



General Assembly

Substitute Bill No. 1403

January Session, 2001

AN ACT CONCERNING ADMISSIBILITY OF EVIDENCE OF STOLEN VEHICLES AND SEIZED CURRENCY.

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

1 Section 1. (NEW) In any prosecution for theft of a motor vehicle, a
2 photograph of the vehicle and sworn affidavit attesting to the vehicle
3 identification number shall be deemed sufficient evidence to identify
4 the vehicle in question. All other requirements of this part shall apply
5 to the seizure of a motor vehicle. For purposes of this section, "motor
6 vehicle" means a passenger or commercial motor vehicle or a
7 motorcycle, as defined in section 14-1 of the general statutes, and shall
8 include construction equipment, agricultural tractors or farm
9 implements.

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11 repealed and the following is substituted in lieu thereof:

12 (b) (1) Whenever property is seized in connection with a criminal
13 arrest or seized pursuant to a search warrant without an arrest, the law
14 enforcement agency seizing such property shall file, on forms
15 provided for this purpose by the Office of the Chief Court
16 Administrator, an inventory of the property seized. The inventory,
17 together with the uniform arrest report, in the case of an arrest, shall be
18 filed with the clerk of the court for the geographical area in which the
19 criminal offense is alleged to have been committed; except, when the
20 property is stolen property and, in the opinion of the law enforcement

21 officer, does not exceed two hundred fifty dollars in value, or when an
22 attempt was made to steal the property but the property at all times
23 remained on the premises in a sealed container, the filing of an
24 inventory shall not be required and such property may be returned to
25 the owner. In the case of property seized in connection with a search
26 warrant without an arrest, the inventory shall be attached to the
27 warrant and shall be filed with the clerk of the court for the
28 geographical area in which the search warrant was issued. If any
29 criminal proceeding is transferred to another court location, then the
30 clerk with whom the inventory is filed shall transfer such inventory to
31 the clerk of the court location to which such action is transferred. (2) If
32 the seized property is stolen property, within ten days of the seizure,
33 the law enforcement agency seizing the property shall notify the
34 owner of the property if known, or, if the owner of the property is
35 unknown at the time of seizure, such agency shall within ten days of
36 any subsequent ascertainment of the owner notify such owner, and, on
37 a form prescribed by the Office of the Chief Court Administrator,
38 advise the owner of [his] the owner's rights concerning the property
39 and the location of the property. Such written notice shall include a
40 request form for the return of the property. The owner may request the
41 return of the property by filing such request form with such law
42 enforcement agency, and upon receipt of such request, the law
43 enforcement agency shall forward it to the clerk of the court for the
44 geographical area in which the criminal offense is alleged to have been
45 committed. The clerk of the court shall notify the defendant or
46 defendants of the request to return the property. The court shall order
47 the return of the property within thirty days of the date of filing such
48 return request by the owner, except that for good cause shown, the
49 court may order retention of the property for a period to be
50 determined by the court. Any secondary evidence of the identity,
51 description or value of such property shall be admissible in evidence
52 against such defendant in the trial of such case. The fact that the
53 evidence is secondary in nature may be shown to affect the weight of
54 such evidence, but not to affect its admissibility. (3) If the seized
55 property is currency, the law enforcement agency seizing the property

56 may, [deposit the currency in a safe deposit box in a financial
57 institution in this state. No funds may be removed from such safe
58 deposit box unless ordered by the court. The financial institution at
59 which the safe deposit box is located shall not be responsible for
60 monitoring activity in the safe deposit box or insuring that the contents
61 of the safe deposit box are removed in accordance with the
62 requirements of this subdivision] after taking reasonable measures to
63 preserve the evidentiary value of such currency, and after notifying the
64 defendant or defendants, deposit the currency into a deposit account
65 in the name of the law enforcement agency as custodian for
66 evidentiary funds at a financial institution in this state. The financial
67 institution at which such deposit account is established shall not be
68 required to segregate the currency deposited in such deposit account.
69 No funds may be withdrawn from such deposit account except
70 pursuant to a court order directed to the financial institution. Any
71 withdrawal of funds from such deposit account shall be in the form of
72 a check issued by the financial institution to the law enforcement
73 agency or to such other payee as may be provided in the court order.
74 Nothing in this section shall prohibit a financial institution from
75 charging a fee for the maintenance and administration of such deposit
76 account and for the review of the court order. Any secondary evidence
77 of the identity, description or value of such currency shall be
78 admissible in evidence against a defendant in the trial of a criminal
79 offense. The fact that the evidence is secondary in nature may be
80 shown to affect the weight of such evidence, but not to affect its
81 admissibility. Any interest earned by any special account established
82 pursuant to this section shall, unless otherwise ordered by a judge of
83 the superior court, be deposited in the Criminal Injuries Compensation
84 Fund established by the Office of Victim Services pursuant to section
85 54-215.

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JOINT FAVORABLE SUBST. C/R

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