



General Assembly

January Session, 2001

Amendment

LCO No. 8138

Offered by:

SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 1058

File No. 226

Cal. No. 208

"AN ACT CONCERNING COURT OPERATIONS."

1 After line 451, insert the following:

2 "Sec. 17. Section 54-66 of the general statutes is repealed and the
3 following is substituted in lieu thereof:

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

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

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

51 criminal matter or upon order of the court. The release shall be on a
52 form prescribed by the Office of the Chief Court Administrator.

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