

Act No. 137 (S.116). Corrections; public records

An act relating to rights of offenders in the custody of the Department of Corrections

This act:

- Parole Board Independence. Affirmatively states that the Parole Board is an independent body. Prohibits the Parole Board from being counseled by an assistant attorney general or any attorney employed by the Department of Corrections (DOC) at a pending parole revocation hearing. Provides that if an assistant attorney general who represents the DOC or any attorney employed by the DOC provides a training to the Parole Board on parole revocation hearings, the Defender General must first be notified and given an opportunity to participate in that training.
- Presentence Investigation (PSI) Reports and Parole Summaries; Confidentiality and Access. Directs the court or Parole Board to permit the inspection of PSI reports and parole summaries by the State's Attorney and by the defendant or inmate or his or her attorney, redacted of information that may compromise the safety or confidentiality of any person, and strikes references to the confidentiality of supervision history records and to the ability of the Department for Children and Families to access such records for the purpose of child protection. Supervision history records and DCF's access to them are addressed later in the act.
- Inmate and Offender Records; Confidentiality and Access. Eliminates a requirement that a correctional facility supervisor maintain a "central file" for each inmate at the facility, repeals an existing provision that designates "inmate" files as confidential, and reenacts the confidentiality provision with substantial amendments in a new section of law. The new section extends confidentiality to also include records of "offenders"; specifies exceptions to the confidentiality of offender and inmate records; and directs the Commissioner of Corrections (Commissioner) to adopt rules pursuant to the Administrative Procedure Act defining what are "offender and inmate records," designating which offender and inmate records will be accessible and to whom in accordance with standards established in the section, and establishing response and appeal periods and appeal rights in connection with a request by an offender or inmate to access records relating to him or her maintained by the DOC. The new section also clarifies the process for an offender or inmate to request correction of a material fact relating to him or her in a record maintained by the DOC and his or her right to appeal a denial of a correction request to Superior Court. Finally, under a transition provision, the Commissioner may rely upon existing DOC "directives" that address exceptions to the confidentiality of

offender and inmate records until the Commissioner's rulemaking on exceptions to confidentiality is completed.

- Postconviction Relief. Requires that an inmate's factual contentions must have evidentiary support or be likely to have evidentiary support after reasonable opportunity for investigation and discovery in order to be entitled to public defender representation for postconviction relief.

Effective Date: May 25, 2016