



General Assembly

February Session, 2000

Raised Bill No. 5132

LCO No. 788

Referred to Committee on Judiciary

Introduced by:
(JUD)

An Act Concerning Disclosure Of Information.

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

1 Section 54-91a of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) No defendant convicted of a crime, other than a capital felony,
4 the punishment for which may include imprisonment for more than
5 one year, may be sentenced, or his case otherwise disposed of, until a
6 written report of investigation by a probation officer has been
7 presented to and considered by the court, if [(1)] the defendant is so
8 convicted for the first time in this state [or (2) his record, as shown by
9 the prosecuting official, discloses a conviction obtained prior to five
10 years from the finding of guilty in the present prosecution;] but any
11 court may, in its discretion, order a presentence investigation for a
12 defendant convicted of any crime or offense other than a capital felony.

13 (b) A defendant who is convicted of a crime and is not eligible for
14 sentence review pursuant to section 51-195 may, with the consent of
15 the sentencing judge and the prosecuting official, waive the
16 presentence investigation.

17 (c) Whenever an investigation is required, the probation officer shall
18 promptly inquire into the circumstances of the offense, the attitude of
19 the complainant or victim, or of the immediate family where possible
20 in cases of homicide, and the criminal record, social history and
21 present condition of the defendant. Such investigation shall include an
22 inquiry into any damages suffered by the victim, including medical
23 expenses, loss of earnings and property loss. All local and state police
24 agencies shall furnish to the probation officer such criminal records as
25 the probation officer may request. When in the opinion of the court or
26 the investigating authority it is desirable, such investigation shall
27 include a physical and mental examination of the defendant. If the
28 defendant is committed to any institution, the investigating agency
29 shall send the reports of such investigation to the institution at the time
30 of commitment. Such investigation shall include an inquiry into
31 whether the Department of Correction recommends that the defendant
32 participate in a special alternative incarceration program in accordance
33 with section 53a-39b.

34 (d) Any information contained in the files or report of an
35 investigation pursuant to this section shall be available to the Office of
36 the Bail Commission for the purpose of performing the duties
37 contained in section 54-63d and to the Department of Mental Health
38 and Addiction Services for purposes of diagnosis and treatment.

Statement of Purpose:

To allow information in the presentence report to be disclosed to the Department of Mental Health and Addiction Services for purposes of diagnosis and treatment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]