

HB 5477 -- Redline

Raised Bill to File No. 390 -- AN ACT CONCERNING THE WELL-BEING OF EMPLOYEES OF THE DEPARTMENT OF CORRECTION AND PERSONS WHO ARE INCARCERATED IN CORRECTIONAL INSTITUTIONS.

Deletions ~~struck~~ · Insertions underlined

House of Representatives General Assembly ~~Raised~~File ~~Bill~~ No.

~~5477~~390 February Session, 2026 ~~LCO~~Substitute House Bill No.

~~2749~~5477 ~~Referred~~House to of Representatives, April 2, 2026 The Committee on ~~GOVERNMENT~~Government ~~OVERSIGHT~~Oversight ~~Introduced~~reported by through REP.

~~(GOS)~~DATHAN AN of ~~ACT~~the ~~CONCERNING~~142nd ~~THE~~Dist., WELL-BEING ~~Chairperson~~OF ~~OF~~EMPLOYEES ~~the~~OF ~~Committee~~the ~~on~~DEPARTMENT ~~the~~OF ~~part~~CORRECTION ~~of~~AND ~~the~~PERSONS ~~House, WHO~~that ~~ARE~~the ~~INCARCERATED~~substitute ~~IN~~bill ~~CORRECTIONAL~~ought ~~INSTITUTIONS.~~to pass.

AN ACT CONCERNING THE WELL-BEING OF EMPLOYEES OF THE DEPARTMENT OF CORRECTION AND PERSONS WHO ARE INCARCERATED IN CORRECTIONAL INSTITUTIONS.

~~(b)~~SHB5477 ~~Such/ standards~~File ~~include, No.~~but are not limited to:

~~LCO~~390 ~~1~~ SHB5477 File No.

~~2749~~390 ~~1(b)~~ of ~~Such~~ ~~16~~standards ~~Raised~~include, Bill ~~but No.~~are not limited to:

~~5477~~ (1) Zero tolerance of sexual abuse or written or verbal threats of sexual abuse;

~~(15)~~SHB5477 ~~Inmate/ education;~~File No.

~~LCO~~390 ~~2~~ SHB5477 File No.

~~2749~~390 ~~2(15)~~ of ~~Inmate~~ ~~16~~education; ~~Raised Bill No. 5477~~

~~(16)~~Detainee, inmate, attorney[,]and contractor[and inmate worker] ~~notification of agency's zero-tolerance policy;~~

(16) Detainee, inmate, attorney[,]and contractor[and inmate worker] notification of agency's zero-tolerance policy;

~~[(32)]~~SHB5477 ~~(32)/ Evidence~~File ~~standard~~No. ~~for administrative investigations;~~

~~LCO~~390 ~~3~~ SHB5477 File No.

~~2749~~390 ~~3[(32)]~~ of ~~(33)~~ ~~16~~Evidence ~~Raised~~standard Bill ~~for No.~~administrative investigations;

~~5477~~ [(33)] (34) Disciplinary sanctions for staff, including, but not limited to, for any delay in investigating;

(NEW) (Effective July 1, 2026) The Commissioner of Correction shall ensure that all incidents of sexual abuse or sexual assault that occurred within a correctional institution are investigated and such

~~LCO~~SHB5477 / File No.

~~2749~~390 ~~4 of~~SHB5477 ~~16~~File ~~Raised~~No. ~~Bill No. 5477 investigation is completed not later than thirty days after the report is received by any employee or contractor of the Department of Correction.~~

390 investigation is completed not later than thirty days after the report is received by any employee or contractor of the Department of Correction.

or (5) such other person is in custody of law or detained in a hospital or other institution, the actor is employed by or contracted with the hospital or institution or an agency of the state and the actor has supervisory or disciplinary authority over ~~LCO~~such ~~No.~~other person;

~~2749~~or ~~5(6)~~ of ~~the~~ ~~16~~actor ~~Raised~~is ~~Bill~~a ~~No. 5477~~psychologist ~~and such other person;~~SHB5477 / File No.

~~or~~390 ~~(6)~~5 ~~the~~SHB5477 ~~actor~~File ~~is~~No. ~~a psychologist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception;~~

390 person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception;

~~LCO~~(a) ~~No.~~A ~~person is guilty of sexual assault in the fourth degree when:~~

~~2749~~(1) ~~6~~Such ~~of~~person ~~16~~subjects ~~Raised~~another ~~Bill~~person to sexual contact who is (A) under SHB5477 / File No.

~~5477~~390 ~~(a)~~6 ~~As~~SHB5477 ~~person~~File ~~is~~No. ~~guilty of sexual assault in the fourth degree when:~~

~~(1)~~390 ~~Such~~person ~~subjects another person to sexual contact who is (A) under~~ thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian

or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution, the actor is employed by or contracted with the hospital or institution or an agency of the state and the actor has supervisory or disciplinary authority over such other person;

or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such ~~LCQ other No. person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age;~~

~~2749 7 of 16 Raised Bill No. 5477 other person by virtue of the actor's professional, legal, occupational or volunteer (9) status sHB5477 and/ such File other No. person's participation in a program or activity, and (B) such other person is under eighteen years of age;~~

~~or 390 (9) 7 such sHB5477 person File subjects No. another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.~~

390 such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(a) When assessing and subsequently providing mental health services to any inmate confined in a correctional facility of the Department of Correction who has been diagnosed with a mental illness ~~LCQ by a psychiatrist licensed pursuant to chapter 370, and such psychiatrist has informed the department that such inmate is currently diagnosed by such psychiatrist to be a danger to himself or herself or others, the department shall consider the diagnosis of such psychiatrist in order to~~ sHB5477 / File No.

~~2749 390 8 of sHB5477 16 File Raised No. Bill No. 5477 by a psychiatrist licensed pursuant to chapter 370, and such psychiatrist has informed the department that such inmate is currently diagnosed by such psychiatrist to be a danger to himself or herself or others, the department shall consider the diagnosis of such psychiatrist in order to appropriately assess such inmate and provide individualized, clinically appropriate and culturally competent mental health services to treat such inmate's condition.~~

390 appropriately assess such inmate and provide individualized, clinically appropriate and culturally competent mental health services to treat such inmate's condition.

LCQ (c) Before the planned release of any inmate diagnosed with a mental illness as provided in subsection (a) of this section from a correctional facility, the Department of Correction shall collaborate with the Judicial Department, the Department of Social Services and the Department of sHB5477 / File No.

~~2749 390 9 of sHB5477 16 File Raised No. Bill No. 5477 (c) Before the planned release of any inmate diagnosed with a mental illness as provided in subsection (a) of this section from a correctional facility, the Department of Correction shall collaborate with the Judicial Department, the Department of Social Services and the Department of Mental Health and Addiction Services, as deemed necessary and within available appropriations, to assist such inmate in obtaining housing, mental health treatment services, any public benefits for which the inmate is eligible and employment counseling upon the inmate's release.~~

390 Mental Health and Addiction Services, as deemed necessary and within available appropriations, to assist such inmate in obtaining housing, mental health treatment services, any public benefits for which the inmate is eligible and employment counseling upon the inmate's release.

The commissioner shall be responsible for the supervision of persons released on parole by the ~~LCQ Board No. of Pardons and Paroles.~~

~~2749 10 of 16 Raised Bill No. 5477 Board of Pardons and Paroles.~~

Subject to the provisions of chapter 67, the commissioner shall appoint ~~such professional, sHB5477 technical and other/ personnel as may File be necessary No. for the efficient operation of the department.~~

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390 such professional, technical and other personnel as may be necessary for the efficient operation of the department.

(Effective from passage) The Institute for Municipal and Regional Policy at The University of Connecticut, in consultation with the Criminal Justice Policy and Planning Division and Planning Division within the Office of Policy and Management, shall conduct a staffing assessment study of custodial, program and administrative employees of the Department of Correction and recommend strategies to improve the management and administration of the department and facility operations with a goal of (1) identifying the appropriate staffing ratio relative to the number of correctional institutions and centers and inmates and community correction supervision programs and supervised population, (2) reducing costs related to overtime, incidents of employee injury and the rate of employee absenteeism, (3) improving employee health and job satisfaction, and (4) aligning with correctional best practices.

Not later than January 1, 2027, the Institute for Municipal and Regional Policy shall submit a report of its findings and recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having LCO cognizance No. of matters relating to the judiciary and government oversight.

~~2749 11 of 16 Raised Bill No. 5477 cognizance of matters relating to the judiciary and government oversight.~~

(NEW) (Effective from passage) (a) The Commissioner of ~~Correction, Correction~~ shall jointly develop with the Institute of Municipal and Regional Policy at The University of ~~Connecticut, Connecticut~~ shall ~~develop~~ a plan to phase in the correctional culture change initiative for all current and new employees. ~~Such sHB5477 program/ shall File include, No. but need not be limited to, the following elements:~~

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390 Such plan shall include, but need not be limited to, the following elements:

(1) Training for all new employees at the Department of Correction training academy, (2) in-service training for current and future employees, (3) reduction in the use of lock-down procedures as a management tool, (4) reduction in the rates of employee absenteeism, overtime and injury, (5) policies and procedures for improving outcomes for the Department of Correction employees and persons who are incarcerated, and (6) ongoing process and outcome evaluation and assessment.

(c) Not later than January 1, 2028, and annually thereafter until ~~LCO January No. 1, 2032, the Commissioner of Correction and the Institute for Municipal and Regional Policy shall report on the implementation and outcomes of the correctional culture change initiative to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and government oversight, in accordance with the provisions of section 11-4a of the general statutes.~~

~~2749 12 of 16 Raised Bill No. 5477 January 1, 2032, the Institute for Municipal and Regional Policy and the Department of Correction shall report on the implementation and outcomes of the correctional culture change initiative to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and government oversight, in accordance with the provisions of section 11-4a of the general statutes.~~

~~(1) sHB5477 "Person/ who File is No. incarcerated" means a person in the custody of the Department of Correction and confined in a correctional institution;~~

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390 (1) "Person who is incarcerated" means a person in the custody of the Department of Correction and confined in a correctional institution;

(3) "Detainee" means a person who is under the age of twenty-one years and detained in a juvenile facility under the jurisdiction of the Department of Correction or the ~~Department Judicial of Branch;~~ Children and Families;

(4) "Sexual contact" means ~~(A)~~ any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person;

(5) "Sexual abuse" means ~~(A)~~ any sexual contact between a person who is incarcerated or a detainee and an employee of the Department of Correction, regardless of such person's or detainee's ability to consent;

and (6) "Sexual assault" means any act that constitutes a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, as amended by this act, 53a-72a, 53a-72b or 53a-73a of the general ~~statutes-statutes,~~ as amended by this act.

(b) Any Department of Correction employee who, while acting in ~~LCO such No. employee's official capacity,~~ witnesses another Department of Correction employee use what the witnessing employee objectively knows to be sexual abuse or sexual assault toward a person who is incarcerated or a detainee shall intervene and attempt to stop such other employee.

~~2749 Any 13 such of witnessing 16 employee Raised who Bill fails No. 5477 to such intervene employee's and official attempt capacity, to witnesses stop another such Department sexual of abuse Correction or employee sexual use assault what may the be witnessing prosecuted employee and objectively punished knows for to the be same sexual acts abuse, in sexual accordance assault with or the sexual provisions contact of toward section a 53a-8 person of who the is general incarcerated statutes or as a the detainee employee shall who intervenes sexually and sHB5477 attempt/ to File stop No. such other employee.~~

~~Any 390 such 13 employee sHB5477 who File fails No. to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of section 53a-8 of the general statutes as the employee who sexually abused, sexually assaulted or had sexual contact with a person who is incarcerated or a detainee.~~

~~(c) 390 Any abused employee or who sexually witnesses assaulted an incident person described who in subsection (b) of this section shall report, as soon as is practicable, incarcerated such or incident a to detainee. the Department of Correction.~~

(c) Any employee who witnesses an incident of sexual abuse or sexual assault described in subsection (b) of this section shall report, as soon as is practicable, such incident to the Department of Correction.

(d) The Department of Correction may not take any retaliatory personnel action or discriminate against such employee who intervenes in an incident of sexual abuse or sexual assault pursuant to subsection (b) of this section or reports ~~an~~such incident pursuant to subsection (c) of this section because such employee made such report and such intervening or reporting correctional employee shall be protected by the provisions of section ~~4-4-61dd-61dd~~ of the general statutes or section 31-51m of the general statutes, as applicable.

(e) The Department of Correction shall create and maintain a record detailing any incident of sexual abuse or sexual assault (1) reported pursuant to subsection (c) of this section, or (2) otherwise made known to the department during which a department employee sexually ~~abused, abused sexually assaulted or had sexually sexual assaulted contact with~~ a person who is incarcerated or detained.

The name of the employee, ~~thetime the and placetime of the and incident, a place description of what of occurred during the LC0 incident, No-~~ a description of what occurred during the incident and, to the extent known, the names of the victims and witnesses present at such incident, the results of any investigation conducted and any corrective action taken by the department.

~~2749(f) 14 Not of later 16 than Raised February Bill 1, No. 5477 2027, the and incident annually and, thereafter, to the extent Department known, of the Correction names shall of prepare the and victims submit and witnesses report present concerning at incidents described such in incident, subsection the (e) of this section during results the preceding of calendar any year investigation to conducted the and Criminal any Justice corrective Policy action and taken Planning by Division the SHB5477 department- / File No.~~

~~(f) 390 Not 14 later SHB5477 than File February No. 1, 2027, and annually thereafter, the Department of Correction shall prepare and submit a report concerning incidents described in subsection (e) of this section during the preceding calendar year to the Criminal Justice Policy and Planning Division within the Office of Policy and Management.~~

390 within the Office of Policy and Management.

The standardized method and form shall allow compilation of statistics on each incident of sexual ~~abuse, abuse assault or contact, sexual assault,~~ including, but not limited to, (1) the race and gender of the alleged victim of the sexual ~~abuse, abuse assault or contact, sexual assault,~~ provided the identification of such characteristics shall be based on the observation ~~and perception of the employee, (2) the number of times such and perception of the employee, (2) the number of times such victim~~ in was victim was sexually abused, abused assaulted or contacted, sexually assaulted, and (3) any injury suffered by such alleged victim.

(g) The Office of Policy and Management shall, within available appropriations, review incidents of sexual ~~abuse, abuse assault or contact sexual assault~~ reported pursuant to subsection (f) of this section.

LC0 This No. act shall take effect as follows and shall amend the following sections:

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~~5477 This act shall take effect as follows and shall amend the following sections:~~

~~7 October 1, 2026 18-96a October 1, 2026 Sec.~~

~~8 October 1, 2026 18-81 Sec.~~

~~10 from passage New section October SHB5477 1, / 2026 File Sec. No.~~

~~11 390 Now 15 sections SHB5477 Statement File of No. - Purpose:~~

~~To 390 institute Sec. various measures in correctional institutions concerning the reporting and investigation of sexual abuse incidents, including establishing a hotline for the reporting of such incidents, requiring additional training for correctional officers, modifying the crimes of sexual assault in the second and fourth degree, requiring the Department of Correction to submit additional legislative reports and penalizing Department of Correction employee failure to intervene or report sexual abuse, sexual assault or sexual contact.~~

~~[Proposed 11 deletions October are 1, enclosed 2026 in New brackets- section Statement of Legislative Commissioners:~~

~~Proposed In additions Section are 10(a), indicated "program" by was underline, changed except to that "plan" when for the consistency, entire in text Section of 10(b)(3), a "procedures" bill was or added resolution for or clarity, a in section Section 10(c), "Department" was changed to "Commissioner" for consistency, in Section 11(b), "employee" was changed to "witnessing employee" and "attempt to stop" was added for clarity, in Section 11(b) and (e) to (g), inclusive, references to "sexual contact" were deleted as duplicative of a the bill definition or of resolution "sexual is abuse" now, in its said is section, not and underlined, in LC0 Section No. 11(c) to (e), inclusive, "incident" was changed to "incident of sexual abuse or sexual assault" for clarity.~~

~~2749 GOS 16 Joint of Favorable 16 Subst.~~

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390 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.

In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.

Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note State Impact:

Agency Affected Fund-Effect FY 27 \$ FY 28 \$ Correction, Dept.

GF - Cost 12,392,826 2,192,826 to 22,392,826 State Comptroller - Fringe GF - Cost 719,239 719,239 Benefits UConn GF - Cost 100,000 None Correction, Dept.

GF - Potential Minimal Minimal Cost Policy & Mgmt., Off.

GF - Potential Potential Potential Cost Note:

GF=General Fund Municipal Impact:

None Explanation The bill results in the fiscal impacts described below.

Section 1 requires the Department of Correction (DOC) to ensure, with certain limitations, there are no areas in its facilities that are not subject to video surveillance, which results in a cost to DOC of \$10.2 million to \$20.2 million dollars in FY 27.

DOC will need to hire a consultant to assess each facility's current video technology capabilities and identify any shortfalls, resulting in a cost of \$200,000 in FY 27.

The purchase and installation of additional cameras in its facilities is The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller.

The estimated active hazardous duty employee fringe benefit cost is 50.54% of payroll in FY 27.

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390 estimated to cost \$10 million to \$20 million in FY 27.

2 Section 2 requires DOC to ensure that all incidents of sexual abuse or assault are investigated and completed within thirty days of the report, resulting in an annual cost of \$639,873 to DOC and \$308,230 to the State Comptroller - Fringe Benefits beginning in FY 27.

To meet the investigation timeframe required by the bill, DOC will need to hire five Correctional Captains and two Correctional Lieutenants to conduct these investigations.

Additionally, equipment and training costs for these positions are not expected to exceed \$30,000 annually.

Section 4 increases the mandatory sentence for the felony of second- degree sexual assault, which results in a potential cost to DOC for incarceration. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300.4 Section 7 requires DOC to develop a program for custodial staff members to receive not less than ten hours of training on mental health issues each year, resulting in a cost of about \$1,552,953 to DOC and \$411,010 to State Comptroller - Fringe Benefits beginning in FY 27.

An estimated 4,000 DOC custodial staff members will be required to attend an additional six hours of training annually, resulting in approximately 24,000 additional hours of overtime.

The average hourly rate for overtime is \$52.73, and the estimated fringe benefit rate for hazardous duty overtime is 21.6%.

To facilitate this training, DOC will need to hire a supervising clinician, a clinical social worker, and a professional counselor, 2There are 13 active correctional facilities.

This estimate assumes that each facility will require the installation of about 150 to 300 additional cameras, at approximately \$5,000 per camera.

3The annual starting salaries for these positions are \$91,775 and \$75,499, respectively.

4Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these expenses would only be realized if a unit or facility opened.

5Overtime is paid out at time and a half.

6The annual starting salaries for these positions are \$99,806, \$86,261, and \$86,261, respectively.

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390 resulting in an annual cost of \$272,328 to DOC and \$137,635 to the State Comptroller - Fringe Benefits beginning in FY 27.

Equipment for this additional training is not expected to exceed \$15,000 annually.

Section 9 results in a one-time cost to UConn of \$150,000 in FY 27.

It requires the Institute for Municipal and Regional Policy (IMRP) at UConn to conduct a staffing

assessment of DOC employees.

As the IMRP does not have expertise in this area, it is anticipated the Institute would need to hire a consultant.

Section 11 results in a potential cost to the Office of Policy and Management (OPM) to the extent an additional staff member is required to meet the reporting requirements beginning December 1, 2027.

Any cost is dependent on the number and complexity of incidents reported under the bill.

The remaining sections of the bill do not result in a fiscal impact as the affected agencies have the capacity and expertise to meet the requirements of these sections.

The Out Years The annualized ongoing fiscal impact identified above would continue into the future subject to the number of sexual abuse or sexual assault investigations, the number of second-degree sexual assault offenses, the number of custodial staff requiring training, and the number and complexity of incidents reported to OPM.

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390 OLR Bill Analysis SHB 5477 AN ACT CONCERNING THE WELL-BEING OF EMPLOYEES OF THE DEPARTMENT OF CORRECTION AND PERSONS WHO ARE INCARCERATED IN CORRECTIONAL INSTITUTIONS.

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SUMMARY Sec. 1 -- PRISON RAPE ELIMINATION Requires, rather than authorizes, certain state agencies and political subdivisions to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission and adopts the federal definition of sexual abuse for these purposes Sec. 2 -- DOC'S INVESTIGATION OF SEXUAL ABUSE AND SEXUAL ASSAULT Requires the DOC commissioner to ensure that all sexual abuse or sexual assault incidents that occur within a correctional institution are investigated, and to report the investigations to the legislature quarterly Sec. 3 -- BODY SCANNING MACHINE TRAINING Requires the DOC commissioner to report to the legislature on a plan to train correctional officers on using body scanning machines Sec. Sec. 4 & 5 -- SECOND- AND FOURTH-DEGREE SEXUAL ASSAULT Specifies that 2nd and 4th degree sexual assault apply when the actor is employed by or contracted with the hospital or institution or an agency of the state, and increases the mandatory minimum sentence for 2nd degree assault to two years Sec. 6 -- CONFIDENTIAL CRISIS HOTLINE Requires DOC to contract with a provider to establish and maintain a confidential crisis hotline for correction officers and inmates to call to report sexual violence incidents Sec. 7 -- CUSTODIAL STAFF MEMBERS TRAINING ON MENTAL HEALTH ISSUES SHB5477 / File No.

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390 Requires rather than allows DOC, in consultation with the Department of Mental Health and Addiction Services, to develop a program for custodial staff members to receive annual training on mental health issues, and makes it a 10 hour per year minimum requirement Sec. 8 -- DOC COMMISSIONER'S DUTIES Requires the commissioner to ensure that advocates from crisis centers from the region where each correctional institution is located have access to provide these non-institutional, community-based services to inmates Sec. 9 -- DOC STAFFING ASSESSMENT STUDY Requires UConn's Institute for Municipal and Regional Policy (IMRP), in consultation with CJPPD within OPM, to conduct a staffing assessment study of DOC's custodial, program, and administrative employees Sec. 10 -- CORRECTIONAL CULTURE CHANGE INITIATIVE Requires the DOC commissioner to jointly develop with IMRP a plan to phase in a correctional culture change initiative for all current and new employees and submit a preliminary report to the legislature by January 1, 2027 Sec. 11 -- WITNESSING EMPLOYEES Requires DOC employees who witness another DOC employee commit sexual abuse or sexual assault to intervene in certain circumstances; sets incident investigation and reporting requirements;

establishes employer retaliation protections BACKGROUND SUMMARY This bill makes various changes to laws addressing sexual abuse and sexual assault in prison.

A section-by-section analysis is shown below.

EFFECTIVE DATE:

October 1, 2026, except the provisions on the (1) Department of Correction (DOC) commissioner's investigation of sexual abuse and sexual assault and the confidential crisis hotline are effective July 1, 2026 (Sec. Sec. 2 & 6);

and (2) commissioner's report on body scanning machine training, the DOC staff assessment study, and the correctional culture change initiative are effective upon passage (Sec. Sec. 3, 9 & 10).

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390 Sec. 1 -- PRISON RAPE ELIMINATION Requires, rather than authorizes, certain state agencies and political subdivisions to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission and adopts the federal definition of sexual abuse for these purposes Current law requires, within available appropriations, any state agency or political subdivision that

incarcerates or detains adult or juvenile offenders, including detainees with immigration violations, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission to prevent, detect, monitor, and respond to sexual abuse in adult prisons and jails, community correctional centers, juvenile facilities, and lockups.

The bill applies this requirement regardless of available appropriations.

It also specifically adopts the federal definition of "sexual abuse," which includes sexual abuse of an inmate, detainee, or resident by (1) another inmate, detainee, or resident or (2) a staff member, contractor, or volunteer.

National Standards Related to Prison Rape Elimination Current law requires covered agencies to adopt and comply with certain commission standards.

The bill makes changes to how some of these standards apply.

It:

1.

expands the zero tolerance of sexual abuse standard to include written or verbal threats of sexual abuse;

2.

adds privacy limit on viewing and searches of inmates who have a gender identity that differs from their assigned sex at birth;

3.

adds vulnerable inmates to the standard for heightened protection for vulnerable detainees;

4.

specifies that the purpose of the monitoring technology standard is to ensure there are no areas that are not subject to video surveillance, unless the law otherwise prohibits it, and applies the standard to implementing these technologies, in addition to assessing and using them;

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390 5.

specifies that the standard for agreements with outside public entities and community service providers includes agreements to ensure access to crisis and emotional support services and ongoing mental health support and treatments;

6.

specifies that the standard for agreements with outside law enforcement agencies is for the specific purpose of conducting investigations;

7.

adds internal administrative investigations to specialized investigations training;

8.

specifies that specialized training for medical and mental health care includes trauma-informed care methods for sexual abuse victims;

9.

specifies that the use of screening information is for inmate classification, management, and treatment;

10.

restricts DOC interference with inmate access to outside confidential support services or legal representation;

11.

adds a standard on the duty to intervene;

12.

specifies that disciplinary sanctions for staff include sanctions for any delay in investigating;

13.

replaces the standard for disciplinary sanctions for inmates with a standard for graduated disciplinary sanctions for inmates who are the aggressor and for which the agency has substantiated allegations;

14.

adds staff-on-inmate and inmate-on-inmate sexual abuse to current law's standard on prosecution referrals for detainee-on-detainee sexual abuse;

and 15.

adds history of sexual assault, trauma, and victimization to the standard on medical and mental health screenings, which under current law only includes sexual abuse.

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390 Compliance Certification Under existing law, unchanged by the bill, the head of any state agency or the chief elected official or governing legislative body of any of the state's political subdivisions that incarcerates or detains juvenile offenders must, annually by January 15, certify compliance with the above provisions to the Criminal Justice and Policy Planning Division (CJPPD) within the Office of Policy and Management (OPM).

Sec. 2 -- DOC'S INVESTIGATION OF SEXUAL ABUSE AND SEXUAL ASSAULT Requires the DOC commissioner to ensure that all sexual abuse or sexual assault incidents that occur within a correctional institution are investigated, and to report the investigations to the legislature quarterly The bill requires the DOC commissioner to ensure that all sexual abuse or sexual assault incidents that occur within a correctional institution are investigated. The investigation must be completed within days after an incident report is received by a DOC employee or contractor.

Starting by October 1, 2026, the commissioner must report quarterly to the Government Oversight and Judiciary committees any (1) incident that was not reported within 30 days after it occurred or (2) investigation of a report not completed within 30 days.

Sec. 3 -- BODY SCANNING MACHINE TRAINING Requires the DOC commissioner to report to the legislature on a plan to train correctional officers on using body scanning machines By July 1, 2026, the bill requires the DOC commissioner to report to the Government Oversight and Judiciary committees on a plan to train correctional officers on using body scanning machines.

Under the bill, the plan must ensure that the training is implemented by January 1, 2027.

Sec. Sec. 4 & 5 -- SECOND- AND FOURTH-DEGREE SEXUAL ASSAULT Specifies that 2nd and 4th degree sexual assault apply when the actor is employed by or contracted with the hospital or institution or an agency of the state, and increases the mandatory minimum sentence for 2nd degree assault to two years 2nd Degree Sexual Assault sHB5477 / File No.

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390 Under current law, one of the ways in which a person can commit 2nd degree sexual assault is when he or she engages in sexual intercourse with another person who is in legal custody or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim. Under the bill, the actor must also be employed by or contracted with the hospital or institution or an agency of the state.

Under current law, 2nd degree sexual assault is a class C felony or, if the victim is under age 16, a class B felony, with a mandatory minimum sentence of nine months.

The bill increases the mandatory minimum sentence to two years.

4th Degree Sexual Assault Under current law, a person is guilty of sexual assault in the 4th degree when he or she subjects another person to sexual contact who is in legal custody or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim.

Under the bill, the actor must also be employed by or contracted with the hospital or institution or an agency of the state.

Under the law, unchanged by the bill, 4th degree sexual assault is a class A misdemeanor or, if the victim is under age 16, a class D felony.

By law, a class A misdemeanor is punishable by up to 364 days in prison, a fine up to \$2,000, or both.

A class D felony is punishable by up to 5 years in prison, a fine up to \$5,000, or both.

Sec. 6 -- CONFIDENTIAL CRISIS HOTLINE Requires DOC to contract with a provider to establish and maintain a confidential crisis hotline for correction officers and inmates to call to report sexual violence incidents By January 1, 2027, the bill requires DOC to contract with a provider to establish and maintain a confidential crisis hotline for correction officers and inmates to call to report sexual violence incidents.

Under the bill, by October 1, 2026, the department must issue a request for proposals to select the provider, who must be outside the department.

Inmates must be able to access the hotline confidentially without cost, time limit, or the supervision of, or permission from, any DOC sHB5477 / File No.

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390 employee.

When the hotline has been established, the department must inform all existing correction officers and any new officers upon hire of it.

The department must also post posters in each correctional institution to inform inmates how to access the hotline.

Sec. 7 -- CUSTODIAL STAFF MEMBERS TRAINING ON MENTAL HEALTH ISSUES Requires rather than allows DOC, in consultation with the Department of Mental Health and Addiction Services, to develop a program for custodial staff members to receive annual training on mental health issues, and makes it a 10 hour per year minimum requirement The bill requires, rather than allows as under current law, DOC, in consultation with the Department of Mental Health and Addiction Services, to develop a program for

custodial staff members to receive annual training on mental health issues. Under current law, this training must be from four to eight hours each year.

The bill increases this training requirement to at least 10 hours per year.

Under existing law, within available appropriations, the training program must include:

1.

suicide and self-injury prevention, 2.

recognition of signs of mental illness, 3.

communication skills for interacting with inmates with mental illness, and 4.

alternatives to disciplinary action and the use of force when dealing with inmates with mental illness.

The bill expands this by requiring the training program to also include trauma-informed interventions and practices, starting January 1, 2027.

Current law also establishes an eight-hour training requirement on gender specific and trauma-related mental health issues faced by female sHB5477 / File No.

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390 inmates.

Starting January 1, 2027, the bill requires, rather than allows, DOC custodial staff where female inmates are confined to receive this training and requires it to include the effects of sexual violence.

Sec. 8 -- DOC COMMISSIONER'S DUTIES Requires the commissioner to ensure that advocates from crisis centers from the region where each correctional institution is located have access to provide these non-institutional, community-based services to inmates Under existing law, one of the commissioner's duties is to establish, develop, and maintain non-institutional, community-based service programs.

The bill expands this by requiring the commissioner to ensure that advocates from crisis centers from the region where each correctional institution is located have access to provide these services to inmates.

Sec. 9 -- DOC STAFFING ASSESSMENT STUDY Requires UConn's Institute for Municipal and Regional Policy (IMRP), in consultation with CJPPD within OPM, to conduct a staffing assessment study of DOC's custodial, program, and administrative employees The bill requires IMRP, in consultation with CJPPD within OPM, to conduct a staffing assessment study of DOC's custodial, program, and administrative employees.

Goals Under the bill, IMRP and CJPPD must recommend strategies to improve the department's and facility operations' management and administration with the following goals:

1.

identifying the appropriate staffing ratio relative to the number of correctional institutions, centers, inmates, community correction supervision programs, and supervised population;

2.

reducing costs related to overtime, incidents of employee injury, and the rate of employee absenteeism;

3.

improving employee health and job satisfaction;

and 4.

aligning with correctional best practices.

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390 Reporting Requirement The bill requires IMRP to report its findings and recommendations by January 1, 2027, to the Government Oversight and Judiciary committees.

Sec. 10 -- CORRECTIONAL CULTURE CHANGE INITIATIVE Requires the DOC commissioner to jointly develop with IMRP a plan to phase in a correctional culture change initiative for all current and new employees and submit a preliminary report to the legislature by January 1, 2027 The bill requires the DOC commissioner to (1) jointly develop with IMRP a plan to phase in a correctional culture change initiative for all current and new employees and (2) by January 1, 2027, submit a preliminary report on it to the Government Oversight and Judiciary committees.

Plan Elements The plan must include the following elements:

1.

streamlining core responsibilities of staff and promoting a supportive work environment to reduce burnout and enhance morale;

2.

implementing dynamic security principles to cultivate positive staff-to-inmate individual relationships, leading to a reduction in incidents and a safer environment;

3.

introducing and managing programs and activities that mirror life outside of prison, improving the

overall atmosphere, and preparing inmates for reintegration into society;
and 4.

assessing and supporting the inmates' progress, particularly those with a history of problematic behavior, through targeted interventions and resources.

Phase-In Plan Components Under the bill, the plan to phase in the initiative must include the following:
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390 1.

training at the DOC training academy for all new employees;

2.

in-service training for current and future employees;

3.

reduction in using lock-down procedures as a management tool;

4.

reduction in employee absenteeism, overtime, and injury;

5.

policies and procedures to improve DOC employees' and inmates' outcomes;

and 6.

ongoing process and outcome evaluation and assessment.

Reporting Requirements The bill requires the DOC commissioner and IMRP to report on the initiative's implementation and outcomes to the Government Oversight and Judiciary committees, starting by January 1, 2028, and annually until January 1, 2032.

Sec. 11 -- WITNESSING EMPLOYEES Requires DOC employees who witness another DOC employee commit sexual abuse or sexual assault to intervene in certain circumstances;

sets incident investigation and reporting requirements;

establishes employer retaliation protections Employee's Duty to Intervene The bill requires DOC employees who, while acting in their official capacity, witness another DOC employee use what the witnessing employee objectively knows to be sexual abuse or sexual assault toward a person in DOC's custody and confined in a correctional institution ("person who is incarcerated") or a person under age 21 at a DOC or Judicial Branch juvenile facility ("detainee") to intervene and attempt to stop the abuse or assault. Under the bill, a "correctional institution" is a DOC prison or jail.

The bill also makes any witnessing employee who fails to intervene and attempt to stop the abuse or assault criminally liable for the acts of the employee who sexually abused or sexually assaulted the victim.

Sexual Abuse and Contact.

Under the bill, "sexual abuse" is any sexual contact between a person who is incarcerated or a detainee and a sHB5477 / File No.

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390 DOC employee, regardless of the person's or detainee's ability to consent.

"Sexual contact" is any contact (1) with the intimate parts of someone for the actor's sexual gratification or to degrade or humiliate the person or (2) any contact of the actor's intimate parts with someone for the actor's sexual gratification or to degrade or humiliate the person.

Sexual Assault.

Under the bill, "sexual assault" is any act that constitutes 1st, 2nd, 3rd, or 4th degree sexual assault, 1st degree aggravated sexual assault, 3rd degree sexual assault with a firearm, or sexual assault in a spousal relationship.

Employee's Incident Report Under the bill, any employee who witnesses a sexual abuse or sexual assault incident must report it to DOC as soon as is practicable.

Anyone who is required to report but fails to do so may be prosecuted and punished for the crime of hindering prosecution.

The DOC commissioner must report this immediately to the nearest local law enforcement agency that has jurisdiction over the incident.

DOC Retaliation Against Employee Prohibited The bill prohibits DOC from taking any retaliatory personnel action or discriminating against an intervening or reporting employee.

The employee must be protected under statutes that protect whistleblowers and employees who disclose or report certain activities of their employer, as applicable.

DOC's Record of Incidents DOC must create and maintain a record detailing any reported sexual abuse or sexual assault incident or any incident the department knows about involving a DOC employee sexually abusing or sexually assaulting a person who is incarcerated or detained.

The bill requires the record to include:

the employee's name;

the time and place of the incident;

a description of what occurred during the incident;

to the extent known, the names of the victims and witnesses present at the incident;

the results of any investigation;

and any corrective action taken by the department.

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390 DOC's Incident Report to CJPPD DOC must report to OPM's CJPPD annually, starting by February 1, 2027, on the above incidents during the preceding calendar year.

The report must include the records described above and be submitted electronically using a standardized method and form the division must distribute.

Before submitting the report, the bill requires DOC to redact any information that may identify a minor, witness, or victim.

Standardized Method and Form.

The standardized method and form must allow compilation of statistics on each sexual abuse or sexual assault incident, including the following:

1.

the alleged victim's race and gender (however, the identification of these characteristics must be based on the employee's observation and perception);

2.

the number of times the victim was sexually abused or sexually assaulted;

and 3.

any injury the alleged victim suffered.

OPM's Incident Review and Report The bill requires OPM to, within available appropriations, review sexual abuse or sexual assault incidents reported under the bill.

Starting by December 1, 2027, the office must annually report the results of any review, including any recommendations, to the governor and the Government Oversight and Judiciary committees' chairpersons and ranking members.

BACKGROUND Related Bill SB 89, favorably reported by the Judiciary Committee, also makes changes to align state law with the Federal Prison Rape Elimination Act.

COMMITTEE ACTION Government Oversight Committee SHB5477 / File No.

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