



House of Representatives

File No. 667

General Assembly

February Session, 2000

(Reprint of File No. 416)

House Bill No. 5137
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 27, 2000

An Act Concerning Hindering Prosecution And Compensation Of Jurors.

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

1 Section 1. Section 53a-166 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) A person is guilty of hindering prosecution in the first degree
4 when [he] such person renders criminal assistance to a person [who]
5 whom the actor knows or believes has committed a class A or class B
6 felony or an unclassified offense for which the maximum penalty is
7 imprisonment for more than ten years.

8 (b) Hindering prosecution in the first degree is a class D felony.

9 Sec. 2. Section 53a-167 of the general statutes is repealed and the
10 following is substituted in lieu thereof:

11 (a) A person is guilty of hindering prosecution in the second degree
12 when [he] such person renders criminal assistance to a person [who]

13 whom the actor knows or believes has committed a class C or class D
14 felony or an unclassified offense for which the maximum penalty is
15 imprisonment for ten years or less but more than one year.

16 (b) Hindering prosecution in the second degree is a class A
17 misdemeanor.

18 Sec. 3. (NEW) After the conclusion of any civil or criminal
19 proceeding that was tried to a jury, no party in such proceeding or
20 person acting on behalf of such party shall make any payment of
21 money or give anything of value to any person who served as a juror
22 in such proceeding in connection with such person's service as a juror.
23 Any person who violates the provisions of this section shall be guilty
24 of a class A misdemeanor.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Minimal Revenue Gain

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

Explanation

State Impact:

The bill could result in a cost to the criminal justice system and a minimal revenue gain to the state. This is a result of changing the requirements for which a person can be found guilty of hindering prosecution. The impact is anticipated to be absorbable within the current caseload and budgetary structures of the criminal justice system.

The bill also could result in a minimal cost and minimal revenue gain to the state by making it a class A misdemeanor for a party involved in a civil or criminal proceeding to make payments or give anything of value to any jury member under certain circumstances. Any impact is anticipated to be absorbable within current budgetary resources.

In 1999, according to Judicial Department reports, 134 people were charged with hindering prosecution. This resulted in no revenue gain from criminal fines. Department of Correction records indicate that approximately 8 individuals were incarcerated in 1999 with hindering

prosecution as their primary charge.

House Amendment "A" added the minimal cost and revenue gain regarding making payments or giving anything of value to a jury member.

OLR Amended Bill Analysis

HB 5137 (as amended by House "A")*

AN ACT CONCERNING HINDERING PROSECUTION.**SUMMARY:**

This bill (1) makes a person guilty of hindering prosecution if he helps someone he knows or believes has committed a felony or unclassified offense and (2) makes it a misdemeanor for any party to a court case, or someone acting for a party, to compensate a juror for his service.

Currently, a person could be guilty of hindering only if the recipient of his help actually committed the crime. First-degree hindering is a class D felony, punishable by imprisonment for one to five years, a fine of up to \$5,000, or both.

Second-degree hindering and, under the bill, compensating a juror are class A misdemeanors, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both.

*House Amendment "A" adds the provision banning juror payments.

EFFECTIVE DATE: October 1, 2000

COMPENSATING A JUROR

Under the bill, a person who was a party in a civil or criminal jury trial commits a misdemeanor if, after the trial ends, he or a person acting for him, pays or gives anything of value to a juror in connection with that person's service on the case.

BACKGROUND***Hindering Prosecution***

A person commits first-degree hindering when he helps someone who has committed a class A or B felony or an unclassified offense punishable by 10 or more years in prison. A person commits second-

degree hindering when he assists someone who has committed a class C or D felony or unclassified offense that carries a prison sentence of between one and 10 years.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0