



General Assembly

January Session, 2001

Raised Bill No. 7027

LCO No. 5316

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE POSTING OF BAIL BONDS BY PRIVATE CITIZENS.

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

1 Section 54-66 of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 (a) In any criminal case in which a bond is allowable or required
4 and the amount thereof has been determined, the accused person, or
5 any person in the accused person's behalf, (1) may deposit, with the
6 clerk of the court having jurisdiction of the offense with which the
7 accused stands charged or any assistant clerk of such court who is
8 bonded in the same manner as the clerk or any person or officer
9 authorized to accept bail, a sum of money equal to the amount called
10 for by such bond, or (2) may pledge real property, the equity of which
11 is equal to the amount called for by such bond, provided the person
12 pledging such property is the owner of such property, and such
13 accused person shall thereupon be admitted to bail. When cash bail is
14 offered, such bond shall be executed and the money shall be received
15 in lieu of a surety or sureties upon such bond. Such cash bail shall be
16 retained by the clerk of such court until a final order of the court

17 disposing of the same is passed; provided, if such bond is forfeited, the
18 clerk of such court shall pay the money to the payee named therein,
19 according to the terms and conditions of the bond. When cash bail in
20 excess of ten thousand dollars is received for a person accused of a
21 felony, where the underlying facts and circumstances of the felony
22 involve the use, attempted use or threatened use of physical force
23 against another person, the clerk of such court shall prepare a report
24 that contains (A) the name, address and taxpayer identification
25 number of the accused person, (B) the name, address and taxpayer
26 identification number of each person offering the cash bail, other than
27 a person licensed as a professional bondsman under chapter 533 or a
28 surety bail bond agent under chapter 700f, (C) the amount of cash
29 received, and (D) the date the cash was received. Not later than fifteen
30 days after receipt of such cash bail, the clerk of such court shall file the
31 report with the Department of Revenue Services and mail a copy of the
32 report to the state's attorney for the judicial district in which the court
33 is located and to each person offering the cash bail.

34 (b) When real property is pledged, the pledge shall constitute a lien
35 on the real property upon the filing of a notice of lien in the office of
36 the town clerk of the town in which the property is located. The lien
37 shall be in an amount equal to the bond set by the court. The notice of
38 lien shall be on a form prescribed by the Office of the Chief Court
39 Administrator. Upon order of forfeiture of the underlying bond, the
40 state's attorney for the judicial district in which the forfeiture is
41 ordered shall refer the matter to the Attorney General and the
42 Attorney General may, on behalf of the state, foreclose such lien in the
43 same manner as a mortgage. The lien created by this subsection shall
44 expire six years after the forfeiture is ordered unless the Attorney
45 General commences an action to foreclose it within that period of time
46 and records a notice of lis pendens in evidence thereof on the land
47 records of the town in which the property is located. If the bond has
48 not been ordered forfeited, the clerk of the court shall authorize the
49 recording of a release of such lien upon final disposition of the
50 criminal matter or upon order of the court. The release shall be on a

51 form prescribed by the Office of the Chief Court Administrator.

52 (c) Whenever an accused person is released upon the deposit by a
53 person on behalf of the accused person of a sum of money equal to the
54 amount called for by such bond or upon the pledge by a person on
55 behalf of the accused person of real property, the equity of which is
56 equal to the amount called for by such bond, and such bond is ordered
57 forfeited because the accused person failed to appear in court as
58 conditioned in such bond, the court shall, at the time of ordering the
59 bond forfeited: (1) Issue a rearrest warrant or a capias directing a
60 proper officer to take the accused person into custody, (2) provide
61 written notice to the person who offered cash bail or pledged real
62 property on behalf of the accused person that the accused person has
63 failed to appear in court as conditioned in such bond, and (3) order a
64 stay of execution upon the forfeiture for six months. When the accused
65 person whose bond has been forfeited is returned to custody pursuant
66 to the rearrest warrant or a capias within six months of the date such
67 bond was ordered forfeited, the bond shall be automatically
68 terminated and the person who offered cash bail or pledged real
69 property on behalf of the accused person shall be released from such
70 obligation and the court shall order new conditions of release for the
71 accused person in accordance with section 54-64a. When the accused
72 person whose bond has been forfeited returns to court voluntarily
73 within five business days of the date such bond was ordered forfeited,
74 the court may, in its discretion, and after finding that the accused
75 person's failure to appear was not wilful, vacate the forfeiture order
76 and reinstate the bond. Such stay of execution shall not prevent the
77 issuance of a rearrest warrant or a capias.

JUD *Joint Favorable*