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2025 Legislative Package

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Title Pages

1. AN ACT CONCERNING JUROR COMPENSATION

Purpose: This proposal would amend C.G.S. 51-247 to permit jury selection to be more inclusive of persons who work part-time or are per diems. Connecticut's juror compensation is structured so individuals who are employed full-time can serve. However, part-time or per diem employees generally are unable to bear the hardship of not working as they will not be paid. By providing just compensation to these individuals, the system will be fairer and expand access to persons in the community to serve as jurors.

2. AN ACT CONCERNING LENGTHY SENTENCES

Purpose: This proposal would amend Public Act 23-169, which amended Public Act 15-84, to expand the eligibility for these hearings to include all persons who were 18 - 21 years of age at the time of their conduct.

Originally Public Act 15-84 conferred a statutory right to people who were convicted of crimes prior to their 18th birthday to be eligible for parole where the attendant circumstances of youth could be considered at a hearing, commonly referred to as a Miller-Graham hearing, to determine if early release is appropriate for the inmate. Public Act 23-169 extended eligibility but only to persons who were under the age of 21 and convicted before October 1, 2005.

3. AN ACT REGARDING FAILURE TO APPEAR IN THE SECOND DEGREE

Purpose: Under current law, the offense of Failure to Appear in the Second Degree in a misdemeanor case is a class A misdemeanor regardless of the underlying charge or charges. Given notice, defendants are considered to have willfully failed to appear unless hospitalized or incarcerated – a framework indifferent to other legitimate barriers. This proposal provides that failure to appear a first time would constitute a class D misdemeanor. Any subsequent offense would constitute a class A misdemeanor.

4. AN ACT CONCERNING THE DISCHARGE OF ACQUITTEES FROM CUSTODY

Purpose: The statute currently places the burden on the acquittee to prove by a preponderance of evidence that the acquittee is a person who should be discharged. This proposal would amend the statute to reflect the holding in State v. Metz, 230 Conn. 400 (1994) which shifts the burden to the State on a petition for continued commitment of an acquittee.

Thirty years ago, the Metz decision shifted the burden to the State for petitions to extend an acquittee's commitment beyond the original term set by the Court. On such a petition, the State must prove by clear and convincing evidence that the acquittee currently has psychiatric disabilities and is a danger to themself or others. The statute has never been amended to reflect the holding in Metz which created a different burden and standard of proof for petitions for continued commitment (as opposed to an application for early discharge filed by the acquittee).

5. AN ACT CONCERNING JAIL CREDIT

Purpose: The proposal makes clear that a person awaiting extradition to Connecticut from another state is entitled to jail credit for the time spent in in a correctional institution, police station, county jail, courthouse lockup or any other type of imprisonment while in that other state.

OFFICE OF CHIEF PUBLIC DEFENDER

2025 Legislative Proposal #1

AN ACT CONCERNING JUROR COMPENSATION

Purpose: *This proposal would amend C.G.S. 51-247 to permit jury selection to be more inclusive of persons who work part-time or are per diems. Connecticut's juror compensation is structured so individuals who are employed full-time can serve. However, part-time or per diem employees generally are unable to bear the hardship of not working as they will not be paid. By providing just compensation to these individuals, the system will be fairer and expand access to persons in the community to serve as jurors.*

Be it enacted by the Senate and House of Representative in General Assembly convened:

SECTION 1. *Section 51-247 of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):*

(a) Each full-time employed juror shall be paid regular wages by the juror's employer for the first five days, or part thereof, of jury service. Such payment shall be subject to the requirements of section 31-71b and any employer who violates this section shall be subject to the provisions of sections 31-71g and 31-72. A person shall not be considered a full-time employed juror on any day of jury service in which such person (1) would not have accrued regular wages to be paid by the employer if such person were not serving as a juror on that day, or (2) would not have worked more than one-half of a shift which extends into another day if such person were not serving as a juror on that day. Each part-time employed or unemployed juror who has no source of compensation for the first five days of jury service shall receive a flat fee equal to the minimum fair wage, as defined in section 31-58, in effect on the days of jury service, based on an eight-hour day. Each juror not considered a full-time employed juror on a particular day of jury service pursuant to subdivision (1) or (2) of this subsection shall be reimbursed by the state for necessary out-of-pocket expenses incurred during that day of jury service**[**, provided such day of service is within the first five days, or part thereof, of jury service**]**. Each part-time employed juror and unemployed juror shall be reimbursed by the state for necessary out-of-pocket expenses incurred during the first five days, or part thereof, of jury service. Necessary out-of-pocket expenses shall include, but not be limited to **[**twenty cents**]** family care at a rate established by the Jury Administrator under subsection (b) of this section and travel expenses, based on the privately owned vehicle mileage reimbursement rate established by the federal General Services Administration, for each mile of travel from the juror's place of residence to the place of holding the court and return, and shall exclude food. The mileage shall be determined by the shortest direct route either by highway or by any regular line of conveyance between the points. A reimbursement award under this subsection for each day of service shall not be less than twenty dollars or more than [fifty dollars**]** the minimum fair wage, as defined in section 31-58, in effect on the days of jury service, based on an eight-hour day.

For the purposes of this subsection, "full-time employed juror" means an employee holding a position normally requiring thirty hours or more of service in each week, which position is neither temporary nor casual, and includes an employee holding a position through a temporary help service, as defined in section 31-129, which position normally requires thirty hours or more of service

in each week, who has been working in that position for a period exceeding ninety days, and "part-time employed juror" means an employee holding a position normally requiring less than thirty hours of service in each week or an employee working on a temporary or casual basis. In the event that a juror may be considered to be both a full-time employed juror and a part-time employed juror for any day of the first five days, or part thereof, of jury service, such juror shall, for the purposes of this section, be considered to be a full-time employed juror only.

(b) The Jury Administrator shall establish guidelines for reimbursement of expenses pursuant to this section.

(c) Each juror who serves more than five days who is not paid by their employer after the fifth day shall be paid by the state for the sixth day and each day thereafter [at a rate of fifty dollars] a flat fee equal to the current minimum wage, as defined in section 31-58, in effect on the days of jury service, based on an eight-hour day, per day of service. A full-time employed juror receiving payment under this subsection shall not be entitled to any additional reimbursement. An unemployed or part-time employed juror who serves more than five days also shall be entitled to family care and travel expenses paid at the rate specified in subsection (a) of this section and subject to the guidelines established in subsection (b) of this section.

OFFICE OF CHIEF PUBLIC DEFENDER

2025 Legislative Proposal #2

AN ACT CONCERNING LENGTHY SENTENCES

Purpose: *This proposal would amend Public Act 23-169, which amended Public Act 15-84, to expand the eligibility for these hearings to include all persons who were 18 - 21 years of age at the time of their conduct.*

Originally Public Act 15-84 conferred a statutory right to people who were convicted of crimes prior to their 18th birthday to be eligible for parole where the attendant circumstances of youth could be considered at a hearing, commonly referred to as a Miller-Graham hearing, to determine if early release is appropriate for the inmate. Public Act 23-169 extended eligibility but only to persons who were under the age of 21 and convicted before October 1, 2005.

Be it enacted by the Senate and House of Representative in General Assembly convened:

SECTION 1. *Subsection (f) of Section 54-125a of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):*

(f) (1) Notwithstanding the provisions of subsections (a) to (e), inclusive, of this section, a person convicted of one or more crimes committed while such person was under [eighteen] **twenty-one** years of age, who is incarcerated on or after October 1, 2015, and who received a definite sentence or total effective sentence of more than ten years for such crime or crimes prior to, on or after October 1, 2015, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which such person is confined, provided (A) if such person is serving a sentence of fifty years or less, such person shall be eligible for parole after serving sixty per cent of the sentence or twelve years, whichever is greater, or (B) if such person is serving a sentence of more than fifty years, such person shall be eligible for parole after serving thirty years. Nothing in this subsection shall limit a person's eligibility for parole release under the provisions of subsections (a) to (e), inclusive, of this section if such person would be eligible for parole release at an earlier date under any of such provisions.

(2) The board shall apply the parole eligibility rules of this subsection only with respect to the sentence for a crime or crimes committed while a person was under [eighteen] **twenty-one** years of age. Any portion of a sentence that is based on a crime or crimes committed while a person was [eighteen] **twenty-one** years of age or older shall be subject to the applicable parole eligibility, suitability and release rules set forth in subsections (a) to (e), inclusive, of this section.

(3) Whenever a person becomes eligible for parole release pursuant to this subsection, the board shall hold a hearing to determine such person's suitability for parole release. At least twelve months prior to such hearing, the board shall notify the office of Chief Public Defender, the appropriate state's attorney, the Victim Services Unit within the Department of Correction, the Office of the Victim Advocate and the Office of Victim Services within the Judicial Department of such person's eligibility for parole release pursuant to this subsection. The office of Chief Public Defender shall assign counsel for such person pursuant to section 51-296 if such person is indigent. At any hearing to determine such person's suitability for parole release pursuant to this subsection, the board shall permit (A)

such person to make a statement on such person's behalf, (B) counsel for such person and the state's attorney to submit reports and other documents, and (C) any victim of the crime or crimes to make a statement pursuant to section 54-126a. The board may request testimony from mental health professionals or other relevant witnesses, and reports from the Commissioner of Correction or other persons, as the board may require. The board shall use validated risk assessment and needs assessment tools and its risk-based structured decision making and release criteria established pursuant to subsection (d) of section 54-124a in making a determination pursuant to this subsection.

(4) After such hearing, the board may allow such person to go at large on parole with respect to any portion of a sentence that was based on a crime or crimes committed while such person was under [eighteen] **twenty-one** years of age if the board finds that such parole release would be consistent with the factors set forth in subdivisions (1) to (4), inclusive, of subsection (c) of section 54-300 and if it appears, from all available information, including, but not limited to, any reports from the Commissioner of Correction, that (A) there is a reasonable probability that such person will live and remain at liberty without violating the law, (B) the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration, and (C) such person has demonstrated substantial rehabilitation since the date such crime or crimes were committed considering such person's character, background and history, as demonstrated by factors, including, but not limited to, such person's correctional record, the age and circumstances of such person as of the date of the commission of the crime or crimes, whether such person has demonstrated remorse and increased maturity since the date of the commission of the crime or crimes, such person's contributions to the welfare of other persons through service, such person's efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles that such person may have faced as a [child or youth] **person under twenty-one years of age** in the adult correctional system, the opportunities for rehabilitation in the adult correctional system, whether the person has also applied for or received a sentence modification and the overall degree of such person's rehabilitation considering the nature and circumstances of the crime or crimes.

(5) After such hearing, the board shall articulate for the record its decision and the reasons for its decision. If the board determines that continued confinement is necessary, the board may reassess such person's suitability for a new parole hearing at a later date to be determined at the discretion of the board, but not earlier than two years after the date of its decision.

(6) The decision of the board under this subsection shall not be subject to appeal.

~~[(g) (1) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, a person convicted of one or more crimes committed while such person was under twenty-one years of age, who was sentenced on or before October 1, 2005, and who received a definite sentence or total effective sentence of more than ten years' incarceration for such crime or crimes committed on or before October 1, 2005, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which such person is confined, provided (A) if such person is serving a sentence of fifty years or less, such person shall be eligible for parole after serving sixty per cent of the sentence or twelve years, whichever is greater, or (B) if such person is serving a sentence of more than fifty years, such person shall be eligible for parole after serving thirty years. Nothing in this subsection shall limit a person's eligibility for parole release under the~~

~~provisions of subsections (a) to (f), inclusive, of this section if such person would be eligible for parole release at an earlier date under any of such provisions.]~~

OFFICE OF CHIEF PUBLIC DEFENDER

2025 Legislative Proposal #3

AN ACT REGARDING FAILURE TO APPEAR IN THE SECOND DEGREE

Purpose: *Under current law, the offense of Failure to Appear in the Second Degree in a misdemeanor case is a class A misdemeanor regardless of the underlying charge or charges. Given notice, defendants are considered to have willfully failed to appear unless hospitalized or incarcerated – a framework indifferent to other legitimate barriers. This proposal provides that failure to appear a first time would constitute a class D misdemeanor. Any subsequent offense would constitute a class A misdemeanor.*

Be it enacted by the Senate and House of Representative in General Assembly convened:

SECTION 1. *Section 53a-173 of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):*

a. A person is guilty of failure to appear in the second degree when (1) while charged with the commission of a misdemeanor or a motor vehicle violation for which a sentence to a term of imprisonment may be imposed and while out on bail or released under other procedure of law, such person willfully fails to appear when legally called according to the terms of such person's bail bond or promise to appear, or (2) while on probation for conviction of a misdemeanor or motor vehicle violation, such person willfully fails to appear when legally called for any court hearing relating to a violation of such probation.

b. Failure to appear in the second degree is a class [A] <u>D</u> misdemeanor <u>for a first offense and a class A misdemeanor for any subsequent offense</u>.

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2025 Legislative Proposal #4

AN ACT CONCERNING THE DISCHARGE OF ACQUITTEES FROM CUSTODY

Purpose: *The statute currently places the burden on the acquittee to prove by a preponderance of evidence that the acquittee is a person who should be discharged. This proposal would amend the statute to reflect the holding in State v. Metz, 230 Conn. 400 (1994) which shifts the burden to the State on a petition for continued commitment of an acquittee.*

Thirty years ago, the Metz decision shifted the burden to the State for petitions to extend an acquittee's commitment beyond the original term set by the Court. On such a petition, the State must prove by clear and convincing evidence that the acquittee currently has psychiatric disabilities and is a danger to themself or others. The statute has never been amended to reflect the holding in Metz which created a different burden and standard of proof for petitions for continued commitment (as opposed to an application for early discharge filed by the acquittee).

Be it enacted by the Senate and House of Representative in General Assembly convened:

SECTION 1. Section 17a-593 of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):

The board, pursuant to section 17a-584 or 17a-592, may recommend to the court the discharge of the acquittee from custody or the acquittee may apply directly to the court for discharge from custody. The court shall send copies of the recommendation or application to the state's attorney and to counsel for the acquittee. An acquittee may apply for discharge not more than once every six months and no sooner than six months after the initial board hearing held pursuant to section 17a-583.

(b) The recommendation or application shall contain the dates on which any prior recommendations or applications for discharge had been filed with the court, the dates on which decisions thereon were rendered, and a statement of facts, including any change in circumstances since the determination on the most recent recommendation or application, sufficient to qualify the acquittee as a person who should be discharged. A recommendation by the board shall contain findings and conclusions to support the recommendation.

(c) If reasonable cause exists to believe that the acquittee remains a person with psychiatric disabilities or a person with intellectual disability to the extent that his discharge at the expiration of his maximum term of commitment would constitute a danger to himself or others, the state's attorney, at least one hundred thirty-five days prior to such expiration, may petition the court for an order of continued commitment of the acquittee.

(d) The court shall forward any application for discharge received from the acquittee and any petition for continued commitment of the acquittee to the board. The board shall, within ninety days of its receipt of the application or petition, file a report with the court, and send a copy thereof to the state's attorney and counsel for the acquittee, setting forth its findings and conclusions as to whether the

acquittee is a person who should be discharged. The board may hold a hearing or take other action appropriate to assist it in preparing its report.

(e) Within ten days of receipt of a recommendation for discharge filed by the board under subsection (a) of this section or receipt of the board's report filed under subsection (d) of this section, either the state's attorney or counsel for the acquittee may file notice of intent to perform a separate examination of the acquittee. An examination conducted on behalf of the acquittee may be performed by a psychiatrist or psychologist of the acquittee's own choice and shall be performed at the expense of the acquittee unless he is indigent. If the acquittee is indigent, the court shall provide him with the services of a psychiatrist or psychologist to perform the examination at the expense of the state. Any such separate examination report shall be filed with the court within thirty days of the notice of intent to perform the examination. To facilitate examinations of the acquittee, the court may order him placed in the temporary custody of any hospital for psychiatric disabilities or other suitable facility or placed with the Commissioner of Developmental Services.

(f) After receipt of the board's report and any separate examination reports, the court shall promptly commence a hearing on the recommendation or application for discharge or petition for continued commitment.

i. At [the] a hearing on the recommendation or application for discharge, the acquittee shall have the burden of proving by a preponderance of the evidence that the acquittee is a person who should be discharged.

ii. At a hearing on the state's attorney's petition for continued commitment, the state shall have the burden of proving by clear and convincing evidence that the acquittee has psychiatric disabilities and is currently a danger to self or others as a result of those psychiatric disabilities.

(g) The court shall make a finding as to the mental condition of the acquittee and, considering that its primary concern is the protection of society and its secondary concern is the safety and well- being of the acquittee, make one of the following orders: (1) If the court finds that the acquittee is not a person who should be discharged, the court shall order the recommendation or application for discharge be dismissed; or (2) if the court finds that the acquittee is a person who should be discharged, the court shall order the acquittee discharged from custody. The court shall send a copy of such finding and order to the board.

OFFICE OF CHIEF PUBLIC DEFENDER

2025 Legislative Proposal #5

AN ACT CONCERNING JAIL CREDIT

Purpose: *The proposal makes clear that a person awaiting extradition to Connecticut from another state is entitled to jail credit for the time spent in in a correctional institution, police station, county jail, courthouse lockup or any other type of imprisonment while in that other state.*

Be it enacted by the Senate and House of Representative in General Assembly convened:

SECTION 1. Subsection (C) of *section 18-98d of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):*

(C) Any person who is confined in a correctional institution, police station, county jail, courthouse lockup, or any other form of imprisonment while in another state for a period of time solely due to a demand by this state on or after October 1, 2024, for the extradition of that person to face criminal charges in this state, shall, if subsequently imprisoned in the matter extradited for, earn a reduction of such person's sentence equal to the number of days which such person spent so imprisoned in another state solely due to the pendency of those extradition proceedings.