



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1 Subsection (b) of section 54-36a of the general statutes is repealed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.

23 (2) If the seized property is stolen property, within ten days of the
24 seizure, the law enforcement agency seizing the property shall notify
25 the 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] such owner's rights concerning the property
30 and the location of the property. Such written notice shall include a
31 request form for the return of the property. The owner may request the
32 return of the property by filing such request form with such law
33 enforcement agency, and upon receipt of such request, the law
34 enforcement agency shall forward it to the clerk of the court for the
35 geographical area in which the criminal offense is alleged to have been
36 committed. The clerk of the court shall notify the defendant or
37 defendants of the request to return the property. The court shall order
38 the return of the property within thirty days of the date of filing such
39 return request by the owner, except that for good cause shown, the
40 court may order retention of the property for a period to be
41 determined by the court. Any secondary evidence of the identity,
42 description or value of such property shall be admissible in evidence
43 against such defendant in the trial of such case. The fact that the
44 evidence is secondary in nature may be shown to affect the weight of
45 such evidence, but not to affect its admissibility. If the stolen property
46 is a motor vehicle, a photograph of the motor vehicle and a sworn
47 affidavit attesting to the vehicle identification number of such motor
48 vehicle shall be sufficient evidence of the identity of the motor vehicle.
49 For the purposes of this subdivision, "motor vehicle" means a
50 passenger or commercial motor vehicle or a motorcycle, as defined in
51 section 14-1, and includes construction equipment, agricultural tractors
52 and farm implements.

53 [(3) If the seized property is currency, the law enforcement agency
54 seizing the property may deposit the currency in a safe deposit box in

55 a financial institution in this state. No funds may be removed from
56 such safe deposit box unless ordered by the court. The financial
57 institution at which the safe deposit box is located shall not be
58 responsible for monitoring activity in the safe deposit box or insuring
59 that the contents of the safe deposit box are removed in accordance
60 with the requirements of this subdivision.]

61 (3) (A) If the seized property is currency and is stolen property, the
62 law enforcement agency seizing the currency shall follow the
63 procedures set forth in subdivision (2) of this subsection.

64 (B) If the seized property is currency and is not stolen property, the
65 law enforcement agency seizing the currency shall, within ten days of
66 such seizure, notify the defendant or defendants, if such currency was
67 seized in connection with a criminal arrest, or the person or persons
68 having a possessory interest in the premises from which such currency
69 was seized, if such currency was seized pursuant to a search warrant
70 without an arrest, that such defendant or person has the right to a
71 hearing before the Superior Court on the disposition of the currency.
72 Such defendant or person may, not later than thirty days after
73 receiving such notice, request a hearing before the Superior Court. The
74 court may, after any such hearing, order that the law enforcement
75 agency, after taking reasonable measures to preserve the evidentiary
76 value of the currency, deposit the currency in a deposit account in the
77 name of the law enforcement agency as custodian for evidentiary
78 funds at a financial institution in this state or order, for good cause
79 shown, that the currency be retained for a period to be determined by
80 the court. If such defendant or person does not request a hearing, the
81 law enforcement agency may, after taking reasonable measures to
82 preserve the evidentiary value of the currency, deposit the currency in
83 a deposit account in the name of the law enforcement agency as
84 custodian for evidentiary funds at a financial institution in this state.

85 (C) If the currency is deposited in a deposit account at a financial
86 institution in this state pursuant to subparagraph (B) of this
87 subdivision, the financial institution at which such deposit account is

