



Substitute House Bill No. 6463

Public Act No. 21-85

AN ACT CONCERNING THE DEPARTMENT OF CORRECTION, A REENTRY EMPLOYMENT ADVISORY COMMITTEE, PUBLIC SAFETY COMMITTEES IN MUNICIPALITIES WHERE A CORRECTIONAL FACILITY IS LOCATED, THE DISCLOSURE OF RECORDS, THE PROTECTION OF PERSONAL DATA RELATING TO AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION AND THE PROVISION OF DEBIT CARDS TO INCARCERATED PERSONS AT THE TIME OF RELEASE.

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

Section 1. Section 18-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Correction shall appoint and may remove the following administrators, all of whom shall serve at the pleasure of the commissioner and shall be exempt from the classified service: All correctional wardens, including any warden with oversight of a district, a correctional institution, parole and community services, population management, programs and treatment, security and academy training or staff development. Such wardens shall possess skill and experience in correctional administration. The commissioner may designate a deputy warden to serve as director of reentry services.

Sec. 2. (NEW) (*Effective July 1, 2021*) (a) There is established a reentry employment advisory committee that shall advise the Commissioner of

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Correction on alignment of education and job training programs offered by the Department of Correction with the needs of employers in the community, including, but not limited to (1) the vocational education curricula used by Unified School District #1, established under section 18-99a of the general statutes, (2) the types of licenses and certifications that employers are looking for in job applicants, (3) the availability of apprenticeships for incarcerated and formerly incarcerated individuals in the community, and (4) the types of products and services that should be offered by institution industries established and maintained pursuant to section 18-88 of the general statutes.

(b) (1) The reentry employment advisory committee shall consist of:

(A) The Commissioner of Correction, or the commissioner's designee;

(B) The superintendent of Unified School District #1;

(C) The superintendent of institution industries within the Department of Correction; and

(D) One representative appointed by the Commissioner of Correction from each of the following:

(i) An association representing businesses and industries in this state;

(ii) An association representing construction industries in this state;

(iii) The state affiliate of a national organization representing human resource professionals;

(iv) A state council of building and construction trades;

(v) The workforce council established pursuant to Executive Order Number 4 of Governor Ned Lamont; and

(vi) A regional workforce development board established pursuant

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to section 31-3k of the general statutes.

(2) In addition to the membership provided for under subdivision (1) of this subsection, the Commissioner of Correction may appoint up to three additional members who shall be representatives of business or business associations.

(c) The Commissioner of Correction shall appoint a chairperson from amongst the membership of the reentry employment advisory committee. The committee shall meet not fewer than two times per year, and at such other times as the committee deems necessary.

Sec. 3. Section 18-81h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) [The Department of Correction shall establish a public safety committee in each] Each municipality in which a correctional facility is located may establish a public safety committee. Each committee established under this subsection shall be composed of the warden [or superintendent] of the correctional facility that is located in the municipality, or the warden's designee, and representatives appointed by the chief elected official of the municipality. Each committee shall meet not less than [quarterly] annually and at such other times as the committee deems necessary to review correctional safety and security issues and reentry efforts for offenders which affect the host municipality. If a public safety committee is established in accordance with the provisions of this subsection, the warden of the correctional facility located in the municipality shall attend at least one meeting of such committee on an annual basis.

(b) On or before November 1, 1995, and annually thereafter, each public safety committee established under subsection (a) of this section shall submit a report, in accordance with the provisions of section 11-4a, to the chairpersons and ranking members of the joint standing

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[committee] committees of the General Assembly having cognizance of matters relating to public safety and the judiciary which outlines issues of concern in each municipality in which a correctional facility is located and makes recommendations to mitigate such concerns.

Sec. 4. Section 4-190 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

As used in this chapter:

(1) "Agency" means each state or municipal board, commission, department or officer, other than the legislature, courts, Governor, Lieutenant Governor, Attorney General or town or regional boards of education, which maintains a personal data system.

(2) "Attorney" means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under this chapter.

(3) "Authorized representative" means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under this chapter.

(4) "Automated personal data system" means a personal data system in which data is stored, in whole or part, in a computer or in computer accessible files.

(5) "Computer accessible files" means any personal data which is stored on-line or off-line, which can be identified by use of electronic means, including but not limited to microfilm and microfilm devices, which includes but is not limited to magnetic tape, magnetic film, magnetic disks, magnetic drums, internal memory utilized by any processing device, including computers or telecommunications control units, punched cards, optically scannable paper or film.

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(6) "Maintain" means collect, maintain, use or disseminate.

(7) "Manual personal data system" means a personal data system other than an automated personal data system.

(8) "Person" means an individual of any age concerning whom personal data is maintained in a personal data system, or a person's attorney or authorized representative.

(9) "Personal data" means any information about a person's education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. "Personal data" shall not be construed to make available to a person any record described in subdivision (3) or (18) of subsection (b) of section 1-210.

(10) "Personal data system" means a collection of records containing personal data.

(11) "Record" means any collection of personal data, defined in subdivision (9), which is collected, maintained or disseminated.

Sec. 5. Subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(g) The department shall disclose records, subject to subsections (b) and (c) of this section, without the consent of the person who is the subject of the record, to:

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's

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biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) An attorney representing a parent, guardian or child in a petition filed in the Superior Court pursuant to section 17a-112 or 46b-129, provided (A) if such records do not pertain to such attorney's client or such client's child, such records shall not be further disclosed to another individual or entity by such attorney except pursuant to the order of a court of competent jurisdiction, (B) if such records are confidential pursuant to federal law, such records shall not be disclosed to such attorney or such attorney's client unless such attorney or such attorney's client is otherwise entitled to such records, and (C) nothing in this subdivision shall limit the disclosure of records under subdivision (3) of this subsection;

(5) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

(6) The Child Advocate or the Child Advocate's designee;

(7) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys

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with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release, or (D) an allegation of fraud in the receipt of public or private benefits, provided no information identifying the subject of the record is disclosed unless such information is essential to such investigation or prosecution;

(9) A state or federal law enforcement officer, including a military law enforcement authority under the United States Department of Defense, for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

(10) A foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

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(11) The Governor, when requested in writing in the course of the Governor's official functions, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing by any of such committees in the course of such committee's official functions, and upon a majority vote of such committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

(12) The Office of Early Childhood for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; (C) an investigation conducted pursuant to section 19a-80f; (D) notifying the office when the Department of Children and Families places an individual licensed or certified by the office on the child abuse and neglect registry pursuant to section 17a-101k; or (E) notifying the office when the Department of Children and Families possesses information regarding an office regulatory violation committed by an individual licensed or certified by the office;

(13) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' behavioral services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the

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Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

(14) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, 17a-111b and 46b-129;

(15) A state agency that licenses or certifies a person to educate, care for or provide services to children or youths;

(16) A judge or employee of a Probate Court who requires access to such records in order to perform such judge's or employee's official duties;

(17) A judge of the Superior Court for purposes of determining the appropriate disposition of a child adjudicated as delinquent or a child who is a member of a family with service needs;

(18) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

(19) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

(20) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

(21) A local or regional board of education, provided the records are

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limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

(22) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

(23) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

(24) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

(25) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and 46b-129, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

(26) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from

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either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

(27) The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child or youth, or a member of such child's or youth's immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families;

(28) The Court Support Services Division of the Judicial Branch for the purpose of sharing common case records to track recidivism of juvenile offenders;

(29) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure; [and]

(30) The Department of Public Health for the purpose of notification when the Commissioner of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry established pursuant to section 17a-101k; [.] and

(31) The Department of Correction, for the purpose of determining the supervision and treatment needs of a child or youth, and providing appropriate supervision and treatment services to such child or youth.

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Sec. 6. Section 18-81y of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Correction shall establish a lost property board within the Department of Correction to hear and determine any claim by an inmate of a correctional facility who seeks compensation not exceeding three thousand five hundred dollars for lost or damaged personal property. The board shall hear and determine each such claim and may, if it determines the claim is one which in equity and justice the state should pay, award damages. If the board denies a claim in whole or in part, the inmate may, not later than sixty days after such decision, present the claim to the Office of the Claims Commissioner in accordance with section 4-147. The filing of a claim with the lost property board shall toll the time limit for presenting a claim to the Office of the Claims Commissioner pursuant to section 4-148. The Commissioner of Correction [shall] may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 7. Section 18-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) The Commissioner of Correction, after consultation with the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, shall establish a schedule of compensation for services performed on behalf of the state by inmates of any institution or facility of the department. Such schedule shall recognize degrees of merit, diligence and skill in order to encourage inmate incentive and industry.

(b) Compensation so earned shall be deposited, under the direction of the Commissioner of Correction, in an account in a savings bank or state bank and trust company in this state or an account administered by the State Treasurer. Any compensation so earned shall be paid to the inmate on the inmate's release from incarceration in the form of a debit

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card, except that the commissioner may, while the inmate is in custody, disburse any compensation earned by such inmate in accordance with the following priorities: (1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of the inmate's dependents, if any; (7) the inmate's necessary travel expense to and from work and other incidental expenses; (8) costs of such inmate's incarceration under section 18-85a and regulations adopted in accordance with said section; and (9) payment to the clerk of the court in which an inmate, confined in a correctional facility only for payment of a fine, was convicted, such portion of such compensation as is necessary to pay such fine. Any interest that accrues shall be credited to any institutional fund established for the welfare of inmates. Compensation under this section shall be in addition to any compensation received or credited under section 18-50.

Sec. 8. Section 18-81bb of the general statutes is repealed. (*Effective October 1, 2021*)