “Agency” as defined in section 54-240 of the Connecticut General Statutes;

(3) “Applicant for renewal” means a program participant, a guardian or conservator of the person acting on behalf of an adult program participant, or a parent or guardian acting on behalf of a minor program participant, who applies to renew the certification of the participant pursuant to Sec. 54-240a-4 of the Regulations of Connecticut State Agencies;

(4) “Application assistant” means “Application assistant” as defined in section 54-240 of the Connecticut General Statutes;

(5) “Authorized personnel” means “Authorized personnel” as defined in section 54-240 of the Connecticut General Statutes;

(6) “Certification card” means “Certification card” as defined in section 54-240 of the Connecticut General Statutes;

(7) “Confidential address” means “Confidential address” as defined in section 54-240 of the Connecticut General Statutes;

(8) “Law enforcement agency” means “Law enforcement agency” as defined in section 54-240 of the Connecticut General Statutes;

(9) “Marriage records” means “Marriage records” as defined in section 54-240 of the Connecticut General Statutes;

(10) “Program address” means “Program address” as defined in section 54-240 of the Connecticut General Statutes;

(11) “Program applicant” means an adult person, a guardian or conservator of the person acting on behalf of an adult person, or a parent or guardian acting on behalf of a minor, who applies to participate in the program;

(12) “Program participant” or “participant” means “Program participant” or “participant” as defined in section 54-240 of the Connecticut General Statutes;

(13) “Record” means “Record” as defined in section 54-240 of the Connecticut General Statutes.

(Adopted effective March 23, 2005)

Sec. 54-240a-2. Application for program participation

(a) **Application forms.** The Secretary of the State shall prescribe application forms for program participation.

(b) **Application assistants.** Program applicants shall complete application forms with assistance from an application assistant.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-240a-3

Office of the Secretary of the State

(c) **Delivery of completed applications.** Application assistants shall deliver completed application forms to the office of the Secretary of the State by depositing the same in the United States mail addressed to said office as indicated on the application forms.

(d) **False information.** False information contained in an application shall be considered grounds for refusal or cancellation of program certification.

(e) **Duty to provide current information.** A participant who changes his or her name or confidential address from the name or address listed on the program application shall provide written notification to the Secretary of the State not later than thirty days after such change. Failure to do so shall be considered grounds for cancellation of certification.

(Adopted effective March 23, 2005)

Sec. 54-240a-3. Certification of program participants

Certification. The Secretary of the State shall certify, as participants, individuals who have filed, or on whose behalf have been filed, properly completed applications.

(Adopted effective March 23, 2005)

Sec. 54-240a-4. Certification renewal

(a) **Certification renewal forms.** The Secretary of the State shall prescribe certification renewal forms for use by program participants.

(b) **Notice of expiration.** Not later than 30 days prior to the expiration of a participant's certification, the Secretary of the State shall mail notice of expiration, and certification renewal forms, to the participant's confidential address.

(c) **Delivery of completed certification renewal forms.** An applicant for renewal shall deliver completed certification renewal forms to the office of the Secretary of the State by depositing the same in the United States mail addressed to said office as indicated on the certification renewal forms.

(d) **Certification.** The Secretary of the State shall renew the certification of participants who have filed, or on whose behalf have been filed:

- (1) Properly completed certification renewal forms;
- (2) The participant's current certification card; and
- (3) A new certification card form.

(e) **False information.** False information contained in certification renewal forms shall be considered grounds for refusal of certification renewal or cancellation of certification.

(f) **Duty to provide current information.** A participant who changes his or her name or confidential address from the name or address listed on the certification renewal form shall provide written notification to the Secretary of the State not later than thirty days after such change. Failure to do so shall be considered grounds for cancellation of certification.

(Adopted effective March 23, 2005)

Sec. 54-240a-5. Forwarding of program participant's mail

(a) **Address requirements.** First class mail, addressed to a participant, must include the

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Office of the Secretary of the State

§54-240a-6

participant's name, certification code and program address as shown on the participant's current certification card.

(b) **Forwarding of first class mail.** The Secretary of the State shall forward first class mail, which has been addressed in accordance with subsection (a) of this section, from the participant's program address, to the participant's confidential address.

(c) **Mail returned as undeliverable.** If forwarded mail is returned to the Secretary of the State as undeliverable, the Secretary of the State shall attempt to resend the mail not later than one week after receipt. If the resent mail is returned to the Secretary of the State, the fact that such mail has been twice returned as undeliverable shall be considered grounds for cancellation of certification.

(d) **Noncompliant mail.** The Secretary of the State shall return to its sender:

(1) First class mail which has not been addressed in accordance with sub-section (a) of this section;

(2) Mail other than first class mail; and

(3) First class mail which has been returned to the Secretary of the State twice as undeliverable.

(Adopted effective March 23, 2005)

Sec. 54-240a-6. Program certification withdrawal, cancellation and appeal from cancellation

(a) **Withdrawal.** A participant may withdraw from the program in accordance with section 54-240k of the Connecticut General Statutes.

(b) **Cancellation.** When grounds for cancellation exist, the Secretary of the State may cancel a participant's certification in accordance with section 54-240k of the Connecticut General Statutes.

(c) **Appeal of Cancellation.** Not later than thirty days from the date notice of cancellation was mailed by the Secretary of the State, a participant may submit a written appeal of cancellation by depositing the same in the United States mail addressed to the Secretary of the State as indicated on the notice. The appeal shall address the reason(s) for cancellation, set forth in the notice, by explaining, as applicable:

(1) Why the participant was unable to notify the Secretary of the State of changes to the participant's name or confidential address;

(2) Why the application for participation or renewal contained false information;

(3) Why the participant was unable to apply for renewal prior to expiration;

(4) Why mail forwarded to the participant was returned to the Secretary of the State as undeliverable.

(d) **Notice of decision.** Not later than thirty days after receipt of an appeal of cancellation, the Secretary of the State shall send a written notice of decision to the participant.

(Adopted effective March 23, 2005)

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-240a-7

Office of the Secretary of the State

Sec. 54-240a-7. Agency use of program addresses

(a) **Request for use of program address.** A participant may, at any time, request that an agency use the program address as the participant's residence, work or school address. Such participant shall present his or her certification card to any agency official creating a new record or updating an existing record pertaining to the participant and request the use in such record of the program address appearing on the certification card.

(b) **Processing of requests.** The agency official creating the new record, or updating an existing record, shall process the participant's request for use of the program address in accordance with section 54-240h of the Connecticut General Statutes.

(c) **ACP request form.** The Secretary of the State shall prescribe an ACP request form for use by the agency when processing a participant's request to use the program address.

(d) **Notification letter.** In lieu of an ACP request form, the agency may notify the Secretary of the State, in writing, when it has created or updated an existing record pertaining to a participant. The notice shall be on agency letterhead stationery and shall contain the name of the participant, the participant's certification code, and the signature and title of the agency official.

(e) **Completion and delivery of ACP request form or notification letter.** The agency official creating the new record, or updating an existing record, shall complete an ACP request form or notification letter at the time the request is processed. The agency official shall retain a copy of the ACP request form or notification letter, provide a copy to the participant, and forward the original to the ACP at P.O. Box 150469, Hartford, CT. 06115-0469.

(Adopted effective March 23, 2005)

Sec. 54-240a-8. Confidentiality of marriage records

(a) **Requests for confidentiality of marriage records.** Participants may request that their marriage records be kept confidential in accordance with section 54-240f of the Connecticut General Statutes.

(b) **Processing of requests.** Authorized personnel in the appropriate office of the registrar of vital statistics shall process the program participant's request for confidentiality of marriage records in accordance with section 54-240f of the Connecticut General Statutes.

(c) **ACP request form.** The Secretary of the State shall prescribe an ACP request form for use by authorized personnel in the appropriate office of the registrar of vital statistics when processing a participant's request for confidentiality of marriage records.

(d) **Notification letter.** In lieu of an ACP request form, the authorized personnel in the appropriate office of the registrar of vital statistics may notify the Secretary of the State, in writing, when he or she has processed a participant's request for confidentiality of marriage records. The notice shall be on the registrar of vital statistic's letterhead stationery and shall contain the name of the participant, the participant's certification code, and the signature and title of the authorized personnel in the appropriate office of the registrar of vital statistics.

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

Office of the Secretary of the State

§54-240a-10

(e) **Completion and delivery of forms.** The authorized personnel in the appropriate office of the registrar of vital statistics shall complete an ACP request form or notification letter at the time the request is processed, and shall retain a copy of the ACP request form or notification letter, provide a copy to the participant, and forward the original to the ACP at P.O. Box 150469, Hartford, CT. 06115-0469.

(f) **Information release to law enforcement agency.** A request from a law enforcement agency for release of records in a participant's file shall be in writing, on agency letterhead stationery and signed by the agency's chief law enforcement officer.

(Adopted effective March 23, 2005)

Sec. 54-240a-9. Voting by program participants

(a) **Requests to be listed on voter registry list without street and house number.** A participant may request to be listed on a voter registry list without the participant's street and house number in accordance with section 54-240g of the Connecticut General Statutes.

(b) **Processing of requests.** Authorized personnel in the appropriate office of the registrar of voters shall process the program participant's request in accordance with section 54-240g of the Connecticut General Statutes.

(c) **ACP request form.** The Secretary of the State shall prescribe an ACP request form for use by authorized personnel in the appropriate office of the registrar of voters when processing a participant's request for confidentiality of his or her street and house number.

(d) **Notification letter.** In lieu of an ACP request form, the authorized personnel in the appropriate office of the registrar of voters may notify the Secretary of the State, in writing, when he or she has processed a participant's request to be listed on a voter registry list without the participant's street and house number. The notice shall be on the registrar of voter's letterhead stationery and shall contain the name of the participant, the participant's certification code, and the signature and title of the authorized personnel in the appropriate office of the registrar of voters.

(e) **Completion and delivery of forms.** The authorized personnel in the appropriate office of the registrar of voters shall complete an ACP request form or notification letter at the time the request is processed, and shall retain a copy of the ACP request form or notification letter, provide a copy to the participant, and forward the original to the ACP at P.O. Box 150469, Hartford, CT. 06115-0469.

(f) **Information release to law enforcement agency.** A request from a law enforcement agency for release of records in a participant's file shall be in writing, on agency letterhead stationery and signed by the agency's chief law enforcement officer.

(Adopted effective March 23, 2005)

Sec. 54-240a-10. Agency exemption requests

(a) **Method of request.** Agency exemption requests shall be made in accordance with section 54-240i of the Connecticut General Statutes.

(b) **Notice of exemption.** The Secretary of the State shall send notification, as provided

Regulations of Connecticut State Agencies

TITLE 54. Criminal Procedure

§54-240a-11

Office of the Secretary of the State

in section 54-240i of the Connecticut General Statutes, to the participant's confidential address, by first class mail, prior to granting an exemption.

(Adopted effective March 23, 2005)

Sec. 54-240a-11. Service of process

A participant may be served as provided in section 54-240l of the Connecticut General Statutes.

(Adopted effective March 23, 2005)

Sec. 54-240a-12. Records requests to the Secretary of the State

(a) **Information release to law enforcement agency or State Elections Enforcement Commission.** A request from a law enforcement agency or the State Elections Enforcement Commission for release of any records in a participant's file, other than the program address, shall be in writing, on agency or commission letterhead stationery and signed by the agency's chief law enforcement officer, a commanding officer in the Division of State Police within the Department of Public Safety or the executive director of the State Elections Enforcement Commission. Such request shall include the request date and the name of the participant.

(b) **Verification of participation.** A person may request verification of the participation of a specific program participant by sending a written request to the Secretary of the State. Such request shall be signed by the requestor and include the name of the participant and the name of the requestor.

(c) **Notice of disclosure.** The Secretary of the State shall send notification to the participant's confidential address, by first class mail, on the same day that information is disclosed pursuant to subsection (b) of this section or pursuant to a court order. Such notice shall include:

- (1) Whether the disclosure was made pursuant to a court order or an individual's request;
- (2) The name of the person to whom the disclosure was made; and
- (3) The date on which the disclosure was made.

(Adopted effective March 23, 2005)