



General Assembly

January Session, 2001

Raised Bill No. 6541

LCO No. 3095

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SEIZED CURRENCY.

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

1 Subsection (b) of section 54-36a of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (b) (1) Whenever property is seized in connection with a criminal
4 arrest or seized pursuant to a search warrant without an arrest, the law
5 enforcement agency seizing such property shall file, on forms
6 provided for this purpose by the Office of the Chief Court
7 Administrator, an inventory of the property seized. The inventory,
8 together with the uniform arrest report, in the case of an arrest, shall be
9 filed with the clerk of the court for the geographical area in which the
10 criminal offense is alleged to have been committed; except, when the
11 property is stolen property and, in the opinion of the law enforcement
12 officer, does not exceed two hundred fifty dollars in value, or when an
13 attempt was made to steal the property but the property at all times
14 remained on the premises in a sealed container, the filing of an
15 inventory shall not be required and such property may be returned to
16 the owner. In the case of property seized in connection with a search
17 warrant without an arrest, the inventory shall be attached to the

18 warrant and shall be filed with the clerk of the court for the
19 geographical area in which the search warrant was issued. If any
20 criminal proceeding is transferred to another court location, then the
21 clerk with whom the inventory is filed shall transfer such inventory to
22 the clerk of the court location to which such action is transferred. (2) If
23 the seized property is stolen property, within ten days of the seizure,
24 the law enforcement agency seizing the property shall notify the
25 owner of the property if known, or, if the owner of the property is
26 unknown at the time of seizure, such agency shall within ten days of
27 any subsequent ascertainment of the owner notify such owner, and, on
28 a form prescribed by the Office of the Chief Court Administrator,
29 advise the owner of his rights concerning the property and the location
30 of the property. Such written notice shall include a request form for the
31 return of the property. The owner may request the return of the
32 property by filing such request form with such law enforcement
33 agency, and upon receipt of such request, the law enforcement agency
34 shall forward it to the clerk of the court for the geographical area in
35 which the criminal offense is alleged to have been committed. The
36 clerk of the court shall notify the defendant or defendants of the
37 request to return the property. The court shall order the return of the
38 property within thirty days of the date of filing such return request by
39 the owner, except that for good cause shown, the court may order
40 retention of the property for a period to be determined by the court.
41 Any secondary evidence of the identity, description or value of such
42 property shall be admissible in evidence against such defendant in the
43 trial of such case. The fact that the evidence is secondary in nature may
44 be shown to affect the weight of such evidence, but not to affect its
45 admissibility. (3) If the seized property is currency, the law
46 enforcement agency seizing the property may deposit the currency in a
47 [safe deposit box in a financial institution in this state. No funds may
48 be removed from such safe deposit box unless ordered by the court.
49 The financial institution at which the safe deposit box is located shall
50 not be responsible for monitoring activity in the safe deposit box or
51 insuring that the contents of the safe deposit box are removed in

52 accordance with the requirements of this subdivision] special account
53 established for the purpose, after taking reasonable measures to
54 preserve the evidentiary value of such currency. Any secondary
55 evidence of the identity, description or value of such currency shall be
56 admissible in evidence against a defendant in the trial of a criminal
57 offense. The fact that the evidence is secondary in nature may be
58 shown to affect the weight of such evidence, but not to affect its
59 admissibility.

Statement of Purpose:

To allow secondary evidence of seized currency to be admissible in a criminal trial.

[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.]