



House of Representatives

General Assembly

File No. 182

February Session, 2004

House Bill No. 5439

House of Representatives, March 23, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE CHIEF STATE'S ATTORNEY.

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

1 Section 1. Subsection (d) of section 51-277 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (d) (1) The Chief State's Attorney and each deputy chief state's
5 attorney may sign any warrants, information, applications for grand
6 jury investigations and applications for extradition. [; and (1) upon
7 application made by a state's attorney, and for good cause shown, after
8 showing no other state's attorney is available, the Chief State's
9 Attorney may be appointed by the Criminal Justice Commission to
10 represent the state in criminal trials in lieu of any state's attorney,
11 assistant state's attorney or deputy assistant state's attorney in any
12 judicial district, and (2) whenever the interest of the state will be
13 furthered by so doing, the]

14 (2) The Chief State's Attorney may, with the prior consent of the
15 state's attorney for the judicial district, appear in court to represent the
16 state.

17 (3) The Chief State's Attorney may represent the state in lieu of a
18 state's attorney for a judicial district in any investigation, criminal
19 action or proceeding if the Chief State's Attorney finds by clear and
20 convincing evidence, misconduct, conflict of interest or malfeasance of
21 a state's attorney, provided, upon request of such state's attorney, the
22 Criminal Justice Commission, pursuant to regulations adopted in
23 accordance with chapter 54, and after notice and hearing and good
24 cause shown, may designate such state's attorney to represent the state
25 in such investigation, criminal action or proceeding. In any case where
26 the Chief State's Attorney indicates his intent to represent the state in
27 lieu of a state's attorney under this [subsection] subdivision, and such
28 state's attorney objects to such representation, upon the request of such
29 state's attorney the Chief State's Attorney and the state's attorney shall
30 each prepare a written statement of their claims relative to such
31 representation. Both statements shall be submitted to the commission
32 to be considered by it at such hearing and shall become a permanent
33 record which may be reviewed by the commission and used at the
34 time of reappointment of the Chief State's Attorney or such state's
35 attorney.

This act shall take effect as follows:	
Section 1	October 1, 2004

JUD *Joint Favorable*

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: None

Municipal Impact: None

Explanation

The bill makes a minor procedural change that has no fiscal impact.

OLR Bill Analysis

HB 5439

AN ACT CONCERNING THE CHIEF STATE'S ATTORNEY**SUMMARY:**

This bill allows the chief state's attorney to appear in court to represent the state when the state's attorney for the judicial district consents, instead of requiring an appointment by the Criminal Justice Commission based on (1) a state's attorney application, (2) good cause, and (3) the unavailability of another state's attorney.

As under current law, the chief state's attorney can represent the state in place of a state's attorney in an investigation or criminal proceeding if the chief state's attorney finds clear and convincing evidence of the state's attorney's misconduct, conflict of interest, or malfeasance. If the state's attorney objects, the Criminal Justice Commission must decide who represents the state.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 1