

Secretary of the State File Number

**6221**

Regulation of the  
**Board of Pardons and Paroles**  
Concerning

**Expedited Pardons Review**

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **August 2, 2016**

EFFECTIVE DATE

**August 2, 2016**

Approved by the Attorney General on

**May 17, 2016**

Approved by the Legislation Regulation Review Committee on

**July 26, 2016**

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

**August 2, 2016**

The text of this approved regulation will be published in the Connecticut Law Journal

Form ICM-ECOPY (NEW 6/2015)  
State of Connecticut  
Secretary of the State



**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**  
This form should be used only for regulations first noticed *on and after March 23, 2015*.

## Electronic Copy Certification Statement

*(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)*

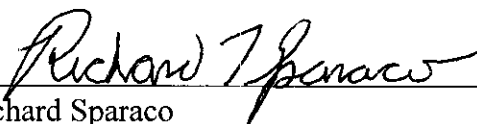
Regulation of the  
**Board of Pardons and Paroles**  
Concerning  
**Expedited Pardons Review**

Approved by the Legislative Regulation Review Committee: **July 26, 2016**  
eRegulations System Tracking Number: **PR2016-007**

**I hereby certify** that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

**And I further certify** that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

**In testimony whereof**, I have hereunto  
set my hand on **July 27, 2016**.

  
\_\_\_\_\_  
Richard Sparaco  
Executive Director  
Board of Pardons and Paroles

**State of Connecticut**  
**Regulation of**  
**Board of Pardons and Paroles**  
**Concerning**  
**Expedited Pardons Review**

The Regulations of Connecticut State Agencies are amended by adding sections 54-124a(j)(2)-1a to 54-124a(j)(2)-7a, inclusive, as follows:

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

As used in this section and sections 54-124a(j)(2)-2a to 54-124a(j)(2)-7a, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Applicant” means a person convicted of an offense who completes an application for pardon consideration by the Board of Pardons and Paroles;

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

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

(4) “Expedited pardon” means a pardon application identified by an employee of the Board as meeting the criteria described in section 54-124a(j)(2)-6a of the Regulations of Connecticut State Agencies that will be reviewed by a panel of the Board of Pardons and Paroles and which may be granted without a hearing to a person convicted of an offense other than a violent offense, after the consideration of the application submitted to the Board of Pardons and Paroles in accordance with sections 54-124a(j)(2)-2a to 54-124a(j)(2)-7a, inclusive, of the Regulations of Connecticut State Agencies;

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

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

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

(8) “Violent offense” means any offense (A) for which an individual is convicted and which causes such individual’s eligibility for parole release to be subject to the provisions of section 54-125a(b) of the Connecticut General Statutes, (B) that results in a conviction for a violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-59a, 53a-59b, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-64aa, 53a-64bb, 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c, 53a-181c or 53a-321 of the Connecticut General Statutes, (C) for which an individual is convicted and which causes such individual to serve at least eighty-five per cent of such individual’s sentence pursuant to a policy established by the Board, or (D) for which an individual is convicted and is otherwise prohibited from being granted parole.

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

An employee of the Board shall review each application received for pardon consideration, and identify applications eligible for an expedited pardon that meet the criteria described in section 54-124a(j)(2)-6a of the Regulations of Connecticut State Agencies. Applicants who were convicted of

violent offenses shall not be eligible for an expedited pardon.

**(NEW) Sec. 54-124a(j)(2)-3a. Attempt to identify and notify victim of an offense.**

After applicants who are eligible for an expedited pardon have been identified pursuant to section 54-124a(j)(2)-2a of the Regulations of Connecticut State Agencies, the Office of Victim Services within the Judicial Department or Victim Services Unit within the Department of Correction shall attempt to identify and notify any victim of the offense that is the subject of a pardon application deemed eligible for an expedited pardon.

**(NEW) Sec. 54-124a(j)(2)-4a. Notification to Board by victim to be heard personally.**

Pursuant to section 54-228 of the Connecticut General Statutes, if a victim requests the opportunity to be heard personally prior to the Board taking final action on the application, the application shall be ineligible for an expedited pardon and the application shall be scheduled for a full pardon hearing. The Board shall notify the applicant and the victim of the hearing date.

**(NEW) Sec. 54-124a(j)(2)-5a. Board review of expedited pardon applications.**

A panel consisting of three members of the Board shall meet to review each application for an expedited pardon that has been identified pursuant to section 54-124a(j)(2)-2a of the Regulations of Connecticut State Agencies. For an application for an expedited pardon to be approved, at least two of the three members of the panel shall be required to vote for such approval. Should an application fail to receive the two votes required for approval, the pardon application may be denied or scheduled for a full pardon hearing.

**(NEW) Sec. 54-124a(j)(2)-6a. Grant of expedited pardon without hearing.**

The Board may grant an expedited pardon to an applicant without a hearing, provided that:

- (1) The offense is not a violent offense;
- (2) It has been at least five years from the date of conviction for a felony and at least three years from the date of conviction for a misdemeanor, pursuant to section 54-130a of the Connecticut General Statutes;
- (3) The applicant's service of any sentence has been completed, including but not limited to any period of imprisonment, probation or parole, payment of court-ordered fines and completion of any court-ordered program or community service, as applicable;
- (4) The applicant has not been convicted of any other offense other than the offenses included in the application; and
- (5) The applicant has no pending criminal charges or open criminal cases in Connecticut or any other jurisdiction.

**(NEW) Sec. 54-124a(j)(2)-7a. Discretion of Board regarding expedited pardons.**

The Board shall have the discretion to require an application eligible for an expedited pardon to receive a full hearing. In determining whether an application shall be scheduled for a full hearing, the Board may consider the underlying act or acts constituting the offense or any offense for which the applicant has served a sentence of imprisonment or any 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, criminal records check, sentencing dockets, Criminal Justice Information System information, police reports, out of state criminal records, parole and probation reports, victim statements, witness statements, and the applicant's prior incarceration history.

R-39 Rev. 02/2012

**Statement of Purpose**

This regulation is being promulgated in accordance with Legislative direction as set forth in Conn. Gen. Stat. 54-124a. It will provide non-violent offenders with a simplified and expedited pardons process if they meet certain criteria laid out in the regulations, such as the absence of any objection from the victim(s) of the crime, the completion of a criminal sentence and other criminal sanctions, and an appropriate length of time having passed since the date of the conviction.

**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

**AGENCY CERTIFICATION**

**Board of Pardons and Paroles**

Proposed Regulation Concerning

**Expedited Pardons Review**

eRegulations System Tracking Number **PR2016-007**

**I hereby certify the following:**

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **54-124a**

*For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)*

(2) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **March 8, 2016**.

(3)  No public hearing held or was required to be held.

(4) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **May 6, 2016**.

(5)  Comments were received and the agency posted the statements specified in subdivisions (2) and (3) of CGS Section 4-168(e) to the eRegulations System website on **May 5, 2016**.

(6) The final wording of the proposed regulation was posted to the eRegulations System website on **May 10, 2016**.

(7) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

*(Check one and complete as applicable)*

When posted to the eRegulations System website by the Secretary of the State.

SIGNED  
Carleton Giles

Chairperson

5/10/2016  
May 10, 2016

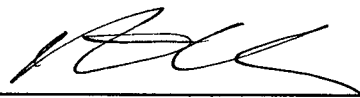
**OFFICE OF THE ATTORNEY GENERAL  
REGULATION CERTIFICATION**

**Agency Board of Pardons and Paroles**

***REGULATION NUMBER PR2016-007***

**This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes Section 4-169.**

**DATE: 5/17/2016**

Signed:   
***Robert W. Clark, Special Counsel***  
***Duly Authorized***

# The Connecticut General Assembly

## Legislative Regulation Review Committee

Senator Clark Chapin  
Senate Chair



Representative Brian Becker  
House Chair

### Official Record of Committee Action

July 26, 2016

Agency: Board of Pardons and Paroles  
Description: Expedited Pardons Review  
LRRC Regulation Number: 2016-015  
eRegulation Tracking Number: PR2016-007

The above-referenced regulation has been

### **Approved with Technical Corrections and Substitute Pages**

by the Legislative Regulation Review Committee in accordance  
with CGS Section 4-170.

Kirstin L. Breiner  
Committee Administrator





State of Connecticut  
Office of the Secretary of the State

## Confirmation of Electronic Submission

Re: Regulation of the Board of Pardons and Paroles concerning Expedited  
Pardons Review  
eRegulations System Tracking Number PR2016-007  
Legislative Regulation Review Committee Docket Number 2016-015

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on August 2, 2016.

Said regulation is assigned Secretary of the State File Number 6221.

The effective date of this regulation is August 2, 2016.

A handwritten signature in black ink that reads "Denise W. Merrill".

Denise W. Merrill  
Secretary of the State  
August 2, 2016

By:

/s/ Kristin M. Karr  
Kristin M. Karr  
Administrative Law  
Information Systems Manager