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Administrative Pardons Process

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

As used in Sections 54-124a(j)(2)-1 to 54-124a(j)(2)-8, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Administrative Pardon Docket” means a list of pardon applications that will be reviewed for a pardon by a panel of the Board of Pardons and Paroles without a hearing;

(2) “Administrative Pardon Process” means a process by which a pardon, conditioned or absolute, may be granted without a hearing to a person convicted of a crime after consideration of written materials submitted to the Board of Pardons and Paroles for consideration in accordance with sections 54-124a(j)(2)-1 to 54-124a(j)(2)-8, inclusive, of the Regulations of Connecticut State Agencies;

(3) “Board” means the Board of Pardons and Paroles or a panel thereof;

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

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

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

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

(Adopted effective October 6, 2008)

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

An employee of the Board of Pardons and Paroles shall review each application received for a pardon and identify applications that meet the criteria defined in Section 54-124a(j)(2)-4 of the Regulations of Connecticut State Agencies for pardon consideration by an administrative pardon process.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-3. Board review of application prior to scheduled pardons hearing

Prior to the scheduled pardon hearing, the Board shall meet and review all applications identified pursuant to section 54-124a(j)(2)-2 of the Regulations of Connecticut State Agencies for pardon consideration by an administrative pardon process. At least two members of a panel of the Board of Pardons must approve an application being placed on the administrative pardon docket for further consideration. Pardon applications that have been placed on the administrative pardon docket shall not be scheduled for a hearing unless the Board determines to consider the applications on the regular pardon docket pursuant to section 54-124a(j)(2)-5 of the Regulations of Connecticut State Agencies or the victim or the Office of the State’s Attorney pursuant to section 54-124a(j)(2)-8 of the Regulations of Connecticut State Agencies.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-4. Provisions of pardons granted without a hearing

The Board shall consider and may grant a pardon pursuant to an application that was placed on the administrative docket, without a hearing, provided that a victim of the crime or the Office of the State’s Attorney has not requested a hearing and:

(1) The conduct for which the applicant was convicted was a misdemeanor and no longer constitutes a crime;

(2) Such applicant was convicted of a misdemeanor, under twenty-one years of age at the time of conviction, and has not been convicted of a crime during the five years preceding the date on which the administrative pardon is granted;

(3) Such misdemeanor conviction occurred prior to the effective date of the establishment of one of the following diversionary programs for which the applicant would have been eligible had such program existed at the time of conviction, provided the chairperson determines the applicant would likely have been granted entry into such program:

(A) **Suspended Prosecution or Conviction and Probation and Court-Ordered Treatment for Drug or Alcohol Dependency.** Sections 17a-692 to 17a-701, inclusive, of the Connecticut General Statutes (formerly sections 19a-127a to 19a-127j, inclusive, of the Connecticut General Statutes), effective January 1, 1990;

(B) **Pretrial Family Violence Education Program.** Section 46b-38c of the Connecticut General Statutes, effective October 1, 1986;

(C) **Alternate Incarceration Program.** Section 53a-39a of the Connecticut General Statutes, effective, July 5, 1989;

(D) **Community Service Labor Program.** Section 53a-39c of the Connecticut General Statutes, effective July 1, 1990;

(E) **Accelerated Pretrial Rehabilitation.** Section 54-56e of the Connecticut General Statutes (Formerly Section 54-76p of the Connecticut General Statutes), effective June 12, 1973;

(F) **Pretrial Alcohol Education Program.** Section 54-56g of the Connecticut General Statutes, effective October 1, 1981;

(G) **Pretrial Drug Education Program.** Section 54-56i of the Connecticut General Statutes, effective January 1, 1998;

(H) **Pretrial School Violence Prevention Program.** Section 54-56j of the Connecticut General Statutes, effective January 1, 2000; or

(4) Such applicant was convicted of a violation of any of the following crimes, and such applicant has not been convicted of a crime during the five years preceding the date on which the administrative pardon is granted, provided such date is at least ten years after the date of conviction or release from incarceration, whichever is later:

(A) Section 21a-277 of the Connecticut General Statutes (Formerly Section 19-480 of the Connecticut General Statutes);

(B) Section 21a-278 of the Connecticut General Statutes (Formerly Section 19-480a of the Connecticut General Statutes);

(C) Section 21a-279 of the Connecticut General Statutes.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-5. Discretion of board — placement of application on docket

The Board shall have the discretion to move any application that was placed on the administrative pardon docket to the regular pardon docket and require a full hearing.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-6. Notice to state's attorney that prosecuted the crime

The Board shall notify the Office of the State's Attorney that prosecuted the crime that is the subject of a pardon application that has been placed on the administrative pardon docket, and shall include notice of a comment period of not less than thirty days prior to the date that the application will be considered pursuant to the administrative pardon process.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-7. Attempt to identify and notify victim of crime

The Board shall attempt to identify and notify the victim of the crime that is the subject of a pardon application that has been placed on the administrative pardon docket by contacting the Office of Victim Services and the Department of Correction's Victim Service Unit. The Board shall include notice of a comment period of not less than thirty days prior to the date that the application will be considered pursuant to the administrative pardon process.

(Adopted effective October 6, 2008)

Sec. 54-124a(j)(2)-8. Notification to board by victim to be heard personally

If the Board is notified of a request for the opportunity to be heard personally by the victim or the Office of the State's Attorney prior to the Board taking final action on the application, the application shall be ineligible for consideration by an administrative pardon process and the Board shall reassign the application to the regular pardons docket. The Board shall notify the applicant, the Office of the State's Attorney, and the victim of the hearing date.

(Adopted effective October 6, 2008)