



General Assembly

January Session, 2003

Amendment

LCO No. 7570

HB0670007570HDO

Offered by:

REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 6700

File No. 603

Cal. No. 411

**"AN ACT CONCERNING INVESTIGATIVE PROCEDURES IN
CRIMINAL CASES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 54-47c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 (a) Any judge of the Superior Court, Appellate Court or Supreme
6 Court, the Chief State's Attorney or a state's attorney may make
7 application to a panel of judges for an investigation into the
8 commission of a crime or crimes whenever such applicant has
9 reasonable belief that the administration of justice requires an
10 investigation to determine whether or not there is probable cause to
11 believe that a crime or crimes have been committed.

12 (b) Each application for an investigation into the commission of a
13 crime or crimes shall be made in writing upon oath or affirmation to a
14 panel of judges. Each application shall include the following

15 information: (1) The identity of the applicant and his authority to make
16 such application; (2) a full and complete statement of the facts and
17 circumstances relied upon by the applicant to justify his reasonable
18 belief that the investigation will lead to a finding of probable cause that
19 a crime or crimes have been committed; and (3) a full and complete
20 statement of the facts concerning all previous applications known to
21 the applicant, made to any panel of judges, for investigation of any one
22 or more of the same criminal offenses involving any of the same
23 persons specified in the application, including the action taken by the
24 panel on each such application. The panel of judges may require such
25 additional testimony or documentary evidence in support of facts in
26 the application as it deems necessary. Such additional testimony shall
27 be transcribed.

28 (c) If the application is made by the Chief State's Attorney or a
29 state's attorney, it shall also include (1) a full and complete statement
30 of the status of the investigation and of the evidence collected as of the
31 date of such application, (2) if other normal investigative procedures
32 have been tried with respect to the alleged crime, a full and complete
33 statement specifying the other normal investigative procedures that
34 have been tried and the reasons such procedures have failed or the
35 specific nature of the alleged crime or the nature of the investigation
36 that leads the applicant to reasonably conclude that the use of normal
37 investigative procedures would not result in the obtaining of
38 information that would advance the investigation or would fail to
39 secure and preserve evidence or testimony that might otherwise be
40 compromised, (3) if other normal investigative procedures have not
41 been tried, a full and complete statement of the reasons such
42 procedures reasonably appear to be unlikely to succeed if tried or be
43 too dangerous to employ, and (4) a full and complete statement of the
44 reasons for the applicant's belief that the appointment of an
45 investigatory grand jury and the investigative procedures employed
46 by such investigatory grand jury will lead to a finding of probable
47 cause that a crime or crimes have been committed.

48 (d) The panel may approve the application and order an

49 investigation into the commission of a crime or crimes if it finds that
50 (1) the administration of justice requires an investigation to determine
51 whether or not there is probable cause to believe that a crime or crimes
52 have been committed, (2) if the application was made by the Chief
53 State's Attorney or a state's attorney, other normal investigative
54 procedures with respect to the alleged crime have been tried and have
55 failed or reasonably appear to be unlikely to succeed if tried or be too
56 dangerous to employ or, due to the specific nature of the alleged crime
57 or the nature of the investigation, it is reasonable to conclude that the
58 use of normal investigative procedures would not result in the
59 obtaining of information that would advance the investigation or
60 would fail to secure and preserve evidence or testimony that might
61 otherwise be compromised, and (3) the investigative procedures
62 employed by an investigatory grand jury appear likely to succeed in
63 determining whether or not there is probable cause to believe that a
64 crime or crimes have been committed.

65 Sec. 2. Section 54-47d of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2003*):

67 (a) If the panel approves the application and orders an investigation
68 into the commission of a crime or crimes, the Chief Court
69 Administrator shall (1) appoint an investigatory grand jury to conduct
70 the investigation, and (2) designate the court location in the judicial
71 district where any motions to quash and any contempt proceedings
72 shall be heard and any findings and records of the investigation shall
73 be filed.

74 (b) Each order authorizing the investigation into the commission of
75 a crime or crimes by the panel shall specify: (1) The date of issuance of
76 the order, (2) the period of time within which the investigation is to be
77 conducted, provided in no event shall the investigation be longer than
78 six months from the date the Chief Court Administrator appoints the
79 investigatory grand jury to conduct the investigation, unless an
80 application for an extension of time is filed and granted pursuant to
81 subsection (c) of this section, (3) the scope of the investigation, and (4)

82 the panel's reasons for finding that (A) the administration of justice
 83 requires an investigation to determine whether or not there is probable
 84 cause to believe that a crime or crimes have been committed, (B) if the
 85 application was made by the Chief State's Attorney or a state's
 86 attorney, other normal investigative procedures with respect to the
 87 alleged crime have been tried and have failed or reasonably appear to
 88 be unlikely to succeed if tried or be too dangerous to employ, or, due
 89 to the specific nature of the alleged crime or the nature of the
 90 investigation, it is reasonable to conclude that the use of normal
 91 investigative procedures would not result in the obtaining of
 92 information that would advance the investigation or would fail to
 93 secure and preserve evidence or testimony that might otherwise be
 94 compromised, and (C) the investigative procedures employed by the
 95 investigatory grand jury appear likely to succeed in determining
 96 whether or not there is probable cause to believe that a crime or crimes
 97 have been committed. The panel shall retain a copy of the order and
 98 the original application and shall transmit to the investigatory grand
 99 jury, appointed pursuant to subsection (a) of this section, the original
 100 order and a copy of the application filed with the panel.

101 (c) The investigatory grand jury may make an application to the
 102 panel of judges for an extension of time within which to conduct its
 103 investigation or for an amendment to the scope of its investigation. The
 104 application for extension or amendment shall set forth the reasons for
 105 the necessity of such extension or amendment. No more than two
 106 extensions or amendments of an order may be granted by the issuing
 107 panel. The period of any extension shall be no longer than the panel
 108 deems necessary to achieve the purposes for which it was granted and
 109 in no event shall any extension be for a period longer than six months."

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003