



General Assembly

January Session, 2003

Amendment

LCO No. 5775

HB0656005775HR0

Offered by:

REP. CAFERO, 142nd Dist.

To: Subst. House Bill No. 6560

File No. 81

Cal. No. 83

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

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 54-63c of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

6 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
7 which the court or a judge thereof has indicated that bail should be
8 denied or ordered that the officer or indifferent person making such
9 arrest shall, without undue delay, bring such person before the clerk or
10 assistant clerk of the superior court for the geographical area under
11 section 54-2a, when any person is arrested for a bailable offense, the
12 chief of police, or the chief's authorized designee, of the police
13 department having custody of the arrested person shall promptly
14 advise such person of the person's rights under section 54-1b, and of

15 the person's right to be interviewed concerning the terms and
16 conditions of release. Unless the arrested person waives or refuses
17 such interview, the police officer shall promptly interview the arrested
18 person to obtain information relevant to the terms and conditions of
19 the person's release from custody, and shall seek independent
20 verification of such information where necessary. At the request of the
21 arrested person, the person's counsel may be present during the
22 interview. After such a waiver, refusal or interview, the police officer
23 shall promptly order release of the arrested person upon the execution
24 of a written promise to appear or the posting of such bond as may be
25 set by the police officer, except that no condition of release set by the
26 court or a judge thereof may be modified by such officer and no person
27 shall be released upon the execution of a written promise to appear or
28 the posting of a bond without surety if the person is charged with the
29 commission of a family violence crime, as defined in section 46b-38a,
30 and in the commission of such crime the person used or threatened the
31 use of a firearm. When cash bail in excess of ten thousand dollars is
32 received for a detained person accused of a felony, where the
33 underlying facts and circumstances of the felony involve the use,
34 attempted use or threatened use of physical force against another
35 person, the police officer shall prepare a report that contains (1) the
36 name, address and taxpayer identification number of the accused
37 person, (2) the name, address and taxpayer identification number of
38 each person offering the cash bail, other than a person licensed as a
39 professional bondsman under chapter 533 or a surety bail bond agent
40 under chapter 700f, (3) the amount of cash received, and (4) the date
41 the cash was received. Not later than fifteen days after receipt of such
42 cash bail, the police officer shall file the report with the Department of
43 Revenue Services and mail a copy of the report to the state's attorney
44 for the judicial district in which the alleged offense was committed and
45 to each person offering the cash bail. No police officer shall set the
46 terms and conditions of a person's release, set a bond for a person or
47 release a person from custody under this subsection unless the police
48 officer first determines if such person is a delinquent child support
49 obligor, as defined in section 46b-220. If the arrested person has not

50 posted bail, the police officer shall immediately notify a bail
51 commissioner.

52 Sec. 502. Section 54-63d of the general statutes is amended by
53 adding subsection (h) as follows (*Effective October 1, 2003*):

54 (NEW) (h) No bail commissioner shall set the terms and conditions
55 of a person's release, set a bond for a person or release a person from
56 custody under this section unless the bail commissioner first
57 determines if such person is a delinquent child support obligor, as
58 defined in section 46b-220."