



House of Representatives

General Assembly

File No. 222

February Session, 2000

Substitute House Bill No. 5826

House of Representatives, March 23, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Paperless Arrest Warrants.

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

1 Section 54-2a of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 (a) In all criminal cases the Superior Court, or any judge thereof,
4 may issue (1) bench warrants of arrest upon application by a
5 prosecutorial official if the court or judge determines that the affidavit
6 accompanying the application shows that there is probable cause to
7 believe that an offense has been committed and that the person
8 complained against committed it, (2) subpoenas for witnesses, (3)
9 capias for witnesses and for defendants who violate an order of the
10 court regarding any court appearance, and (4) all other criminal
11 process; and may administer justice in all criminal matters.

12 (b) The court or judge issuing a bench warrant for the arrest of the
13 person or persons complained against [] shall, in cases punishable by

14 death or life imprisonment, set the conditions of release or indicate that
15 the person or persons named in the warrant shall not be entitled to bail
16 and may, in all other cases, set the conditions of release. The conditions
17 of release, if included in the warrant, shall fix the first of the following
18 conditions [] which the court or judge finds necessary to assure such
19 person's appearance in court: (1) Written promise to appear; (2)
20 execution of a bond without surety in no greater amount than
21 necessary; or (3) execution of a bond with surety in no greater amount
22 than necessary.

23 (c) In lieu of a warrant for the rearrest of any defendant who fails to
24 appear for trial at the place and time specified or on any court date
25 thereafter the court or judge may issue a *capias*.

26 (d) All process issued by said court or any judge thereof shall be
27 served by any proper officer, or an indifferent person when specially
28 directed to do so, and shall be obeyed by any and all persons and
29 officers to whom the same is directed or whom it may concern.

30 (e) Whenever an arrest warrant is issued under this section, the
31 court or judge may cause such warrant to be entered into a central
32 computer system. Existence of the warrant in the computer system
33 shall constitute prima facie evidence of the issuance of the warrant.
34 Any person named in the warrant may be arrested based on the
35 existence of the warrant in the computer system and shall, upon any
36 such arrest, be given a copy of the warrant.

JUD Committee Vote: Yea 39 Nay 0 JFS

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: See Explanation Below

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

State Impact:

It is anticipated that the bill would not result in a fiscal impact to the Judicial Department due to the discretionary nature of the bill's requirements. It should be noted that the central computer system referenced in the bill appears to not currently exist. It is unclear how warrants would be entered into the department's existing computer systems or how a new system would be developed without additional resources.

OLR Bill Analysis

sHB 5826

AN ACT CONCERNING PAPERLESS ARREST WARRANTS

SUMMARY:

This bill permits courts, and judges when the court is not in session, to issue bench warrants by entering them into a central computer system. A warrant's existence in the system is *prima facie* evidence that it was issued. The warrant may be basis for arresting anyone named in it. Anyone so arrested must be given a copy of the warrant. By law, courts or judges can issue a bench warrant upon a prosecutor's request if there is probable cause to believe that an offense was committed and that the person named in the complaint committed it.

"Prima facie" evidence is that which will establish a fact or sustain a judgment unless contradictory evidence is produced.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0