



General Assembly

January Session, 2001

Raised Bill No. 1418

LCO No. 4772

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE POWER OF JUDGE TRIAL REFEREES
TO AUTHORIZE WARRANTS.**

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

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 Section 54-2a of the general statutes is repealed and the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

3 (a) In all criminal cases the Superior Court, or any judge thereof, or
4 any judge trial referee may issue (1) bench warrants of arrest upon
5 application by a prosecutorial official if the court or judge determines
6 that the affidavit accompanying the application shows that there is
7 probable cause to believe that an offense has been committed and that
8 the person complained against committed it, (2) subpoenas for
9 witnesses, (3) capias for witnesses and for defendants who violate an
10 order of the court regarding any court appearance, and (4) all other
11 criminal process; and may administer justice in all criminal matters.

12 (b) The court, [or] judge or judge trial referee issuing a bench
13 warrant for the arrest of the person or persons complained against
14 shall, in cases punishable by death or life imprisonment, set the
15 conditions of release or indicate that the person or persons named in

16 the warrant shall not be entitled to bail and may, in all other cases, set
17 the conditions of release. The conditions of release, if included in the
18 warrant, shall fix the first of the following conditions which the court,
19 [or] judge or judge trial referee finds necessary to assure such person's
20 appearance in court: (1) Written promise to appear; (2) execution of a
21 bond without surety in no greater amount than necessary; or (3)
22 execution of a bond with surety in no greater amount than necessary.

23 (c) In lieu of a warrant for the rearrest of any defendant who fails to
24 appear for trial at the place and time specified or on any court date
25 thereafter the court, [or] judge or judge trial referee may issue a *capias*.

26 (d) All process issued by said court or any judge thereof shall be
27 served by any proper officer, or an indifferent person when specially
28 directed to do so, and shall be obeyed by any and all persons and
29 officers to whom the same is directed or whom it may concern.

30 (e) Whenever a rearrest warrant is issued under this section, the
31 court, [or] judge or judge trial referee may cause such warrant to be
32 entered into a central computer system. Existence of the warrant in the
33 computer system shall constitute *prima facie* evidence of the issuance
34 of the warrant. Any person named in the warrant may be arrested
35 based on the existence of the warrant in the computer system and
36 shall, upon any such arrest, be given a copy of the warrant.

37 Sec. 2. Section 54-33a of the general statutes is repealed and the
38 following is substituted in lieu thereof:

39 (a) As used in sections 54-33a to 54-33g, inclusive, "property"
40 includes, without limitation, documents, books, papers, films,
41 recordings and any other tangible thing.

42 (b) Upon complaint on oath by any state's attorney or assistant
43 state's attorney or by any two credible persons, to any judge of the
44 Superior Court or judge trial referee, that such state's attorney or
45 assistant state's attorney or such persons have probable cause to

46 believe that any property (1) possessed, controlled, designed or
47 intended for use or which is or has been used or which may be used as
48 the means of committing any criminal offense; or (2) which was stolen
49 or embezzled; or (3) which constitutes evidence of an offense, or that a
50 particular person participated in the commission of an offense, is
51 within or upon any place, thing or person, such judge or judge trial
52 referee, except as provided in section 54-33j, may issue a warrant
53 commanding a proper officer to enter into or upon such place or thing,
54 search the same or the person and take into such officer's custody all
55 such property named in the warrant.

56 (c) A warrant may issue only on affidavit sworn to by the
57 complainant or complainants before the judge or judge trial referee
58 and establishing the grounds for issuing the warrant, which affidavit
59 shall be part of the arrest file. If the judge or judge trial referee is
60 satisfied that grounds for the application exist or that there is probable
61 cause to believe that they exist, the judge or judge trial referee shall
62 issue a warrant identifying the property and naming or describing the
63 person, place or thing to be searched. The warrant shall be directed to
64 any police officer of a regularly organized police department or any
65 state policeman or to a conservation officer, special conservation
66 officer or patrolman acting pursuant to section 26-6. The warrant shall
67 state the date and time of its issuance and the grounds or probable
68 cause for its issuance and shall command the officer to search within a
69 reasonable time the person, place or thing named, for the property
70 specified. The inadvertent failure of the issuing judge or judge trial
71 referee to state on the warrant the time of its issuance shall not in and
72 of itself invalidate the warrant.

Statement of Purpose:

To permit judge trial referees to issue arrest and search warrants.

[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.]