



House of Representatives

File No. 707

General Assembly

January Session, 2003

(Reprint of File No. 81)

Substitute House Bill No. 6560
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 15, 2003

**AN ACT CONCERNING THE WAIVER OF FEES AND COSTS IN
CRIMINAL MATTERS AND THE INDEMNIFICATION OF POLICE
OFFICERS.**

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

1 Section 1. Section 54-147 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The judges of the Superior Court may establish rules, in addition
4 to those [already] established by statute, for the payment of the
5 expenses of all criminal proceedings or prosecutions, except such
6 expenses as are incurred by the Division of Criminal Justice.

7 (b) No fee or cost imposed pursuant to any provision of the general
8 statutes on a person who is a defendant or has been convicted in a
9 criminal proceeding or prosecution shall be waived by the court,
10 except as authorized by such provision or for good cause shown.

11 Sec. 2. Section 53-39a of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective from passage*):

13 Whenever, in any prosecution of an officer of the Division of State
14 Police within the Department of Public Safety, or a member of the
15 Office of State Capitol Police or any person appointed under section
16 29-18 as a special policeman for the State Capitol building and
17 grounds, the Legislative Office Building and parking garage and
18 related structures and facilities, and other areas under the supervision
19 and control of the Joint Committee on Legislative Management, or a
20 local police department for a crime allegedly committed by such officer
21 in the course of his duty as such, the charge is dismissed or the officer
22 found not guilty, such officer shall be indemnified by his employing
23 governmental unit for economic loss sustained by him as a result of
24 such prosecution, including the payment of any legal fees necessarily
25 incurred. Such officer may bring an action in the Superior Court
26 against such employing governmental unit to enforce the provisions of
27 this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	General Fund & Criminal Injuries Compensation Fund - Revenue Gain	Less than 50,000	Less than 50,000

Municipal Impact: None

Explanation

The bill requires the court to find good cause when it waives statutory fees or costs imposed on defendants or someone who has been convicted of a crime. This change generally conforms statute to current practice and, as such, is expected to have a minor impact on the amount of revenue imposed by the court. However, to the extent that the bill's requirement decreases the number and amount of fees and costs waived, a minimal revenue gain could result.

House Amendment "A" provided that police officers may enforce certain indemnification rights by filing a Superior Court action. There is no related fiscal impact since police officers are indemnified under current law.

OLR Amended Bill Analysis

sHB 6560 (as amended by House "A")*

AN ACT CONCERNING THE WAIVER OF FEES AND COSTS IN CRIMINAL MATTERS

SUMMARY:

This bill authorizes police officers exonerated of criminal charges stemming from on-duty activities to enforce their indemnification rights by filing a Superior Court action. By law, when charges against such officers are dismissed, or they are found not guilty, the government unit that employed them when the incident occurred must reimburse their economic losses, including necessary legal costs.

The bill also prohibits courts from waiving statutory fees or costs imposed on people charged with or convicted of crimes unless (1) a statute authorizes it or (2) they find good cause for doing so.

*House Amendment "A" adds the indemnification provisions.

EFFECTIVE DATE: October 1, 2003, except the indemnification provision is effective upon passage.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0