



General Assembly

**Substitute Bill No. 1418**

January Session, 2001

**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 Section 54-2a of the general statutes is repealed and the  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, or any  
27 judge trial referee shall be served by any proper officer, or an  
28 indifferent person when specially directed to do so, and shall be  
29 obeyed by any and all persons and officers to whom the same is  
30 directed or whom it may concern.

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

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 Section 54-33a of the general statutes is repealed and the  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

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

43 (b) Upon complaint on oath by any state's attorney or assistant  
44 state's attorney or by any two credible persons, to any judge of the  
45 Superior Court or judge trial referee, that such state's attorney or  
46 assistant state's attorney or such persons have probable cause to  
47 believe that any property (1) possessed, controlled, designed or  
48 intended for use or which is or has been used or which may be used as  
49 the means of committing any criminal offense; or (2) which was stolen  
50 or embezzled; or (3) which constitutes evidence of an offense, or that a

51 particular person participated in the commission of an offense, is  
52 within or upon any place, thing or person, such judge or judge trial  
53 referee, except as provided in section 54-33j, may issue a warrant  
54 commanding a proper officer to enter into or upon such place or thing,  
55 search the same or the person and take into such officer's custody all  
56 such property named in the warrant.

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

74 Sec. 3. Section 36a-44 of the general statutes is repealed and the  
75 following is substituted in lieu thereof:

76 No provision of sections 36a-41 to 36a-45, inclusive, shall be  
77 construed to prohibit: (1) The preparation, examination, handling or  
78 maintenance of any financial records by any officer, employee or agent  
79 of a financial institution having custody of such records or the  
80 examination of such records by a certified public accountant engaged  
81 by the financial institution to perform an independent audit; (2) the  
82 examination of any financial records by, or the furnishing of financial  
83 records by a financial institution to any official, employee or agent of a

84 supervisory agency solely for use in the exercise of the duties of such  
85 official, employee or agent; (3) the publication of data furnished from  
86 financial records relating to customers where such data does not  
87 contain information identifying any particular customer or account; (4)  
88 the making of reports or returns required under the Internal Revenue  
89 Code of 1986, or any subsequent corresponding internal revenue code  
90 of the United States, as from time to time amended, or under section  
91 12-382; (5) disclosure of information permitted under the Uniform  
92 Commercial Code concerning the dishonor of any negotiable  
93 instrument; (6) the exchange, in the regular course of business, of  
94 credit information between a financial institution and other financial  
95 institutions or commercial enterprises, directly or through a consumer  
96 reporting agency; (7) disclosures to appropriate officials of federal,  
97 state or local governments upon suspected violations of the criminal  
98 law; (8) disclosures pursuant to a search warrant issued by a judge of  
99 the Superior Court or a judge trial referee under the provisions of  
100 section 54-33a; (9) disclosures concerning lawyers' clients' funds  
101 accounts made to the state-wide grievance committee pursuant to any  
102 rule adopted by the judges of the Superior Court; (10) disclosures to  
103 the purported payee or to any purported holder of a check, draft,  
104 money order or other item, whether or not such check, draft, money  
105 order or other item has been accepted by such payee or holder as  
106 payment, or to any financial institution purportedly involved in the  
107 collection process of a check, draft, money order or other item whether  
108 such check, draft, money order or other item would be paid if  
109 presented at the time of such disclosure; (11) any disclosure made in  
110 connection with a financial institution's attempts to preserve its rights  
111 or determine its liabilities with regard to any funds transfer or any  
112 check, draft, money order or other item drawn by or upon it or  
113 handled by it for collection or otherwise; (12) the transfer of  
114 information from a Connecticut credit union to a shared service center  
115 and the personnel of such shared service center which takes place  
116 when a member of such Connecticut credit union uses a shared service  
117 center to effect a transaction with such Connecticut credit union; (13)  
118 any other disclosure required under applicable state or federal law or

119 authorized to be made to any regulatory or law enforcement agency  
120 under applicable state or federal law.

121 Sec. 4. Section 54-33b of the general statutes is repealed and the  
122 following is substituted in lieu thereof:

123 The officer serving a search warrant may, if [he] such officer has  
124 reason to believe that any of the property described in the warrant is  
125 concealed in the garments of any person in or upon the place or thing  
126 to be searched, search the person for the purpose of seizing the same.  
127 When the person to be searched is a woman, the search shall be made  
128 by a policewoman or other woman assisting in the service of the  
129 warrant, or by a woman designated by the judge or judge trial referee  
130 issuing the warrant.

131 Sec. 5. Subsection (a) of section 54-33c of the general statutes is  
132 repealed and the following is substituted in lieu thereof:

133 (a) The applicant for the search warrant shall file the application for  
134 the warrant and all affidavits upon which the warrant is based with  
135 the clerk of the court for the geographical area within which any  
136 person who may be arrested in connection with or subsequent to the  
137 execution of the search warrant would be presented with the return of  
138 the warrant. The warrant shall be executed within ten days and  
139 returned with reasonable promptness consistent with due process of  
140 law and shall be accompanied by a written inventory of all property  
141 seized. A copy of such warrant shall be given to the owner or occupant  
142 of the dwelling, structure, motor vehicle or place designated therein, or  
143 the person named therein. Within forty-eight hours of such search, a  
144 copy of the application for the warrant and a copy of all affidavits  
145 upon which the warrant is based shall be given to such owner,  
146 occupant or person. The judge or judge trial referee may, by order,  
147 dispense with the requirement of giving a copy of the affidavits to  
148 such owner, occupant or person at such time if the applicant for the  
149 warrant files a detailed affidavit with the judge or judge trial referee  
150 which demonstrates to the judge or judge trial referee that (1) the

151 personal safety of a confidential informant would be jeopardized by  
152 the giving of a copy of the affidavits at such time, or (2) the search is  
153 part of a continuing investigation which would be adversely affected  
154 by the giving of a copy of the affidavits at such time, or (3) the giving  
155 of such affidavits at such time would require disclosure of information  
156 or material prohibited from being disclosed by chapter 959a. If the  
157 judge or judge trial referee dispenses with the requirement of giving a  
158 copy of the affidavits at such time, such order shall not affect the right  
159 of such owner, occupant or person to obtain such copy at any  
160 subsequent time. No such order shall limit the disclosure of such  
161 affidavits to the attorney for a person arrested in connection with or  
162 subsequent to the execution of a search warrant unless, upon motion of  
163 the prosecuting authority within two weeks of such person's  
164 arraignment, the court finds that the state's interest in continuing  
165 nondisclosure substantially outweighs the defendant's right to  
166 disclosure.

167 Sec. 6. Subsection (a) of section 54-33f of the general statutes is  
168 repealed and the following is substituted in lieu thereof:

169 (a) A person aggrieved by search and seizure may move the court  
170 which has jurisdiction of [his] such person's case or, if such jurisdiction  
171 has not yet been invoked, then the court which issued the warrant, or  
172 the court in which [his] such person's case is pending, for the return of  
173 the property and to suppress for use as evidence anything so obtained  
174 on the ground that: (1) The property was seized without a warrant, or  
175 (2) the warrant is insufficient on its face, or (3) the property seized is  
176 not that described in the warrant, or (4) there was not probable cause  
177 for believing the existence of the grounds on which the warrant was  
178 issued, or (5) the warrant was illegally executed. In no case may the  
179 judge or judge trial referee who signed the warrant preside at the  
180 hearing on the motion.

181 Sec. 7. Section 54-154 of the general statutes is repealed and the  
182 following is substituted in lieu thereof:

183 In any case in which the statutes provide for a search warrant and  
184 seizure, the court, [or] judge or judge trial referee issuing such warrant  
185 may tax for the officer's services thereon the same fees for service,  
186 travel, copies and endorsements as are taxed in civil cases, and such  
187 sum for securing, care and destruction of property as such court, [or]  
188 judge or judge trial referee, under the circumstances, deems  
189 reasonable, such fees and sum to be paid from the appropriation for  
190 the Division of Criminal Justice.

***Statement of Legislative Commissioners:***

Sections 3 to 7, inclusive, were added for accuracy, conforming other sections of the general statutes with the changes in sections 1 and 2.

***JUD***      *Joint Favorable Subst.-LCO*