

Sec. 54-124a-10. Petition for declaratory ruling

(a) **General rule.** Any person may petition the Board of Pardons and Paroles, or the Board of Pardons and Paroles may initiate a proceeding, for a declaratory ruling as to the validity of any regulation, or the applicability to specified circumstances of a provision of the Connecticut General Statutes, regulation, or final decision, on a matter within the Board of Pardons and Paroles' jurisdiction.

(b) **Form of petition for declaratory ruling.** Petitions for a declaratory ruling shall be addressed to the Board of Pardons and Paroles and sent by certified mail to its principle office. The petition shall:

- (1) be in writing, signed, and dated by the petitioner;
- (2) include the name and address of the petitioner and the name and address of the petitioner's attorney, if applicable;
- (3) identify the particular statute, regulation, or final decision for which a ruling is sought;
- (4) state clearly and concisely the question or questions for which a ruling is sought;
- (5) state the position of the petitioner, including a statement of appropriate factual background relative to each question for which a ruling is sought; and
- (6) include any supporting data, facts, and arguments in support of the position of the petitioner with such legal citation as may be appropriate.

(c) **Procedure after petition for declaratory ruling filed.**

(1) **Notice to persons.** The Board of Pardons and Paroles may give notice to any person that a petition for a declaratory ruling has been received and may receive and consider facts, arguments, and opinions from persons other than the petitioner. In all cases, not more than thirty (30) days after receipt of a petition for a declaratory ruling, the Board of Pardons and Paroles shall give notice of the petition to all persons to whom notice is required by any provision of law and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition.

(2) **Parties and intervenors.** If the Board of Pardons and Paroles finds that a timely petition to become a party or to intervene has been filed, the Board of Pardons and Paroles may:

(A) grant a person status as a party if the Board of Pardons and Paroles finds that the petition states facts demonstrating that the petitioner's legal rights, duties or privileges shall be specifically affected by the agency proceeding; and

(B) grant a person status as an intervenor if the Board of Pardons and Paroles finds that the petition states facts demonstrating that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings. The Board of Pardons and Paroles may define an intervenor's participation in the manner set forth in subsection (d) of section 4-177a of the Connecticut General Statutes.

(3) **Decision on petition, ruling granted.** If the Board of Pardons and Paroles decides to issue a declaratory ruling, not more than sixty (60) days after receipt of the petition for the declaratory ruling, the Board of Pardons and Paroles shall:

- (A) issue the ruling; or
- (B) agree to issue the ruling by a specified date.

(4) **Provision for hearing.** If the Board of Pardons and Paroles deems a hearing necessary or helpful in determining any issue concerning a petition for a declaratory ruling,

not more than sixty (60) days after receipt of the petition for the declaratory ruling, the Board of Pardons and Paroles may schedule such hearing and give such notice thereof as appropriate.

(5) **Decision on petition, ruling denied.** If the Board of Pardons and Paroles decides not to issue a declaratory ruling, not more than sixty (60) days after receipt of the petition for the declaratory ruling, the Board of Pardons and Paroles shall:

(A) initiate regulation-making proceedings, under section 4-168 of the Connecticut General Statutes on the subject; or

(B) state the reason or reasons for its action.

(6) **Rulings and actions.** The Board of Pardons and Paroles shall promptly deliver a copy of all rulings issued and any actions taken under subdivisions (3), (4), and (5) of subsection (c) of this section to the petitioner and other parties and intervenors by United States mail, certified or registered, postage prepaid, return receipt requested. A declaratory ruling shall contain the following:

(A) the names of all parties and intervenors to the proceeding;

(B) the particular facts upon which the ruling is based; and

(C) the reasons for the conclusion.

(Effective February 7, 2020)