



General Assembly

January Session, 2003

Amendment

LCO No. 6707

SB0096906707HD0

Offered by:

REP. SPALLONE, 36th Dist.

To: Subst. Senate Bill No. 969

File No. 634

Cal. No. 561

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING INVESTIGATIVE SUBPOENAS."

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 Section 54-47c of the general statutes is repealed and the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] the applicant's
16 authority to make such application; (2) a full and complete statement
17 of the facts and circumstances relied upon by the applicant to justify
18 [his] the applicant's reasonable belief that the [investigation will lead to
19 a finding of probable cause that a crime or crimes have been
20 committed] administration of justice requires the investigation; and (3)
21 a full and complete statement of the facts concerning all previous
22 applications known to the applicant, made to any panel of judges, for
23 investigation of any one or more of the same criminal offenses
24 involving any of the same persons specified in the application,
25 including the action taken by the panel on each such application. The
26 panel of judges may require such additional testimony or
27 documentary evidence in support of facts in the application as it
28 deems necessary. Such additional testimony shall be transcribed.

29 (c) If the application is made by the Chief State's Attorney or a
30 state's attorney, it shall also include (1) a full and complete statement
31 of the status of the investigation and of the evidence collected as of the
32 date of such application, [(2) if other normal investigative procedures
33 have been tried with respect to the alleged crime, a full and complete
34 statement specifying the other normal investigative procedures that
35 have been tried and the reasons such procedures have failed, (3) if
36 other normal investigative procedures have not been tried, a full and
37 complete statement of the reasons such procedures reasonably appear
38 to be unlikely to succeed if tried or be too dangerous to employ, and
39 (4)] and (2) a full and complete statement of the reasons for the
40 applicant's belief that the appointment of an investigatory grand jury
41 and the investigative procedures employed by such investigatory
42 grand jury will [lead to a finding of probable cause that a crime or
43 crimes have been committed] advance the administration of justice.

44 (d) The panel may approve the application and order an
45 investigation into the commission of a crime or crimes if it finds that
46 (1) the administration of justice requires an investigation, [to determine
47 whether or not there is probable cause to believe that a crime or crimes

48 have been committed, (2) if the application was made by the Chief
49 State's Attorney or a state's attorney, other normal investigative
50 procedures with respect to the alleged crime have been tried and have
51 failed or reasonably appear to be unlikely to succeed if tried or be too
52 dangerous to employ, and (3)] and (2) the investigative procedures
53 employed by an investigatory grand jury appear likely to succeed in
54 [determining whether or not there is probable cause to believe that a
55 crime or crimes have been committed] advancing the administration of
56 justice.

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

59 (a) If the panel approves the application and orders an investigation
60 into the commission of a crime or crimes, the Chief Court
61 Administrator shall (1) appoint an investigatory grand jury to conduct
62 the investigation, and (2) designate the court location in the judicial
63 district where any motions to quash and any contempt proceedings
64 shall be heard and any findings and records of the investigation shall
65 be filed.

66 (b) Each order authorizing the investigation into the commission of
67 a crime or crimes by the panel shall specify: (1) The date of issuance of
68 the order, (2) the period of time within which the investigation is to be
69 conducted, provided in no event shall the investigation be longer than
70 six months from the date the Chief Court Administrator appoints the
71 investigatory grand jury to conduct the investigation, unless an
72 application for an extension of time is filed and granted pursuant to
73 subsection (c) of this section, [(3) the scope of the investigation, and (4)]
74 and (3) the panel's reasons for finding that [(A)] the administration of
75 justice requires an investigation, [to determine whether or not there is
76 probable cause to believe that a crime or crimes have been committed,
77 (B) if the application was made by the Chief State's Attorney or a
78 state's attorney, other normal investigative procedures with respect to
79 the alleged crime have been tried and have failed or reasonably appear
80 to be unlikely to succeed if tried or be too dangerous to employ, and

81 (C) the investigative procedures employed by the investigatory grand
82 jury appear likely to succeed in determining whether or not there is
83 probable cause to believe that a crime or crimes have been committed.]
84 The panel shall retain a copy of the order and the original application
85 and shall transmit to the investigatory grand jury, appointed pursuant
86 to subsection (a) of this section, the original order and a copy of the
87 application filed with the panel.

88 (c) The investigatory grand jury may make an application to the
89 panel of judges for an extension of time within which to conduct its
90 investigation or for an amendment to the scope of its investigation. The
91 application for extension or amendment shall set forth the reasons for
92 the necessity of such extension or amendment. No more than two
93 extensions or amendments of an order may be granted by the issuing
94 panel. The period of any extension shall be no longer than the panel
95 deems necessary to achieve the purposes for which it was granted and
96 in no event shall any extension be for a period longer than six months.

97 Sec. 3. Section 54-47e of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2003*):

99 Any order authorizing the investigation into the commission of a
100 crime or crimes and any application filed with the panel pursuant to
101 section 54-47c, as amended by this act, or subsection (c) of section 54-
102 47d, as amended by this act, shall be sealed. The panel shall submit to
103 the Chief Court Administrator a summary [of the scope] of the
104 investigation [] and any recommendation as to the court location at
105 which any motions to quash and any contempt proceedings are to be
106 heard and the finding and record of the investigation are to be filed.
107 Such summary shall be [public unless the panel determines, by
108 majority vote, that such summary be sealed for purposes of (1)
109 ensuring the public safety of any individual, (2) ensuring that the
110 investigation would not be adversely affected or (3) complying with
111 other provisions of the general statutes or rules of court which prohibit
112 disclosure of such information] sealed unless the panel determines, by
113 a majority vote, that such summary be public. Any investigation by the

114 investigatory grand jury shall be conducted in private, provided the
115 panel, by a majority vote, may order the investigation or any portion
116 thereof to be public when such disclosure or order is deemed by the
117 panel to be in the public interest."

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2003</i> |
| Sec. 2 | <i>October 1, 2003</i> |
| Sec. 3 | <i>October 1, 2003</i> |