

Secretary of the State File Number

6313

Regulation of the
Board of Pardons and Paroles
Concerning

Petition for Declaratory Ruling

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 **February 7, 2020**

EFFECTIVE DATE

February 7, 2020

Approved by the Attorney General on

November 18, 2019

Approved by the Legislation Regulation Review Committee on

January 28, 2020

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

February 6, 2020

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
Petition for declaratory ruling

Approved by the Legislative Regulation Review Committee: **January 28, 2020**
eRegulations System Tracking Number: **PR2019-018**

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 **February 6, 2020**.



Leland J. Moore
Legislative and Administrative Advisor
Board of Pardons and Paroles

State of Connecticut
Regulation of
Board of Pardons and Paroles
Concerning
Petition for declaratory ruling

Sec. 1. The Regulations of Connecticut State Agencies are amended by adding section 54-124a-10 as follows:

(NEW) 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.

R-39 Rev. 02/2012

Statement of Purpose

The purpose of this Regulation is to provide for (1) the form and content of petitions for declaratory rulings, (2) the filing procedure for such petitions and (3) the procedural rights of persons with respect to the petitions, in accordance with section 4-176 of the Connecticut General Statutes.

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

Petition for declaratory ruling

eRegulations System Tracking Number **PR2019-018**

I hereby certify the following:

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **CGS 4-176**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **N/A**.

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

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **September 13, 2019**.

(4) (Complete one) ☒ No public hearing held or was required to be held. **OR** ☐ One or more public hearings were held on: **N/A**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **October 24, 2019**.

(6) (Complete one) ☒ No comments were received. **OR** ☐ Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **N/A**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **October 24, 2019**.

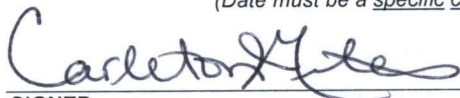
(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

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

OR ☐ On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)



SIGNED

*(Head of Board, Agency or Commission,
or duly authorized deputy)*

Chairperson
OFFICIAL TITLE

10 /24/ 2019
DATE

OFFICE OF THE ATTORNEY GENERAL REGULATION CERTIFICATION

Agency: Connecticut Board of State Pardons and Paroles

REGULATION NUMBER PR2019-018

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

DATE: 11/18/2019

Signed:



Joseph Rubin, Assistant Deputy Attorney General
Duly Authorized

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Craig Miner
Senate Chair



Representative Susan Johnson
House Chair

Official Record of Committee Action

January 28, 2020

Agency: Board of Pardons and Paroles
Description: Petition for Declaratory Ruling
LRRC Regulation Number: 2019-027
eRegulation Tracking Number: PR2019-018

The above-referenced regulation has been

Approved with Technical Corrections

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 Petition for
Declaratory Ruling
eRegulations System Tracking Number PR2019-018
Legislative Regulation Review Committee Docket Number 2019-027

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 February 6, 2020.

Said regulation is assigned Secretary of the State File Number 6313.

The effective date of this regulation is February 7, 2020.

A handwritten signature in black ink, reading "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
February 7, 2020

By:

/s/ Kristin M. Karr

Kristin M. Karr
Administrative Law
Information Systems Manager