



General Assembly

February Session, 2000

Raised Bill No. 60

LCO No. 800

Referred to Committee on Judiciary

Introduced by:
(JUD)

An Act Concerning Electronic Monitoring.

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

1 Section 1. Section 53a-30 of the general statutes, as amended by
2 section 12 of public act 99-183, is repealed and the following is
3 substituted in lieu thereof:

4 (a) When imposing sentence of probation or conditional discharge,
5 the court may, as a condition of the sentence, order that the defendant:
6 (1) Work faithfully at a suitable employment or faithfully pursue a
7 course of study or of vocational training that will equip [him] the
8 defendant for suitable employment; (2) undergo medical or psychiatric
9 treatment and remain in a specified institution, when required for that
10 purpose; (3) support [his] the defendant's dependents and meet other
11 family obligations; (4) make restitution of the fruits of [his] the
12 defendant's offense or make restitution, in an amount [he] the
13 defendant can afford to pay or provide in a suitable manner, for the
14 loss or damage caused thereby and the court may fix the amount
15 thereof and the manner of performance; (5) if a minor, (A) reside with
16 [his] the defendant's parents or in a suitable foster home, (B) attend
17 school, and (C) contribute to [his] the defendant's own support in any

18 home or foster home; (6) post a bond or other security for the
19 performance of any or all conditions imposed; (7) refrain from
20 violating any criminal law of the United States, this state or any other
21 state; (8) if convicted of a misdemeanor or a felony, other than a capital
22 felony, a class A felony or a violation of section 21a-278, 21a-278a, 53a-
23 55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which
24 there is a mandatory minimum sentence which may not be suspended
25 or reduced by the court, and any sentence of imprisonment is
26 suspended, participate in an alternate incarceration program; (9) reside
27 in a residential community center or halfway house approved by the
28 Commissioner of Correction, and contribute to the cost incident to
29 such residence; (10) participate in a program of community service
30 labor in accordance with section 53a-39c; (11) participate in a program
31 of community service in accordance with section 51-181c; (12) if
32 convicted of a violation of subdivision (2) of section 53-21, section 53a-
33 70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, undergo specialized
34 sexual offender treatment; (13) if convicted of a criminal offense
35 against a victim who is a minor, a nonviolent sexual offense or a
36 sexually violent offense, as defined in section 54-250, as amended by
37 public act 99-183, or of a felony that the court finds was committed for
38 a sexual purpose, as provided in section 54-254, as amended by public
39 act 99-183, register such person's identifying factors, as defined in
40 section 54-250, as amended by public act 99-183, with the
41 Commissioner of Public Safety when required pursuant to section 54-
42 251, as amended by public act 99-183, 54-252, as amended by public act
43 99-183, or 54-253, as amended by public act 99-183, as the case may be;
44 (14) be subject to electronic monitoring; (15) satisfy any other
45 conditions reasonably related to [his] the defendant's rehabilitation.
46 The court shall cause a copy of any such order to be delivered to the
47 defendant and to the probation officer, if any.

48 (b) When a defendant has been sentenced to a period of probation,
49 the Office of Adult Probation may require that the defendant comply
50 with any or all conditions which the court could have imposed under
51 subsection (a) which are not inconsistent with any condition actually

52 imposed by the court.

53 (c) At any time during the period of probation or conditional
54 discharge, after hearing and for good cause shown, the court may
55 modify or enlarge the conditions, whether originally imposed by the
56 court under this section or otherwise, and may extend the period,
57 provided the original period with any extensions shall not exceed the
58 periods authorized by section 53a-29. The court shall cause a copy of
59 any such order to be delivered to the defendant and to the probation
60 officer, if any.

61 (d) The period of participation in an alternate incarceration
62 program, unless terminated sooner, shall not exceed the period of
63 probation authorized by section 53a-29 or two years, whichever is less.

64 (e) The judicial branch may require that the person subject to
65 electronic monitoring pursuant to subsection (a) of this section to fully
66 or partially reimburse the judicial branch for the cost of such electronic
67 monitoring services. If the judicial branch finds that the person subject
68 to electronic monitoring is indigent and unable to pay the electronic
69 monitoring services fee, it shall waive such fee.

70 Sec. 2. Subsection (c) of section 54-64a of the general statutes, as
71 amended by section 2 of public act 99-187, is repealed and the
72 following is substituted in lieu thereof:

73 (c) If the court determines that a nonfinancial condition of release
74 should be imposed pursuant to subparagraph (B) of subdivision (1) of
75 subsection (a) or (b) of this section, the court shall order the pretrial
76 release of the person subject to the least restrictive condition or
77 combination of conditions that the court determines will reasonably
78 assure the appearance of the arrested person in court and, with respect
79 to the release of the person pursuant to subsection (b) of this section,
80 that the safety of any other person will not be endangered, which
81 conditions may include an order that the arrested person do one or
82 more of the following: (1) Remain under the supervision of a

83 designated person or organization; (2) comply with specified
84 restrictions on such person's travel, association or place of abode; (3)
85 not engage in specified activities, including the use or possession of a
86 dangerous weapon, an intoxicant or a controlled substance; (4)
87 participate in the zero-tolerance drug supervision program established
88 under section 53a-39d, as amended by public act 99-187; (5) provide
89 sureties of the peace pursuant to section 54-56f under supervision of a
90 designated bail commissioner; (6) avoid all contact with an alleged
91 victim of the crime and with a potential witness who may testify
92 concerning the offense; (7) maintain employment or, if unemployed,
93 actively seek employment; (8) maintain or commence an educational
94 program; [or] (9) be subject to electronic monitoring; or (10) satisfy any
95 other condition that is reasonably necessary to assure the appearance
96 of the person in court and that the safety of any other person will not
97 be endangered. The court shall state on the record its reasons for
98 imposing any such nonfinancial condition.

99 Sec. 3. Section 54-64a of the general statutes, as amended by section
100 2 of public act 99-187, is amended by adding subsection (e) as follows:

101 (NEW) (e) The judicial branch may require that the person subject to
102 electronic monitoring pursuant to subsection (c) of this section, as
103 amended by section 2 of this act, fully or partially reimburse the
104 judicial branch for the costs of electronic monitoring services. If the
105 judicial branch finds that a person subject to electronic monitoring is
106 indigent and unable to pay the electronic monitoring services fee, it
107 shall waive such fee.

108 Sec. 4. Section 53a-115 of the general statutes is repealed and the
109 following is substituted in lieu thereof:

110 (a) A person is guilty of criminal mischief in the first degree when:
111 (1) With intent to cause damage to tangible property of another and
112 having no reasonable ground to believe that [he] such person has a
113 right to do so, [he] such person damages tangible property of another
114 in an amount exceeding one thousand five hundred dollars, or (2) with

115 intent to cause an interruption or impairment of service rendered to
116 the public and having no reasonable ground to believe that [he] such
117 person has a right to do so, [he] such person damages or tampers with
118 tangible property of a utility or mode of public transportation, power
119 or communication, and thereby causes an interruption or impairment
120 of service rendered to the public, or (3) with intent to cause damage to
121 any electronic equipment owned or leased by the state or its agent and
122 required as a condition of probation or conditional discharge pursuant
123 to section 53a-30, as amended by this act, or as a condition of release
124 pursuant to section 53a-64a, as amended by this act, and having no
125 reasonable ground to believe such person has a right to do so, such
126 person damages such electronic monitoring equipment and thereby
127 causes an interruption in its ability to function, or (4) with intent to
128 cause an interruption or impairment of service rendered to the public
129 and having no reasonable ground to believe that [he] such person has a
130 right to do so, [he] such person damages or tampers with (A) any
131 tangible property owned by the state, a municipality or a person for
132 fire alarm or police alarm purposes, (B) any telecommunication system
133 operated by the state police or a municipal police department, (C) any
134 emergency medical or fire service dispatching system, (D) any fire
135 suppression equipment owned by the state, a municipality, a person or
136 a fire district, or (E) any fire hydrant or hydrant system owned by the
137 state or a municipality, a person, a fire district or a private water
138 company.

139 (b) Criminal mischief in the first degree is a class D felony.

140 Sec. 5. Section 46b-141c of the general statutes is repealed and the
141 following is substituted in lieu thereof:

142 The Judicial Department may require the parent or parents or
143 guardian of any child who receives probation supervision and
144 electronic monitoring services to fully or partially reimburse the
145 department for the costs of such child's supervision or electronic
146 monitoring and may assess such person a monthly supervision or an

147 electronic monitoring fee for such purpose. If the department finds
148 that the parents or guardian are indigent and unable to pay a
149 probation supervision fee, or an electronic monitoring fee, it shall
150 waive such fee.

Statement of Purpose:

To specifically list electronic monitoring as a condition of probation or pretrial release, to enhance the penalty for destruction of electronic monitoring equipment and to authorize the judicial branch to require persons subject to electronic monitoring to pay for such monitoring.

[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.]