



General Assembly

Substitute Bill No. 5404

February Session, 2004

* HB05404JUD 042104 *

AN ACT ADOPTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING BAIL SERVICES.

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

1 Section 1. Subsection (b) of section 54-2a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (b) The court, judge or judge trial referee issuing a bench warrant
5 for the arrest of the person or persons complained against shall, in
6 cases punishable by death or life imprisonment, set the conditions of
7 release or indicate that the person or persons named in the warrant
8 shall not be entitled to bail and may, in all other cases, set the
9 conditions of release. The conditions of release, if included in the
10 warrant, shall fix the first of the following conditions which the court,
11 judge or judge trial referee finds necessary to assure such person's
12 appearance in court: (1) [Written] Execution of a written promise to
13 appear; [(2) execution of a bond without surety in no greater amount
14 than necessary; or (3)] (2) execution of a bond with surety in no greater
15 amount than necessary; (3) execution of a bond and the deposit with
16 the clerk of the court of cash equal to ten per cent of the amount of the
17 bond set; (4) execution of a bond and the pledge of real property, the
18 equity of which is equal to the amount of the bond set, provided the
19 person pledging such property is the owner of such property; or (5)

20 execution of a bond and the deposit with the clerk of the court of cash
21 in the amount of the bond set.

22 Sec. 2. Section 54-63c of the general statutes, as amended by section
23 1 of public act 03-173, is repealed and the following is substituted in
24 lieu thereof (*Effective October 1, 2004*):

25 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
26 which the court or a judge thereof has indicated that bail should be
27 denied or ordered that the officer or indifferent person making such
28 arrest shall, without undue delay, bring such person before the clerk or
29 assistant clerk of the superior court for the geographical area under
30 section 54-2a, as amended by this act, when any person is arrested for a
31 bailable offense, the chief of police, or the chief's authorized designee,
32 of the police department having custody of the arrested person shall
33 promptly advise such person of the person's rights under section 54-
34 1b, and of the person's right to be interviewed concerning the terms
35 and conditions of release. Unless the arrested person waives or refuses
36 such interview, the police officer shall promptly interview the arrested
37 person to obtain information relevant to the terms and conditions of
38 the person's release from custody, and shall seek independent
39 verification of such information where necessary. At the request of the
40 arrested person, the person's counsel may be present during the
41 interview. After such a waiver, refusal or interview, the police officer
42 shall promptly order release of the arrested person upon the first of the
43 following conditions of release found sufficient to provide reasonable
44 assurance of the person's appearance in court: (1) Upon the execution
45 of a written promise to appear, [or the posting of such bond as may be
46 set by the police officer] or (2) upon the execution of a bond with
47 surety in no greater amount than necessary, except that no condition of
48 release set by the court or a judge thereof may be modified by such
49 officer and no person shall be released upon the execution of a written
50 promise to appear [or the posting of a bond without surety] if the
51 person is charged with the commission of a family violence crime, as
52 defined in section 46b-38a, and in the commission of such crime the
53 person used or threatened the use of a firearm. When cash bail in

54 excess of ten thousand dollars is received for a detained person
55 accused of a felony, where the underlying facts and circumstances of
56 the felony involve the use, attempted use or threatened use of physical
57 force against another person, the police officer shall prepare a report
58 that contains [(1)] (A) the name, address and taxpayer identification
59 number of the accused person, [(2)] (B) the name, address and taxpayer
60 identification number of each person offering the cash bail, other than
61 a person licensed as a professional bondsman or a surety bail
62 bondsman under chapter 533, [or a surety bail bond agent under
63 chapter 700f, (3)] (C) the amount of cash received, and [(4)] (D) the date
64 the cash was received. Not later than fifteen days after receipt of such
65 cash bail, the police officer shall file the report with the Department of
66 Revenue Services and mail a copy of the report to the state's attorney
67 for the judicial district in which the alleged offense was committed and
68 to each person offering the cash bail. No police officer shall set the
69 terms and conditions of a person's release, set a bond for a person or
70 release a person from custody under this subsection unless the police
71 officer has first checked the National Crime Information Center (NCIC)
72 computerized index of criminal justice information to determine if
73 such person is listed in such index. If the arrested person has not
74 posted bail, the police officer shall immediately notify a bail
75 commissioner.

76 (b) The chief, acting chief, superintendent of police, the
77 Commissioner of Public Safety, any captain or lieutenant of any local
78 police department or the Division of State Police within the
79 Department of Public Safety or any person lawfully exercising the
80 powers of any such officer may take a written promise to appear or a
81 bond with [or without] surety from an arrested person as provided in
82 subsection (a) of this section, or as fixed by the court or any judge
83 thereof, may administer such oaths as are necessary in the taking of
84 promises or bonds and shall file any report required under subsection
85 (a) of this section.

86 Sec. 3. Section 54-63d of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2004*):

88 (a) Upon notification by a police officer pursuant to section 54-63c,
89 as amended by this act, that an arrested person has not posted bail, a
90 bail commissioner shall promptly conduct an interview and
91 investigation as specified in subdivisions (1) and (2) of subsection (a) of
92 section 54-63b and, based upon the criteria established pursuant to
93 subsection (b) of section 54-63b and except as provided in subsection
94 (b) of this section, the bail commissioner shall promptly order release
95 of such person on the first of the following conditions of release found
96 sufficient to provide reasonable assurance of the person's appearance
97 in court: (1) Upon the execution of a written promise to appear without
98 special conditions; (2) upon the execution of a written promise to
99 appear with any of the nonfinancial conditions as specified in
100 subsection (c) of this section; [(3) upon the execution of a bond without
101 surety in no greater amount than necessary; or (4)] or (3) upon the
102 execution of a bond with surety in no greater amount than necessary.
103 If the person is unable to meet the conditions of release ordered by the
104 bail commissioner, the bail commissioner shall so inform the court in a
105 report prepared pursuant to subdivision (4) of subsection (a) of section
106 54-63b.

107 (b) No person shall be released upon the execution of a written
108 promise to appear [or the execution of a bond without surety] if the
109 person is charged with the commission of a family violence crime, as
110 defined in section 46b-38a, and in the commission of such crime the
111 person used or threatened the use of a firearm.

112 (c) In addition to or in conjunction with any of the conditions
113 enumerated in subdivisions (1) to [(4)] (3), inclusive, of subsection (a)
114 of this section, the bail commissioner may impose nonfinancial
115 conditions of release, which may require that the arrested person do
116 any of the following: (1) Remain under the supervision of a designated
117 person or organization; (2) comply with specified restrictions on the
118 person's travel, association or place of abode; (3) not engage in
119 specified activities, including the use or possession of a dangerous
120 weapon, an intoxicant or controlled substance; (4) participate in the
121 zero-tolerance drug supervision program established under section

122 53a-39d; (5) avoid all contact with an alleged victim of the crime and
123 with a potential witness who may testify concerning the offense; or (6)
124 satisfy any other condition that is reasonably necessary to assure the
125 appearance of the person in court. Any of the conditions imposed
126 under subsection (a) of this section and this subsection by the bail
127 commissioner shall be effective until the appearance of such person in
128 court.

129 (d) The police department shall promptly comply with the order of
130 release of the bail commissioner, except that if the department objects
131 to the order or any of its conditions, the department shall promptly so
132 advise a state's attorney or assistant state's attorney, the bail
133 commissioner and the arrested person. The state's attorney or assistant
134 state's attorney may authorize the police department to delay release,
135 until a hearing can be had before the court then sitting for the
136 geographical area which includes the municipality in which the
137 arrested person is being detained or, if the court is not then sitting,
138 until the next sitting of said court. When cash bail in excess of ten
139 thousand dollars is received for a detained person accused of a felony,
140 where the underlying facts and circumstances of the felony involve the
141 use, attempted use or threatened use of physical force against another
142 person, the police department shall prepare a report that contains (1)
143 the name, address and taxpayer identification number of the accused
144 person, (2) the name, address and taxpayer identification number of
145 each person offering the cash bail, other than a person licensed as a
146 professional bondsman or a surety bail bondsman under chapter 533,
147 [or a surety bail bond agent under chapter 700f,] (3) the amount of cash
148 received, and (4) the date the cash was received. Not later than fifteen
149 days after receipt of such cash bail, the police department shall file the
150 report with the Department of Revenue Services and mail a copy of the
151 report to the state's attorney for the judicial district in which the
152 alleged offense was committed and to each person offering the cash
153 bail.

154 (e) Except as provided in subsections (f) and (g) of this section, all
155 information provided to the Court Support Services Division shall be

156 for the sole purpose of determining and recommending the conditions
157 of release, and shall otherwise be confidential and retained in the files
158 of the Court Support Services Division, and not be subject to subpoena
159 or other court process for use in any other proceeding or for any other
160 purpose.

161 (f) The Court Support Services Division shall establish written
162 procedures for the release of information contained in reports and files
163 of the Court Support Services Division, such procedures to be
164 approved by the executive committee of the judges of the Superior
165 Court. Such procedures shall allow access to (1) nonidentifying
166 information by qualified persons for purposes of research related to
167 the administration of criminal justice; (2) all information provided to
168 the Court Support Services Division by probation officers for the
169 purposes of compiling presentence reports; and (3) all information
170 provided to the Court Support Services Division concerning any
171 person convicted of a crime and held in custody by the Department of
172 Correction.

173 (g) Any files and reports held by the Court Support Services
174 Division may be accessed and disclosed by employees of the division
175 in accordance with policies and procedures adopted by the Chief
176 Court Administrator.

177 Sec. 4. Section 54-63f of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective October 1, 2004*):

179 A person who has been convicted of any offense, except a violation
180 of section 53a-54a, 53a-54b, 53a-54c or 53a-54d, [or any offense
181 involving the use, attempted use or threatened use of physical force
182 against another person,] and is either awaiting sentence or has given
183 oral or written notice of such person's intention to appeal or file a
184 petition for certification or a writ of certiorari may be released pending
185 final disposition of the case, unless the court finds custody to be
186 necessary to provide reasonable assurance of such person's appearance
187 in court, upon the first of the following conditions of release found

188 sufficient by the court to provide such assurance: (1) Upon such
189 person's execution of a written promise to appear, [(2) upon such
190 person's execution of a bond without surety in no greater amount than
191 necessary, (3)] (2) upon such person's execution of a bond with surety
192 in no greater amount than necessary, [(4)] (3) upon such person's
193 deposit, with the clerk of the court having jurisdiction of the offense
194 with which such person stands convicted or any assistant clerk who is
195 bonded in the same manner as the clerk or any person or officer
196 authorized to accept bail, a sum of money equal to ten per cent of the
197 amount called for by the bond required by the court, (4) upon such
198 person's pledge of real property, the equity of which is equal to the
199 amount called for by the bond required by the court, provided the
200 person pledging such property is the owner of such property, or (5)
201 upon such person's deposit, with the clerk of the court having
202 jurisdiction of the offense with which such person stands convicted or
203 any assistant clerk of such court who is bonded in the same manner as
204 the clerk or any person or officer authorized to accept bail, a sum of
205 money equal to the amount called for by the bond required by the
206 court. [, or (5) upon such person's pledge of real property, the equity of
207 which is equal to the amount called for by the bond required by the
208 court, provided the person pledging such property is the owner of
209 such property.] When cash bail is offered, such bond shall be executed
210 and the money shall be received in lieu of a surety or sureties upon
211 such bond. Such cash bail shall be retained by the clerk of such court
212 until a final order of the court disposing of the same is passed,
213 provided, if such bond is forfeited, the clerk of such court shall pay the
214 money to the payee named therein, according to the terms and
215 conditions of the bond.

216 Sec. 5. Section 54-64a of the general statutes, as amended by section
217 107 of public act 03-278, is repealed and the following is substituted in
218 lieu thereof (*Effective October 1, 2004*):

219 (a) [(1) Except as provided in subsection (b) of this section, when]
220 Whenever any arrested person is presented before the Superior Court,
221 said court shall, in bailable offenses, promptly order the release of such

222 person upon the first of the following conditions of release found
223 sufficient to reasonably assure the appearance of the arrested person in
224 court [:(A) Upon his] and, if the offense or offenses charged or the
225 facts and circumstances of the offense brought to the attention of the
226 court suggest that the arrested person may pose a risk to the physical
227 safety of any person, that the safety of any other person will not be
228 endangered: (1) Upon such person's execution of a written promise to
229 appear without special conditions, [(B) upon his] (2) upon such
230 person's execution of a written promise to appear with nonfinancial
231 conditions, [(C) upon his execution of a bond without surety in no
232 greater amount than necessary, (D) upon his] (3) upon such person's
233 execution of a bond with surety in no greater amount than necessary,
234 (4) upon such person's execution of a bond in no greater amount than
235 necessary and the deposit with the clerk of the court of cash equal to
236 ten per cent of the amount of the bond set, (5) upon such person's
237 execution of a bond in no greater amount than necessary and the
238 pledge of real property, the equity of which is equal to the amount of
239 the bond set, provided the person pledging such property is the owner
240 of such property, or (6) if such person is charged with no offense other
241 than a misdemeanor, upon such person's execution of a bond in no
242 greater amount than necessary and the deposit with the clerk of the
243 court of cash in the amount of the bond set.

244 (b) In addition to or in conjunction with any of the conditions
245 enumerated in [subparagraphs (A) to (D), inclusive, of this
246 subdivision] subdivisions (1) to (6), inclusive, of subsection (a) of this
247 section, the court may, when it has reason to believe that the person is
248 drug-dependent and where necessary, reasonable and appropriate,
249 order the person to submit to a urinalysis drug test and to participate
250 in a program of periodic drug testing and treatment. The results of any
251 such drug test shall not be admissible in any criminal proceeding
252 concerning such person.

253 [(2)] (c) The court may, in determining what conditions of release
254 will reasonably assure the appearance of the arrested person in court,
255 consider the following factors: [(A)] (1) The nature and circumstances

256 of the offense, [(B)] including the weight of the evidence against such
257 person, (2) such person's record of previous convictions, [(C)] (3) such
258 person's past record of appearance in court after being admitted to
259 bail, [(D)] (4) such person's family ties, [(E)] (5) such person's
260 employment record, [(F)] (6) such person's financial resources,
261 character and mental condition, and [(G)] (7) such person's community
262 ties.

263 (d) If the offense or offenses charged or the facts and circumstances
264 brought to the attention of the court suggest that the arrested person
265 may pose a risk to the physical safety of any person, the court may, in
266 determining what conditions of release will reasonably assure the
267 appearance of the arrested person in court and that the safety of any
268 other person will not be endangered, consider the following factors in
269 addition to the factors set forth in subsection (c) of this section: (1) Such
270 person's history of violence, (2) whether such person has previously
271 been convicted of similar offenses while released on bond, and (3) the
272 likelihood based upon the expressed intention of the arrested person
273 that such person will commit another crime while released.

274 [(b) (1) When any arrested person charged with the commission of a
275 class A felony, a class B felony, except a violation of section 53a-86 or
276 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
277 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
278 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136
279 or 53a-216, or a family violence crime, as defined in section 46b-38a, is
280 presented before the Superior Court, said court shall, in bailable
281 offenses, promptly order the release of such person upon the first of
282 the following conditions of release found sufficient to reasonably
283 assure the appearance of the arrested person in court and that the
284 safety of any other person will not be endangered: (A) Upon such
285 person's execution of a written promise to appear without special
286 conditions, (B) upon such person's execution of a written promise to
287 appear with nonfinancial conditions, (C) upon such person's execution
288 of a bond without surety in no greater amount than necessary, (D)
289 upon such person's execution of a bond with surety in no greater

290 amount than necessary. In addition to or in conjunction with any of the
291 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
292 subdivision, the court may, when it has reason to believe that the
293 person is drug-dependent and where necessary, reasonable and
294 appropriate, order the person to submit to a urinalysis drug test and to
295 participate in a program of periodic drug testing and treatment. The
296 results of any such drug test shall not be admissible in any criminal
297 proceeding concerning such person.

298 (2) The court may, in determining what conditions of release will
299 reasonably assure the appearance of the arrested person in court and
300 that the safety of any other person will not be endangered, consider the
301 following factors: (A) The nature and circumstances of the offense, (B)
302 such person's record of previous convictions, (C) such person's past
303 record of appearance in court after being admitted to bail, (D) such
304 person's family ties, (E) such person's employment record, (F) such
305 person's financial resources, character and mental condition, (G) such
306 person's community ties, (H) the number and seriousness of charges
307 pending against the arrested person, (I) the weight of the evidence
308 against the arrested person, (J) the arrested person's history of
309 violence, (K) whether the arrested person has previously been
310 convicted of similar offenses while released on bond, and (L) the
311 likelihood based upon the expressed intention of the arrested person
312 that such person will commit another crime while released.]

313 [(c)] (e) If the court determines that a nonfinancial condition of
314 release should be imposed pursuant to [subparagraph (B) of
315 subdivision (1) of subsection (a) or (b)] subdivision (2) of subsection (a)
316 of this section, the court shall order the pretrial release of the person
317 subject to the least restrictive condition or combination of conditions
318 that the court determines will reasonably assure the appearance of the
319 arrested person in court and, [with respect to the release of the person
320 pursuant to subsection (b) of this section] if the offense or offenses
321 charged or the facts and circumstances brought to the attention of the
322 court suggest that the arrested person may pose a risk to the physical
323 safety of any person, that the safety of any other person will not be

324 endangered, which conditions may include an order that the arrested
325 person do one or more of the following: (1) Remain under the
326 supervision of a designated person or organization; (2) comply with
327 specified restrictions on such person's travel, association or place of
328 abode; (3) not engage in specified activities, including the use or
329 possession of a dangerous weapon, an intoxicant or a controlled
330 substance; (4) participate in the zero-tolerance drug supervision
331 program established under section 53a-39d; (5) provide sureties of the
332 peace pursuant to section 54-56f under supervision of a designated bail
333 commissioner; (6) avoid all contact with an alleged victim of the crime
334 and with a potential witness who may testify concerning the offense;
335 (7) maintain employment or, if unemployed, actively seek
336 employment; (8) maintain or commence an educational program; (9)
337 be subject to electronic monitoring; or (10) satisfy any other condition
338 that is reasonably necessary to assure the appearance of the person in
339 court and that the safety of any other person will not be endangered.
340 The court shall state on the record its reasons for imposing any such
341 nonfinancial condition.

342 [(d)] (f) If the arrested person is not released, the court shall order
343 [him] such person committed to the custody of the Commissioner of
344 Correction until [he] such person is released or discharged in due
345 course of law.

346 [(e)] (g) The court may require that the person subject to electronic
347 monitoring pursuant to subsection [(c)] (e) of this section pay directly
348 to the electronic monitoring service provider a fee for the cost of such
349 electronic monitoring services. If the court finds that the person subject
350 to electronic monitoring is indigent and unable to pay the costs of
351 electronic monitoring services, the court shall waive such costs. Any
352 contract entered into by the judicial branch and the electronic
353 monitoring service provider shall include a provision stating that the
354 total cost for electronic monitoring services shall not exceed five
355 dollars per day. Such amount shall be indexed annually to reflect the
356 rate of inflation.

357 Sec. 6. Section 54-69 of the general statutes is repealed and the
358 following is substituted in lieu thereof (*Effective October 1, 2004*):

359 (a) Whenever in any criminal prosecution the state's attorney for
360 any judicial district or the assistant state's attorney is of the opinion
361 that the bond without or with surety given by any accused person is
362 excessive or insufficient in amount or security, or that the written
363 promise of such person to appear is inadequate, or whenever any
364 accused person alleges that the amount or security of the bond given
365 by such accused person is excessive, such state's attorney or assistant
366 state's attorney or the accused person may bring an application to the
367 court in which the prosecution is pending or to any judge thereof,
368 alleging such excess, insufficiency, or inadequacy, and, after notice as
369 hereinafter provided and hearing, such judge shall in bailable offenses
370 continue, modify or set conditions of release upon the first of the
371 following conditions of release found sufficient to provide reasonable
372 assurance of the appearance of the accused in court: (1) Upon such
373 person's execution of a written promise to appear, [(2) upon such
374 person's execution of a bond without surety in no greater amount than
375 necessary, (3)] (2) upon such person's execution of a bond with surety
376 in no greater amount than necessary, (3) upon such person's execution
377 of a bond in no greater amount than necessary and the deposit with
378 the clerk of the court of cash equal to ten per cent of the amount of the
379 bond set, (4) upon such person's execution of a bond in no greater
380 amount than necessary and the pledge of real property, the equity of
381 which is equal to the amount of the bond set, provided the person
382 pledging such property is the owner of such property, or (5) upon such
383 person's execution of a bond in no greater amount than necessary and
384 the deposit with the clerk of the court of cash in the amount of the
385 bond set.

386 (b) No hearing upon any such application shall be had until a copy
387 of such application, together with a notice of the time and place of
388 hearing thereon, has been served upon the surety or sureties upon
389 such bond, if any, and upon the appropriate bail commissioner and, in
390 the case of an application by an accused person, upon any such state's

391 attorney, or, in the case of the application by any such state's attorney,
392 upon the accused person.

393 (c) Notwithstanding the provisions of subsection (b) of this section,
394 a hearing may be had on an application by any such state's attorney
395 without a copy of such application and notice of the hearing being
396 served upon the surety or sureties upon such bond, if any, the
397 appropriate bail commissioner and the accused person if the accused
398 person is charged with the commission of a family violence crime, as
399 defined in section 46b-38a, or a violation of section 53a-181c, 53a-181d,
400 53a-181e, 53a-223 or 53a-223b, as amended, and is being presented at
401 the next sitting of the Superior Court as required by section 54-1g.

402 Sec. 7. (NEW) (*Effective October 1, 2004*) In any criminal case in
403 which an arrested person's release is conditioned on the deposit with
404 the clerk of the court of cash equal to ten per cent of the amount of the
405 bond or cash in the amount of the bond, no professional bondsman or
406 surety bail bondsman licensed pursuant to chapter 533 of the general
407 statutes may deposit such cash on behalf of the arrested person.

408 Sec. 8. (NEW) (*Effective from passage*) The Commissioner of Public
409 Safety shall not issue a new license as a professional bondsman under
410 chapter 533 of the general statutes on or after July 1, 2004. Any
411 application for a license as a professional bondsman that has been filed
412 with the commissioner and is pending on July 1, 2004, shall be void.
413 Any license as a professional bondsman issued prior to July 1, 2004,
414 may be renewed in accordance with section 29-147 of the general
415 statutes, as amended by this act, unless it lapses, is terminated by the
416 licensee or is revoked by the commissioner.

417 Sec. 9. (NEW) (*Effective from passage*) (a) The licensing and regulatory
418 authority for surety bail bond agents is transferred from the Insurance
419 Department to the Department of Public Safety, effective October 1,
420 2004.

421 (b) Any person holding a valid license as a surety bail bond agent
422 on October 1, 2004, issued pursuant to chapter 700f of the general

423 statutes, shall be deemed to hold a valid license as a surety bail
424 bondsman on and after said date issued pursuant chapter 533 of the
425 general statutes and shall be subject to the provisions of chapter 533 of
426 the general statutes and sections 13 to 16, inclusive, 23, 24, 26 to 28,
427 inclusive, 36, 40, 56 and 57 of this act. Such license shall expire on
428 February 1, 2005, or at such later date within the following three
429 months as the Commissioner of Public Safety may specify, and any
430 person who desires to renew such license shall make application to the
431 commissioner as provided in section 29-147 of the general statutes, as
432 amended by this act.

433 (c) The Insurance Department and the Department of Public Safety
434 shall submit estimated, current annual expenditure requirements of
435 their respective agencies for the licensing and regulation of surety bail
436 bond agents to the Office of Policy and Management not later than
437 June 1, 2004. During the fiscal year ending June 30, 2005, the Office of
438 Policy and Management shall monitor the implementation of the
439 transfer of licensing and regulatory authority pursuant to this section
440 and shall transfer sufficient funds from the appropriation to the
441 Insurance Department to the appropriation to the Department of
442 Public Safety for such purpose.

443 Sec. 10. Section 29-144 of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective October 1, 2004*):

445 [Any person who makes a] No person shall engage in the business
446 of furnishing bail in criminal cases or [who furnishes] furnishing bail
447 in five or more criminal cases in any one year, whether for
448 compensation or otherwise, [shall be deemed a professional bondsman
449 and shall be subject to the provisions of this chapter. Any resident
450 elector of the state of Connecticut who is of good moral character and
451 of sound financial responsibility may, upon obtaining a license
452 therefor in accordance with the provisions of this chapter, engage in
453 the business of professional bondsman within this state] unless such
454 person is licensed as a professional bondsman or surety bail bondsman
455 in accordance with the provisions of this chapter. No person shall

456 solicit or negotiate in respect to execution or delivery of an
457 undertaking of bail or bail bond on behalf of an insurer, or execute or
458 deliver such an undertaking of bail or bail bond on behalf of an
459 insurer, unless such person is licensed as a surety bail bondsman in
460 accordance with the provisions of this chapter.

461 Sec. 11. Section 29-145 of the general statutes is repealed and the
462 following is substituted in lieu thereof (*Effective October 1, 2004*):

463 (a) Any person desiring to engage in the business of a [professional
464 bondsman] surety bail bondsman shall apply to the Commissioner of
465 Public Safety for a license therefor. Such application shall [set forth
466 under oath the full name, age, residence and occupation of the
467 applicant, whether the applicant intends to engage in the business of a
468 professional bondsman individually or in partnership or association
469 with another or others, and, if so, the identity of each. It shall also set
470 forth under oath a statement of the assets and liabilities of the
471 applicant, and whether the applicant has been charged with or
472 convicted of crime, and such other information, including fingerprints
473 and photographs, as said commissioner from time to time may require.
474 The commissioner shall require the applicant to submit to state and
475 national criminal history records checks. The criminal history records
476 checks required pursuant to this section shall be conducted in
477 accordance with section 29-17a. No person who has been convicted of
478 a felony shall be licensed to do business as a professional bondsman in
479 this state. No person engaged in law enforcement or vested with police
480 powers shall be licensed to do business as a professional bondsman] be
481 in such form as the commissioner may prescribe.

482 (b) Each application shall be signed by the applicant and shall be
483 accompanied by a nonrefundable filing fee of two hundred fifty
484 dollars. The applicant shall submit with the application a complete set
485 of the applicant's fingerprints, certified by an authorized law
486 enforcement officer, a photograph of the applicant, four letters of
487 reference, an employment history for the preceding five years and
488 such other information as the commissioner may prescribe.

489 (c) Each applicant for a license shall also file with the commissioner
490 a notice of appointment executed by an insurer or its authorized
491 representative authorizing such applicant to execute undertakings of
492 bail and to solicit and negotiate such undertakings on its behalf. Each
493 appointment shall, by its terms, continue in force until termination of
494 the surety bail bondsman's license, or the filing of a notice of
495 termination by the insurer or its representative or by such surety bail
496 bondsman.

497 (d) Each applicant for a surety bail bondsman license shall:

498 (1) Be at least twenty-five years of age;

499 (2) Be a legal resident of the United States and this state;

500 (3) Have received a high school diploma or its equivalent;

501 (4) Be honorably discharged from, or released under honorable
502 conditions from active service or reserve status in, the armed forces of
503 the United States, if such applicant had been a member of the armed
504 forces of the United States;

505 (5) Have not been convicted of a felony;

506 (6) Have not been convicted of a violation of section 21a-279, 53a-58,
507 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-
508 178 or 53a-181d, or any offense involving honesty, integrity or moral
509 fitness, or any offense in any other state the essential elements of which
510 are substantially the same as said sections or such offense;

511 (7) Have no pending bankruptcy proceeding or other civil litigation
512 that may affect the applicant's financial status; and

513 (8) Not be employed as a law enforcement official or vested with
514 any police powers.

515 Sec. 12. Section 29-146 of the general statutes is repealed and the
516 following is substituted in lieu thereof (*Effective October 1, 2004*):

517 [The Commissioner of Public Safety shall, upon receipt of such
518 application, cause an investigation to be made of the character and
519 financial responsibility of the applicant and, if he finds that such
520 applicant is a resident elector of good moral character and of sound
521 financial responsibility, he shall, upon payment by such applicant to
522 the state of a license fee of one hundred dollars, issue a license to such
523 applicant to do business in this state as a professional bondsman. Each
524 such license shall be for such term not exceeding one year as said
525 commissioner determines.]

526 (a) The Commissioner of Public Safety shall, upon receipt of such
527 application, cause a background investigation to be made of the
528 applicant. The commissioner shall require the applicant to submit to
529 state and national criminal history records checks. The criminal history
530 records checks shall be conducted in accordance with section 29-17a.
531 The commissioner shall interview the applicant.

532 (b) The commissioner may issue a surety bail bondsman license to a
533 person if the commissioner finds that the applicant:

534 (1) Has met the requirements of section 29-145, as amended by this
535 act;

536 (2) Has successfully completed within the two years next preceding
537 the date of the application a twenty-hour prelicensing course
538 prescribed by the department and provided by the department or a
539 private entity approved by the department;

540 (3) Has taken and passed, with a minimum passing score of at least
541 seventy per cent, an examination prescribed by the commissioner to
542 test the applicant's competency and qualifications in the areas of bail
543 bonds, general insurance regulations and unfair practices, the criminal
544 justice system including the rearrest power, use of physical force and
545 restraint and any other area deemed appropriate by the commissioner;

546 (4) Is of good moral character; and

547 (5) Is of sound financial responsibility.

548 Sec. 13. (NEW) (*Effective October 1, 2004*) Any person responsible for
549 the operation and management of a partnership, association,
550 corporation, company or other firm that is in the business of furnishing
551 bail in criminal cases or for the supervision of professional bondsmen
552 or surety bail bondsmen within such partnership, association,
553 corporation, company or other firm shall be licensed as a professional
554 bondsman or surety bail bondsman pursuant to chapter 533 of the
555 general statutes.

556 Sec. 14. (NEW) (*Effective from passage*) Any person licensed as a
557 professional bondsman pursuant to chapter 533 of the general statutes
558 or a surety bail bond agent pursuant to chapter 700f of the general
559 statutes shall furnish a cash performance bond in the amount of ten
560 thousand dollars to the Department of Public Safety not later than June
561 30, 2004. The bond shall be in force during the term of such
562 bondsman's or agent's license, including any renewal thereof. The
563 department shall return such bond to such bondsman or agent upon
564 voluntary termination of such license by the licensee or revocation of
565 such license by the department, except that the department may
566 withhold from the amount of such bond any unpaid penalty imposed
567 upon such licensee by the department.

568 Sec. 15. (NEW) (*Effective October 1, 2004*) Prior to the issuance or
569 renewal by the Commissioner of Public Safety of a license as a
570 professional bondsman or surety bail bondsman, any applicant or
571 licensee who intends to engage in apprehending or otherwise
572 delivering into custody principals who have defaulted on bonds shall
573 provide to the commissioner evidence of general liability insurance
574 coverage in an amount of not less than three hundred thousand dollars
575 to insure against liability for damages resulting from such activities
576 including, but not limited to, damages for false arrest, false
577 imprisonment, libel and slander.

578 Sec. 16. (NEW) (*Effective October 1, 2004*) A professional bondsman

579 or surety bail bondsman shall provide written notice to the
580 Commissioner of Public Safety within two business days of any change
581 of address. The notification shall include the bondsman's old address
582 and new address.

583 Sec. 17. Section 29-147 of the general statutes is repealed and the
584 following is substituted in lieu thereof (*Effective October 1, 2004*):

585 (a) Each professional bondsman and surety bail bondsman licensed
586 under the provisions of this chapter may apply for a renewal of [his]
587 such bondsman's license upon renewal application forms provided by
588 the Commissioner of Public Safety and requiring the disclosure of such
589 information as said commissioner requires in determining whether or
590 not such professional bondsman's or surety bail bondsman's financial
591 responsibility remains unimpaired or whether for any other reason
592 such bondsman's fitness to continue in such business has been
593 otherwise altered since the issuance of any prior license. The
594 commissioner shall conduct a thorough investigation of each
595 bondsman applying for license renewal. The fee for renewal of a
596 license is two hundred fifty dollars.

597 (b) Each professional bondsman and surety bail bondsman shall
598 attend a biennial in-service training course consisting of not less than
599 eight hours of instruction in subject areas related to their profession as
600 determined by the commissioner. Such course shall be prescribed by
601 the commissioner and be provided by the department or a private
602 entity approved by the commissioner.

603 (c) Said commissioner may refuse to renew, suspend for a definite
604 term or revoke any license issued under the provisions of this chapter,
605 [if it appears to said commissioner that such licensee has been
606 convicted of a felony in this state or elsewhere or is engaged in any
607 unlawful activity affecting his fitness to continue in the business of
608 professional bondsman or that his financial responsibility has been
609 substantially impaired] provided notice has been given to the licensee
610 to appear before the commissioner to show cause why the license

611 should not be refused renewal, suspended or revoked, upon a finding
612 by the commissioner that: (1) The licensee has violated any of the
613 provisions of this chapter or section 13, 14, 15, 16, 23, 24, 26, 27, 28, 36,
614 40, 56 or 57 of this act, (2) the licensee has practiced fraud, deceit or
615 misrepresentation, (3) the licensee has made a material misstatement in
616 the application for issuance or renewal of such license, (4) the licensee
617 has substantially impaired financial responsibility, (5) the licensee has
618 demonstrated incompetence or untrustworthiness in the conduct of the
619 licensee's business, or (6) the licensee has been convicted of a felony or
620 any offense specified in subdivision (6) of subsection (d) of section 29-
621 145, as amended by this act.

622 (d) The suspension or revocation of, or the refusal to renew a license
623 of a professional bondsman or surety bail bondsman under this section
624 shall also result in the suspension or revocation of any bail
625 enforcement agent license issued to such person pursuant to chapter
626 533a, any professional bondsman or surety bail bondsman license
627 issued to such person pursuant to chapter 533 and any firearm permit
628 issued to such person pursuant to section 29-152m, as amended by this
629 act. Any professional bondsman or surety bail bondsman who fails to
630 surrender such license within five days of notification in writing of the
631 suspension or revocation of, or refusal to renew, such license shall be
632 guilty of a class B misdemeanor.

633 (e) Any party aggrieved by an order of the commissioner under this
634 section may appeal therefrom in accordance with the provisions of
635 section 4-183, except venue for such appeal shall be in the judicial
636 district of Hartford.

637 Sec. 18. Section 29-147a of the general statutes is repealed and the
638 following is substituted in lieu thereof (*Effective October 1, 2004*):

639 (a) (1) The Commissioner of Public Safety [may] shall immediately
640 suspend any license issued under the provisions of this chapter of any
641 professional bondsman when [he] the commissioner finds that such
642 [surety] bondsman has failed to pay a forfeited bond within thirty days

643 after the expiration of the six-month stay of execution ordered
644 pursuant to subdivision (3) of subsection (a) of section 54-65a, as
645 amended by this act. Such license shall remain so suspended and shall
646 not be reinstated nor shall any such license be issued to such [surety]
647 bondsman until such person pays such forfeited bond. During such
648 period of suspension, such bondsman shall not post any bond in this
649 state.

650 (2) If a professional bondsman whose license is suspended pursuant
651 to this subsection fails to pay such forfeited bond within six months
652 from the date of such suspension, the commissioner shall revoke such
653 license.

654 (3) The commissioner may revoke any license issued under the
655 provisions of this chapter of any professional bondsman when the
656 commissioner finds a pattern of license suspensions for failure to pay a
657 forfeited bond.

658 (b) (1) The Commissioner of Public Safety shall immediately
659 suspend any license issued under the provisions of this chapter of any
660 surety bail bondsman when the commissioner finds that such
661 bondsman has engaged in misconduct that has contributed to the
662 failure of an insurer to pay a forfeited bond within thirty days after the
663 expiration of the six-month stay of execution ordered pursuant to
664 subdivision (3) of subsection (a) of section 54-65a, as amended by this
665 act. During such period of suspension, such surety bail bondsman
666 shall not post any bond in this state.

667 (2) The commissioner shall revoke the license of a surety bail
668 bondsman if the commissioner determines that such bondsman has
669 engaged in a pattern of misconduct that has contributed to the failure
670 of an insurer to pay a forfeited bond.

671 (c) If the Insurance Commissioner suspends the license of an insurer
672 pursuant to section 38a-660, as amended by this act, for failure to pay a
673 forfeited bond within thirty days after the expiration of the six-month
674 stay of execution ordered pursuant to subdivision (3) of subsection (a)

675 of section 54-65a, as amended by this act, no surety bail bondsman
676 shall post any surety bond as an agent of such insurer during such
677 period of suspension.

678 Sec. 19. Section 29-148 of the general statutes is repealed and the
679 following is substituted in lieu thereof (*Effective October 1, 2004*):

680 Each professional bondsman and surety bail bondsman licensed
681 under the provisions of this chapter shall forthwith inform the
682 Commissioner of Public Safety in writing of any material change in
683 [his] such bondsman's assets or liabilities affecting [his] such
684 bondsman's responsibility as a bondsman and shall at any time, upon
685 request of said commissioner, furnish [him] the commissioner with a
686 statement under oath of [his] such bondsman's assets and liabilities,
687 including all bonds on which such bondsman is obligated.

688 Sec. 20. Section 29-149 of the general statutes is repealed and the
689 following is substituted in lieu thereof (*Effective October 1, 2004*):

690 The Commissioner of Public Safety shall furnish to all courts and to
691 all town, city and borough departments in the state, having authority
692 to accept bail, the names of all professional bondsmen and surety bail
693 bondsmen licensed under the provisions of this chapter and shall
694 forthwith notify such courts and all such town, city and borough
695 departments of any change in any such bondsman's status or of the
696 suspension or revocation of any bondsman's license to engage in such
697 business.

698 Sec. 21. Section 29-150 of the general statutes is repealed and the
699 following is substituted in lieu thereof (*Effective October 1, 2004*):

700 Each professional bondsman and surety bail bondsman shall, when
701 furnishing surety for recognizances of any person charged with crime,
702 take oath to the sufficiency of [his] such bondsman's security upon a
703 uniform form furnished for such purpose by the clerk of the Superior
704 Court and approved by the Commissioner of Public Safety. No person
705 who offers himself or herself as surety on bail in any criminal case

706 shall falsely represent that [he] such person is the legal or equitable
707 owner of any stated property.

708 Sec. 22. Section 29-152 of the general statutes is repealed and the
709 following is substituted in lieu thereof (*Effective October 1, 2004*):

710 Any person who violates any provision of this chapter shall be fined
711 not more than one thousand dollars or imprisoned not more than two
712 years or both and [his] such person's right to engage in the business of
713 a professional bondsman or surety bail bondsman in this state shall
714 thereupon be permanently forfeited.

715 Sec. 23. (NEW) (*Effective October 1, 2004*) (a) No professional
716 bondsman or surety bail bondsman licensed under chapter 533 of the
717 general statutes shall:

718 (1) Charge a fee or premium for posting a bond other than that
719 which is authorized by law;

720 (2) Directly or indirectly advertise, solicit business or loiter within
721 one thousand feet of any superior court location or any place where
722 arrested persons are confined, except as provided in subsection (b) of
723 this section;

724 (3) Offer a rebate or credit terms for payment of a fee or premium
725 for posting a bail bond;

726 (4) Advertise discounted or reduced rates or credit plans or use any
727 business trade name or style that directly or indirectly suggests lower
728 or discounted rates or better terms than those of another bondsman;

729 (5) Pay anything of value to another person for a bail bond referral
730 or bail bond service unless such other person is a licensed professional
731 bondsman or surety bail bondsman;

732 (6) Post a ten per cent cash bond or a cash only bond for an arrested
733 person;

734 (7) Post a surety bond with fraudulent documents;

735 (8) Pay a fee or rebate or give or promise anything of value to a
736 public official or employee in order to secure a client or a settlement,
737 compromise or reduction in the amount of a bail bond;

738 (9) Fail to maintain or submit for review or audit any business
739 records or documents required to be maintained pursuant to section 27
740 of this act;

741 (10) Take a principal on a bond into custody without proper
742 authorization; or

743 (11) Use a name or designation that implies any association with a
744 municipal, state or federal government agency or may tend to mislead
745 the public.

746 (b) Professional bondsmen and surety bail bondsmen shall be
747 allowed to limited print or display advertising in or around any
748 location where arrested persons are confined and at superior court
749 locations. Such advertising shall be limited to a listing in a telephone
750 directory and the posting of a licensee's name, address and telephone
751 number at a location within the facility or building as designated by
752 the administrator of the facility or building.

753 (c) For the purposes of this section, "solicit" means to distribute
754 business cards, novelty items, print advertising or other written
755 information, or provide verbal information to, an arrested person or
756 potential indemnitor without such information being requested by
757 such arrested person or indemnitor.

758 (d) A violation of any provision of this section is an infraction.

759 Sec. 24. (NEW) (*Effective October 1, 2004*) (a) No professional
760 bondsman or surety bail bondsman licensed under chapter 533 of the
761 general statutes or bail enforcement agent licensed under chapter 533a
762 of the general statutes, when taking or attempting to take into custody
763 a principal on a bond who has failed to appear in court, shall:

764 (1) Take a principal on a bond into custody prior to a court ordering
765 the forfeiture of the bond or issuing a mittimus or prior to receiving
766 written authorization from a licensed professional bondsman, licensed
767 surety bail bondsman or insurer;

768 (2) Enter the residence of a person other than the principal on the
769 bond without the consent of such person;

770 (3) Forcibly enter an inhabited dwelling without prior notice to the
771 local law enforcement agency;

772 (4) During the apprehension of a principal on a bond, use force
773 against any person other than such principal, unless in self-defense;

774 (5) Collect fees or payments of any type on behalf of a professional
775 bondsman or surety bail bondsman;

776 (6) Collect fees or payments of any type from a principal on a bond,
777 an indemnitor or any other person associated with the principal; or

778 (7) Use a trade name or designation that implies any association
779 with a municipal, state or federal government agency or that may tend
780 to mislead the public.

781 (b) A violation of any provision of this section is an infraction.

782 Sec. 25. Section 29-151 of the general statutes is repealed and the
783 following is substituted in lieu thereof (*Effective October 1, 2004*):

784 [No such] A professional bondsman or surety bail bondsman shall
785 charge [for his commission or fee more than fifty dollars for the
786 amount of bail furnished by him up to five hundred dollars, nor more
787 than ten per cent of the amount of bail furnished by him from five
788 hundred dollars up to five thousand dollars, nor more than seven per
789 cent of the amount of bail furnished by him on sums in excess of five
790 thousand dollars] a nonrefundable fee of ten per cent of the amount of
791 bail furnished by such bondsman on bail amounts of five hundred
792 dollars or more. When a professional bondsman or surety bail

793 bondsman has furnished bail to an accused in a criminal proceeding,
794 the fee which [he] such bondsman receives therefor shall be credited
795 on account of [his] such bondsman's fee for any subsequent bail in an
796 increased amount which [he] such bondsman may furnish for the same
797 person in the same criminal proceeding; but this provision shall not
798 apply to bail furnished on appeal of a conviction or bindover of an
799 accused. Each professional bondsman and surety bail bondsman
800 licensed under the provisions of this chapter shall annually, during the
801 month of January, on forms furnished by the Commissioner of Public
802 Safety, report to said commissioner in detail the names of the persons
803 for whom such bondsman has become surety during the year ended
804 December thirty-first preceding, with the date, the amount of bond
805 and the fee charged and paid and such further information as said
806 commissioner requires.

807 Sec. 26. (NEW) (*Effective October 1, 2004*) (a) Whenever a professional
808 bondsman or surety bail bondsman posts a surety bond on behalf of a
809 person charged with crime, such bondsman shall provide a written
810 receipt to the principal on the bond that specifies: (1) The principal's
811 name, (2) the indemnitor's name, (3) the case docket number, (4) the
812 total amount of the surety bond, (5) the total amount of the
813 nonrefundable fee paid by the principal or indemnitor, (6) the total
814 value of any collateral posted by the principal or indemnitor, (7) the
815 date the bond was posted, and (8) the date the nonrefundable fee was
816 received by the bondsman.

817 (b) Whenever a professional bondsman or surety bail bondsman
818 posts a surety bond on behalf of a person charged with a crime, such
819 bondsman shall record on the appearance bond filed with the court (1)
820 the amount of the nonrefundable fee paid to the bondsman by the
821 principal or indemnitor pursuant to section 29-151 of the general
822 statutes, as amended by this act, and (2) if the surety bond is
823 underwritten by an insurer, the five digit identification code assigned
824 to such insurer by the National Association of Insurance
825 Commissioners.

826 Sec. 27. (NEW) (*Effective October 1, 2004*) (a) A professional
827 bondsman or surety bail bondsman shall maintain as part of such
828 bondsman's business records, for a period of at least five years, a copy
829 of all surety bonds executed by such bondsman and written receipts
830 provided by such bondsman.

831 (b) The Commissioner of Public Safety, the Insurance Commissioner
832 and the Attorney General, or their authorized representatives, may
833 examine, copy and audit, at reasonable times and in a reasonable
834 manner, the books, papers, records and accounts of a professional
835 bondsman or surety bail bondsman for the purpose of carrying out
836 their regulatory duties under this act.

837 Sec. 28. (NEW) (*Effective October 1, 2004*) (a) Any person posting a
838 surety bond, ten per cent cash bond, cash only bond or property bond
839 in an amount of five hundred dollars or more with the court shall pay
840 to the clerk of the court a processing fee of twenty-five dollars.

841 (b) All fees collected pursuant to this section shall be deposited in
842 the bail bond account established pursuant to section 29 of this act.

843 Sec. 29. (NEW) (*Effective October 1, 2004*) (a) There is established an
844 account to be known as the bail bond account which shall be a separate
845 nonlapsing account within the General Fund. The account shall
846 contain any moneys required by law to be deposited in the account.
847 Any balance remaining in said account at the end of any fiscal year
848 shall be carried forward in the account for the next fiscal year.

849 (b) The moneys in the account shall be used by the Judicial Branch
850 for (1) the administrative costs associated with processing bail bonds,
851 and (2) the jail reinterview project.

852 Sec. 30. Section 38a-660 of the general statutes is repealed and the
853 following is substituted in lieu thereof (*Effective October 1, 2004*):

854 (a) As used in this section:

855 (1) "Commissioner" means the Insurance Commissioner;

856 (2) "Insurer" means any domestic, foreign or alien insurance
857 company which has qualified generally to transact surety business in
858 this state under the requirements of chapter 698 and specifically to
859 transact bail bond business in this state. [;]

860 [(3) "Surety bail bond agent" means any person who has been
861 approved by the commissioner and appointed by an insurer by power
862 of attorney to execute or countersign bail bonds for the insurer in
863 connection with judicial proceedings;

864 (4) "License" means a surety bail bond agent license issued by the
865 commissioner to a qualified individual as provided in this section;

866 (5) "Solicit" includes any written or printed presentation or
867 advertising made by mail or other publication, or any oral presentation
868 or advertising in person or by means of telephone, radio or television
869 which implies that an individual is licensed under this section, and any
870 activity in arranging for bail which results in compensation to the
871 individual conducting that activity;

872 (6) "Disqualifying offense" means: (A) A felony; or (B) a
873 misdemeanor if an element of the offense involves dishonesty or
874 misappropriation of money or property.]

875 (b) An insurer shall not execute an undertaking of bail in this state
876 except by and through a person holding a license [issued as provided
877 in this section] as a surety bail bondsman issued in accordance with
878 chapter 533.

879 [(c) A person shall not in this state solicit or negotiate in respect to
880 execution or delivery of an undertaking of bail or bail bond on behalf
881 of an insurer, or execute or deliver such an undertaking of bail or bail
882 bond on behalf of an insurer unless licensed as provided in this
883 section. Any person who violates the provisions of this subsection shall
884 be guilty of a class D felony.

885 (d) Only natural persons who are licensed under this section may

886 execute bail bonds. A firm, partnership, association or corporation,
887 desiring to execute an undertaking of bail in this state must do so by
888 and through a person holding a license issued as provided in this
889 section.

890 (e) Any person desiring to act within this state as a surety bail bond
891 agent shall make a written application to the commissioner for a
892 license in such form and having such supporting documents as the
893 commissioner prescribes. Each application shall be signed by the
894 applicant and shall be accompanied by a nonrefundable filing fee as
895 determined by the commissioner. The applicant must also submit with
896 the application a complete set of the applicant's fingerprints, certified
897 by an authorized law enforcement officer, and two recent credential-
898 sized full-face photographs of the applicant. At the time of application,
899 each applicant for a license shall forward a copy of the applicant's
900 complete application and supporting documents to the bond forfeiture
901 unit of the Office of the Chief State's Attorney.

902 (f) Every applicant for a license must file with the commissioner a
903 notice of appointment executed by an insurer or its authorized
904 representative authorizing such applicant to execute undertakings of
905 bail and to solicit and negotiate such undertakings on its behalf. Each
906 appointment shall, by its terms, continue in force until: (1) Termination
907 of the surety bail bond agent's license; or (2) the filing of a notice of
908 termination by the insurer or its representative or by such surety bail
909 bond agent.

910 (g) An applicant for a license shall be required to appear in person
911 and take a written examination testing the applicant's competency and
912 qualifications to act as a surety bail bond agent. The commissioner
913 may designate an independent testing service to prepare and
914 administer such examination, provided any examination fees charged
915 by such service shall be paid by the applicant. The commissioner shall
916 collect the appropriate examination fee, which shall entitle the
917 applicant to take the examination for the license, except when a testing
918 service is used, the testing service shall pay such fee to the

919 commissioner. In either case, such examination shall be as the
920 commissioner prescribes and shall be of sufficient scope to test the
921 applicant's knowledge of subjects pertinent to the duties and
922 responsibilities of a surety bail bond agent, including all laws and
923 regulations of this state applicable thereto.

924 (h) In addition to all other requirements prescribed in this section,
925 each applicant for a license shall furnish satisfactory evidence to the
926 commissioner that: (1) The applicant is at least eighteen years of age;
927 (2) the applicant is a citizen of the United States; and (3) the applicant
928 has never been convicted of a felony or any misdemeanor under
929 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173,
930 53a-175, 53a-176, 53a-178 or 53a-181d. The commissioner shall require
931 each applicant to submit to a background investigation, including an
932 investigation of any prior criminal activity, to be conducted by the
933 Division of Criminal Justice. The Division of Criminal Justice shall
934 require each applicant to submit to state and national criminal history
935 records checks. Such criminal history records checks shall be
936 conducted in accordance with section 29-17a.

937 (i) Upon satisfying himself that an applicant meets the licensing
938 requirements of this state and is in all respects properly qualified and
939 trustworthy and that the granting of such license is not against the
940 public interest, the commissioner may issue to such applicant the
941 license applied for, in such form as he may adopt, to act within this
942 state to the extent therein specified.

943 (j) The commissioner may adopt regulations in accordance with the
944 provisions of chapter 54 relating to the approval of schools offering
945 courses in the duties and responsibilities of surety bail bond agents,
946 the content of such courses and the advertising to the public of the
947 services of these schools.

948 (k) To further the enforcement of this section and to determine the
949 eligibility of any licensee, the commissioner may, as often as he deems
950 necessary, examine the books and records of any such licensee.

951 (l) A license may, in the discretion of the commissioner, be renewed
952 or continued upon payment of the appropriate fee as the commissioner
953 deems necessary without the resubmittal of the detailed information
954 required in the original application.

955 (m) The commissioner shall adopt regulations in accordance with
956 the provisions of chapter 54 to implement subsections (a) to (l),
957 inclusive, of this section.

958 (n) Any individual aggrieved by the action of the commissioner in
959 revoking, suspending or refusing to reissue a license or in imposing a
960 fine or penalty may appeal therefrom, in accordance with the
961 provisions of section 4-183, except venue for such appeal shall be in the
962 judicial district of Hartford. Appeals under this section shall be
963 privileged in respect to the order of trial assignment.

964 (o) Nothing in this section shall be construed as limiting an
965 individual's ability to operate as a professional bondsman in this state
966 pursuant to chapter 533 provided such individual is in compliance
967 with all requirements of said chapter.]

968 (c) The commissioner shall suspend the license of any insurer when
969 the commissioner finds that such insurer has failed to pay a forfeited
970 bond. Such license shall remain so suspended and shall not be
971 reinstated nor shall any such license be issued to such insurer until
972 such insurer pays such forfeited bond. During such period of
973 suspension, such insurer shall not underwrite any surety bail bond in
974 this state. The commissioner may revoke the license of an insurer when
975 the commissioner finds a pattern of license suspensions for failure to
976 pay a forfeited bond. If an insurer fails to pay such forfeited bond
977 within six months from the date of such suspension, the commissioner
978 shall revoke such license.

979 Sec. 31. Section 54-65a of the general statutes, as amended by section
980 21 of public act 03-202, is repealed and the following is substituted in
981 lieu thereof (*Effective October 1, 2004*):

982 (a) Whenever an arrested person is released upon the execution of a
983 bond with surety in an amount of five hundred dollars or more and
984 such bond is ordered forfeited because the principal failed to appear in
985 court as conditioned in such bond, the court shall, at the time of
986 ordering the bond forfeited: (1) Issue a rearrest warrant or a capias
987 directing a proper officer to take the defendant into custody, (2)
988 provide written notice to the surety on the bond that the principal has
989 failed to appear in court as conditioned in such bond, except that if the
990 surety on the bond is an insurer, as defined in section 38a-660, as
991 amended by this act, the court shall provide such notice to such insurer
992 in accordance with subsection (b) of this section and not to the surety
993 bail [bond agent, as defined in section 38a-660] bondsman, and (3)
994 order a stay of execution upon the forfeiture for six months.

995 (b) The notice to an insurer that is required pursuant to subdivision
996 (2) of subsection (a) of this section shall be sent to the street address of
997 the principal office of such insurer as last shown on the records of the
998 Insurance Department and shall not be sent to any other person or any
999 other address. There shall be a presumption that a notice sent to an
1000 insurer pursuant to this subsection and not returned to the sender was
1001 received by the insurer.

1002 (c) When the principal whose bond has been forfeited is returned to
1003 custody pursuant to the rearrest warrant or a capias within six months
1004 of the date such bond was ordered forfeited, the bond shall be
1005 automatically terminated and the surety released and the court shall
1006 order new conditions of release for the defendant in accordance with
1007 section 54-64a, as amended by this act. When the principal whose bond
1008 has been forfeited returns to court voluntarily within five business
1009 days of the date such bond was ordered forfeited, the court may, in its
1010 discretion, and after finding that the defendant's failure to appear was
1011 not wilful, vacate the forfeiture order and reinstate the bond. Such stay
1012 of execution shall not prevent the issuance of a rearrest warrant or a
1013 capias.

1014 [(b)] (d) Whenever an arrested person, whose bond has been

1015 forfeited, is returned to the jurisdiction of the court within one year of
1016 the date such bond was ordered forfeited, the surety on such bond
1017 shall be entitled to a rebate of that portion of the forfeited amount as
1018 may be fixed by the court or as may be established by a schedule
1019 adopted by rule of the judges of the superior court. The judges of the
1020 superior court shall review such schedule and, if deemed necessary,
1021 amend such schedule. Any surety or other person seeking a rebate
1022 shall make application to the Department of Administrative Services.

1023 (e) The court shall not reduce, extend or vacate the stay of execution
1024 ordered pursuant to subdivision (3) of subsection (a) of this section.

1025 Sec. 32. Section 54-66 of the general statutes is repealed and the
1026 following is substituted in lieu thereof (*Effective October 1, 2004*):

1027 (a) In any criminal case in which a bond is allowable or required
1028 and the amount thereof has been determined, the accused person, or
1029 any person in the accused person's behalf, (1) may deposit, with the
1030 clerk of the court having jurisdiction of the offense with which the
1031 accused stands charged or any assistant clerk of such court who is
1032 bonded in the same manner as the clerk or any person or officer
1033 authorized to accept bail, a sum of money equal to the amount called
1034 for by such bond, or (2) may pledge real property, the equity of which
1035 is equal to the amount called for by such bond, provided the person
1036 pledging such property is the owner of such property, and such
1037 accused person shall thereupon be admitted to bail. When cash bail is
1038 offered, such bond shall be executed and the money shall be received
1039 in lieu of a surety or sureties upon such bond. Such cash bail shall be
1040 retained by the clerk of such court until a final order of the court
1041 disposing of the same is passed; provided, if such bond is forfeited, the
1042 clerk of such court shall pay the money to the payee named therein,
1043 according to the terms and conditions of the bond. When cash bail in
1044 excess of ten thousand dollars is received for a person accused of a
1045 felony, where the underlying facts and circumstances of the felony
1046 involve the use, attempted use or threatened use of physical force
1047 against another person, the clerk of such court shall prepare a report

1048 that contains (A) the name, address and taxpayer identification
1049 number of the accused person, (B) the name, address and taxpayer
1050 identification number of each person offering the cash bail, other than
1051 a person licensed as a professional bondsman or surety bail bondsman
1052 under chapter 533, [or a surety bail bond agent under chapter 700f,] (C)
1053 the amount of cash received, and (D) the date the cash was received.
1054 Not later than fifteen days after receipt of such cash bail, the clerk of
1055 such court shall file the report with the Department of Revenue
1056 Services and mail a copy of the report to the state's attorney for the
1057 judicial district in which the court is located and to each person
1058 offering the cash bail.

1059 (b) [When] Whenever real property is pledged, the pledge shall
1060 constitute a lien on the real property upon the filing of a notice of lien
1061 in the office of the town clerk of the town in which the property is
1062 located. The lien shall be in an amount equal to the bond set by the
1063 court. The notice of lien shall be on a form prescribed by the Office of
1064 the Chief Court Administrator. Upon order of forfeiture of the
1065 underlying bond, the state's attorney for the judicial district in which
1066 the forfeiture is ordered shall refer the matter to the Attorney General
1067 and the Attorney General may, on behalf of the state, foreclose such
1068 lien in the same manner as a mortgage. The lien created by this
1069 subsection shall expire six years after the forfeiture is ordered unless
1070 the Attorney General commences an action to foreclose it within that
1071 period of time and records a notice of lis pendens in evidence thereof
1072 on the land records of the town in which the property is located. If the
1073 bond has not been ordered forfeited, the clerk of the court shall
1074 authorize the recording of a release of such lien upon final disposition
1075 of the criminal matter or upon order of the court. The release shall be
1076 on a form prescribed by the Office of the Chief Court Administrator.

1077 (c) Whenever an accused person is released upon the deposit by a
1078 person on behalf of the accused person of a sum of money equal to the
1079 amount called for by such bond or upon the pledge by a person on
1080 behalf of the accused person of real property, the equity of which is
1081 equal to the amount called for by such bond, and such bond is ordered

1082 forfeited because the accused person failed to appear in court as
1083 conditioned in such bond, the court shall, at the time of ordering the
1084 bond forfeited: (1) Issue a rearrest warrant or a capias directing a
1085 proper officer to take the accused person into custody, (2) provide
1086 written notice to the person who offered cash bail or pledged real
1087 property on behalf of the accused person that the accused person has
1088 failed to appear in court as conditioned in such bond, and (3) order a
1089 stay of execution upon the forfeiture for six months. When the accused
1090 person whose bond has been forfeited is returned to custody pursuant
1091 to the rearrest warrant or a capias within six months of the date such
1092 bond was ordered forfeited, the bond shall be automatically
1093 terminated and the person who offered cash bail or pledged real
1094 property on behalf of the accused person shall be released from such
1095 obligation and the court shall order new conditions of release for the
1096 accused person in accordance with section 54-64a, as amended by this
1097 act. When the accused person whose bond has been forfeited returns to
1098 court voluntarily within five business days of the date such bond was
1099 ordered forfeited, the court may, in its discretion, and after finding that
1100 the accused person's failure to appear was not wilful, vacate the
1101 forfeiture order and reinstate the bond. Such stay of execution shall not
1102 prevent the issuance of a rearrest warrant or a capias.

1103 (d) Whenever an accused person, whose bond has been forfeited, is
1104 returned to the jurisdiction of the court within one year of the date
1105 such bond was ordered forfeited, the person who offered cash bail or
1106 pledged real property shall be entitled to a rebate of that portion of the
1107 forfeited amount or equity as may be fixed by the court or as may be
1108 established by a schedule adopted by rule of the judges of the superior
1109 court.

1110 (e) The court shall not reduce, extend or vacate the stay of execution
1111 ordered pursuant to subdivision (3) of subsection (c) of this section.

1112 Sec. 33. (NEW) (*Effective October 1, 2004*) (a) The Insurance
1113 Department shall provide to the Judicial Branch, the Department of
1114 Public Safety, the Department of Administrative Services and the

1115 Attorney General (1) the name of each insurer licensed to underwrite
1116 surety bonds and transact bail bond business in this state, (2) the street
1117 address of the principal office of such insurer, and (3) the five-digit
1118 identification code assigned to such insurer by the National
1119 Association of Insurance Commissioners.

1120 (b) Each power of attorney form provided by an insurer to a surety
1121 bail bondsman shall contain, preprinted on such form, the name of the
1122 insurer, the street address of the principal office of such insurer, and
1123 the five-digit identification code assigned to such insurer by the
1124 National Association of Insurance Commissioners.

1125 (c) Each insurer licensed to underwrite surety bonds and transact
1126 bail bond business in this state shall prenumber the power of attorney
1127 forms it provides to surety bail bondsmen or otherwise implement a
1128 process as may be prescribed by the Insurance Department to uniquely
1129 identify each such form.

1130 Sec. 34. Section 51-279b of the general statutes is repealed and the
1131 following is substituted in lieu thereof (*Effective October 1, 2004*):

1132 [(a)] The Chief State's Attorney shall establish a racketeering and
1133 continuing criminal activities unit within the Division of Criminal
1134 Justice. Such unit shall be available for the investigation and
1135 prosecution of criminal matters including, but not limited to, the illegal
1136 purchase and sale of controlled substances, criminal activity by gangs,
1137 fraud, corruption, illegal gambling and the recruitment of persons to
1138 carry out such illegal activities.

1139 [(b)] The Chief State's Attorney shall establish a bond forfeiture unit
1140 within the Division of Criminal Justice. Such unit shall be responsible
1141 for the collection, in the name of the state, and by suit when necessary,
1142 of all forfeited bonds payable to the state. Such unit may compromise
1143 and settle forfeited bonds for less than the amount thereof without
1144 regard to the expiration of any stay of forfeiture.

1145 (c) The Chief State's Attorney shall develop uniform standards for

1146 the compromise and settlement of forfeited bonds. Such standards
1147 shall be applied on a state-wide basis.]

1148 Sec. 35. Subsection (a) of section 4a-12 of the general statutes is
1149 repealed and the following is substituted in lieu thereof (*Effective*
1150 *October 1, 2004*):

1151 (a) The Commissioner of Administrative Services shall be
1152 responsible for the following: (1) Investigation, determination, billing
1153 and collection of all charges for support of persons aided, cared for or
1154 treated in a state humane institution, as defined in section 17b-222, and
1155 enforcement of support obligations of the liable relatives of such
1156 persons; (2) billing and collection of any money due to the state in
1157 public assistance cases, and enforcement of support obligations of
1158 liable relatives in such cases; (3) collection of benefits and maintenance
1159 of trustee accounts therefor; (4) collection of all forfeited bail bonds
1160 payable to the state; and [(4)] (5) such collection services for other state
1161 agencies and departments as shall be agreed to between said
1162 commissioner and the heads of such other agencies and departments.

1163 Sec. 36. (NEW) (*Effective October 1, 2004*) (a) Whenever a court orders
1164 a bond forfeited, the Judicial Branch shall, in addition to the notice
1165 required pursuant to subdivision (2) of subsection (a) of section 54-65a
1166 of the general statutes, as amended by this act, or subdivision (2) of
1167 subsection (c) of section 54-66 of the general statutes, as amended by
1168 this act, provide notice of such forfeiture and such information as
1169 deemed necessary for the collection of such forfeited bond to the
1170 Department of Administrative Services.

1171 (b) During the fifth month of the six-month stay of execution
1172 ordered by the court pursuant to subdivision (3) of subsection (a) of
1173 section 54-65a of the general statutes, as amended by this act, or
1174 subdivision (3) of subsection (c) of section 54-66 of the general statutes,
1175 as amended by this act, the department shall send a written notice to
1176 the surety informing such surety that payment of the forfeited bond is
1177 due upon the expiration of such stay of execution. Such notice shall

1178 contain information on the applicable payment schedule including
1179 information on any discounts or rebates that may be available.

1180 (c) The surety on a bond that has been ordered forfeited shall pay
1181 the total amount of such bond within thirty days after the expiration of
1182 the six-month stay of execution, except that if payment is made within
1183 ten days after such expiration, such surety may pay ninety per cent of
1184 the amount of such bond.

1185 (d) A forfeited bond that is not paid within thirty days after the
1186 expiration of the six-month stay of execution shall accrue interest at the
1187 rate of one per cent per month or any portion thereof.

1188 (e) All payments of forfeited bonds shall be made to the Department
1189 of Administrative Services.

1190 (f) The Department of Administrative Services shall refer the
1191 collection of any forfeited bond that is not paid within thirty days after
1192 the expiration of the six-month stay of execution to the Attorney
1193 General.

1194 (g) Funds collected as forfeited bonds shall be allocated as follows:
1195 Ten per cent shall be allocated to the Department of Administrative
1196 Services for the purposes of the collection of forfeited bail bonds; ten
1197 per cent shall be allocated to the Department of Public Safety for
1198 purposes of the licensing of professional bondsmen and surety bail
1199 bondsmen and regulating the commercial bail bond industry; thirty
1200 per cent shall be allocated to the Department of Public Safety for
1201 purposes of expanding the fugitive recovery unit; and fifty per cent
1202 shall be allocated to the General Fund.

1203 Sec. 37. (NEW) (*Effective October 1, 2004*) A court may release a
1204 professional bondsman, surety bail bondsman or insurer from the
1205 obligation to pay a forfeited bond if the accused person is detained in
1206 another state and this state declines to seek the extradition of such
1207 person.

1208 Sec. 38. (NEW) (*Effective October 1, 2004*) No court may vacate a
1209 forfeiture order and reinstate a forfeited bond after five business days
1210 of the date the bond was ordered forfeited unless the professional
1211 bondsman, surety bail bondsman or insurer who executed the forfeited
1212 bond agrees to remain the surety on the reinstated bond.

1213 Sec. 39. (NEW) (*Effective October 1, 2004*) The Judicial Branch,
1214 Department of Public Safety, Insurance Department, Department of
1215 Administrative Services and Attorney General shall develop and
1216 implement a process to provide timely notification and accurate
1217 information to facilitate the collection of forfeited bail bonds and the
1218 suspension of the licenses of professional bondsmen, surety bail
1219 bondsmen and insurers who have failed to pay such forfeited bail
1220 bonds.

1221 Sec. 40. (NEW) (*Effective October 1, 2004*) No person may file an
1222 appeal of an order of a court forfeiting a bond unless such person (1)
1223 places in escrow with the court the total amount of the forfeited bond
1224 or pays such amount under protest with a reservation of appellate
1225 rights, or (2) posts with the court a supersedeas bond from an insurer
1226 authorized to transact surety business in this state in the amount of
1227 one hundred fifty per cent of the amount of the forfeited bond for
1228 purposes of guaranteeing payment of any judgment, interest, fees or
1229 costs that may be awarded by the court.

1230 Sec. 41. (NEW) (*Effective October 1, 2004*) Any funds held by an
1231 insurer in a fiduciary capacity on behalf of a surety bail bondsman for
1232 purposes of indemnifying the insurer for losses and costs associated
1233 with surety bonds executed by such bondsman shall be deposited and
1234 maintained in a Connecticut bank or federal bank, as those terms are
1235 defined in section 36a-1 of the general statutes.

1236 Sec. 42. (NEW) (*Effective October 1, 2004*) (a) Whenever a rearrest
1237 warrant is issued by a court for a person charged with the commission
1238 of a felony, state and local law enforcement agencies shall, within five
1239 days of receipt of the warrant, enter the warrant information into the

1240 Connecticut on-line law enforcement communications teleprocessing
1241 system and, if extradition of such person is sought by a state's attorney,
1242 into the computerized index of criminal justice information maintained
1243 by the National Crime Information Center.

1244 (b) State and local law enforcement agencies shall develop protocols
1245 for determining whether rearrest warrants issued for persons charged
1246 with the commission of misdemeanors are entered into the
1247 Connecticut on-line law enforcement communications teleprocessing
1248 system.

1249 Sec. 43. (NEW) (*Effective October 1, 2004*) A court shall vacate an
1250 order forfeiting a bond and release the surety if (1) the principal is
1251 incarcerated in another state, territory or country for a period in excess
1252 of the six-month stay of execution ordered pursuant to section 54-65a
1253 or 54-66 of the general statutes, as amended by this act, (2) the
1254 professional bondsman, the surety bail bondsman or the insurer
1255 provides proof of such incarceration to the court and the state's
1256 attorney prosecuting the case, and (3) the state's attorney prosecuting
1257 the case declines to seek extradition of the principal.

1258 Sec. 44. (NEW) (*Effective October 1, 2004*) The Judicial Branch shall
1259 notify the Department of Administrative Services whenever a court
1260 vacates an order forfeiting a bond.

1261 Sec. 45. (NEW) (*Effective October 1, 2004*) The Chief State's Attorney
1262 may contract with a private prisoner transport company for the
1263 transportation to and from this state of persons who have been
1264 apprehended after failing to appear in court or escaping from custody.

1265 Sec. 46. (NEW) (*Effective October 1, 2004*) The provisions of sections
1266 29-35, 29-38 and 53-206 of the general statutes shall not apply to an
1267 officer or employee of a private prisoner transport company who
1268 carries any pistol or revolver or any other dangerous or deadly
1269 weapon or instrument or has a weapon or a pistol or revolver in a
1270 motor vehicle while such officer or employee is engaged in this state in
1271 the business of transporting prisoners, provided the policies of such

1272 private prisoner transport company (1) meet the minimum standards
1273 and requirements established pursuant to the Interstate Transportation
1274 of Dangerous Criminals Act, P. L. 106-560, and (2) are approved by the
1275 Commissioner of Public Safety.

1276 Sec. 47. (NEW) (*Effective October 1, 2004*) The Division of State Police
1277 within the Department of Public Safety shall expand the fugitive
1278 recovery unit and make the location and apprehension of bail fugitives
1279 a priority.

1280 Sec. 48. Section 29-152e of the general statutes is repealed and the
1281 following is substituted in lieu thereof (*Effective October 1, 2004*):

1282 No person shall, as a surety on a bond in a criminal proceeding or
1283 an agent of such surety, engage in the business of taking or attempting
1284 to take into custody or otherwise locating, transporting or arranging
1285 the surrender or apprehension of the principal on the bond who has
1286 failed to appear in court and for whom a rearrest warrant or a capias
1287 has been issued pursuant to section 54-65a, as amended by this act,
1288 unless such person is licensed as a professional bondsman or surety
1289 bail bondsman under chapter 533 [, a surety bail bond agent under
1290 chapter 700f] or a bail enforcement agent under [sections 29-152f to 29-
1291 152i, inclusive] chapter 533a.

1292 Sec. 49. Section 29-152f of the general statutes is repealed and the
1293 following is substituted in lieu thereof (*Effective October 1, 2004*):

1294 (a) Any person desiring to engage in the business of a bail
1295 enforcement agent shall apply to the Commissioner of Public Safety for
1296 a license therefor. [Such application shall set forth under oath the full
1297 name, age, date and place of birth, residence and occupation of the
1298 applicant. It shall also set forth under oath a statement of whether the
1299 applicant has been charged with or convicted of crime, and such other
1300 information, including fingerprints and photographs, as required by
1301 the commissioner. The commissioner shall require the applicant to
1302 submit to state and national criminal history records checks. The
1303 criminal history records checks required pursuant to this section shall

1304 be conducted in accordance with section 29-17a. Within five years
1305 prior to the date of application, the applicant shall have successfully
1306 completed a course in the criminal justice system consisting of not less
1307 than twenty hours of study approved by the commissioner. No person
1308 who has been convicted of a felony or any misdemeanor under section
1309 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-
1310 175, 53a-176, 53a-178 or 53a-181d, shall be licensed to do business as a
1311 bail enforcement agent in this state. No person engaged in law
1312 enforcement or vested with police powers shall be licensed to do
1313 business as a bail enforcement agent.]

1314 (b) Each application shall be signed by the applicant and shall be
1315 accompanied by a nonrefundable filing fee of two hundred fifty
1316 dollars. The applicant shall submit with the application a complete set
1317 of the applicant's fingerprints, certified by an authorized law
1318 enforcement officer, a photograph of the applicant, four letters of
1319 reference, an employment history for the preceding five years and
1320 such other information as the commissioner may prescribe.

1321 (c) Each applicant for a bail enforcement agent license shall:

1322 (1) Be at least twenty-five years of age;

1323 (2) Be a legal resident of the United States;

1324 (3) Have received a high school diploma or its equivalent;

1325 (4) Be honorably discharged from, or released under honorable
1326 conditions from active service or reserve status in, the armed forces of
1327 the United States, if such applicant had been a member of the armed
1328 forces of the United States;

1329 (5) Have not been convicted of a felony;

1330 (6) Have not been convicted of a violation of section 21a-279, 53a-58,
1331 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-
1332 178 or 53a-181d, or any offense involving honesty, integrity or moral
1333 fitness, or any offense in any other state the essential elements of which

1334 are substantially the same as said section or such offense; and

1335 (7) Not be employed as a law enforcement official or vested with
1336 any police powers.

1337 Sec. 50. Section 29-152g of the general statutes is repealed and the
1338 following is substituted in lieu thereof (*Effective October 1, 2004*):

1339 [Upon being satisfied, after investigation, that the applicant is a
1340 suitable person to receive a license as a bail enforcement agent, and
1341 that the applicant meets the licensing requirements of section 29-152f,
1342 the Commissioner of Public Safety may issue a license to such
1343 applicant to do business in this state as a bail enforcement agent. The
1344 fee for such license shall be one hundred dollars. Each such license
1345 shall be for such term not exceeding one year as said commissioner
1346 determines. Any bail enforcement agent holding a license issued
1347 pursuant to this section or section 29-152h shall notify the
1348 commissioner within two business days of any change of address. The
1349 notification shall include the bail enforcement agent's old address and
1350 new address.]

1351 (a) The commissioner shall, upon receipt of such application, cause
1352 a background investigation to be made of the applicant. The
1353 commissioner shall require the applicant to submit to state and
1354 national criminal history records checks. The criminal history records
1355 checks shall be conducted in accordance with section 29-17a. The
1356 commissioner shall interview the applicant.

1357 (b) The commissioner may issue a bail enforcement agent license to
1358 a person if the commissioner finds that the applicant:

1359 (1) Has met the requirements of section 29-152f, as amended by this
1360 act;

1361 (2) Has successfully completed within the five years next preceding
1362 the date of the application a twenty-hour prelicensing course
1363 prescribed by the department and provided by the department or a

1364 private entity approved by the department;

1365 (3) Has taken and passed, with a minimum passing score of at least
1366 seventy per cent, an examination prescribed by the commissioner to
1367 test the applicant's competency and qualifications in the area of the
1368 criminal justice system including the rearrest power, use of physical
1369 force and restraint and any other area deemed appropriate by the
1370 commissioner; and

1371 (4) Is of good moral character.

1372 Sec. 51. (NEW) (*Effective October 1, 2004*) Prior to the issuance or
1373 renewal by the Commissioner of Public Safety of a license as a bail
1374 enforcement agent, any applicant or licensee shall provide to the
1375 commissioner evidence of general liability insurance coverage in an
1376 amount of not less than three hundred thousand dollars to insure
1377 against liability for damages resulting from such agent's activities
1378 including, but not limited to, damages for false arrest, false
1379 imprisonment, libel and slander.

1380 Sec. 52. (NEW) (*Effective October 1, 2004*) A bail enforcement agent
1381 shall provide written notice to the Commissioner of Public Safety
1382 within two business days of any change of address. The notification
1383 shall include the agent's old address and new address.

1384 Sec. 53. Section 29-152h of the general statutes is repealed and the
1385 following is substituted in lieu thereof (*Effective October 1, 2004*):

1386 (a) Each person licensed as a bail enforcement agent under the
1387 provisions of [sections 29-152f to 29-152i, inclusive] this chapter, may
1388 apply for a renewal of such license upon renewal application forms
1389 provided by the Commissioner of Public Safety and requiring the
1390 disclosure of such information as said commissioner requires in
1391 determining whether or not such agent's suitability to continue in such
1392 business has changed since the issuance of any prior license. The
1393 commissioner shall conduct a thorough investigation of each bail
1394 enforcement agent applying for license renewal. The fee for renewal of

1395 a bail enforcement agent's license shall be [one hundred] two hundred
1396 fifty dollars.

1397 (b) Each bail enforcement agent shall attend a biennial in-service
1398 training course consisting of not less than eight hours of instruction in
1399 subject areas related to such agent's profession as determined by the
1400 commissioner. Such course shall be prescribed by the commissioner
1401 and be provided by the department or a private entity approved by the
1402 commissioner.

1403 Sec. 54. Section 29-152i of the general statutes is repealed and the
1404 following is substituted in lieu thereof (*Effective October 1, 2004*):

1405 (a) The Commissioner of Public Safety may suspend, revoke or
1406 refuse to renew the license of any bail enforcement agent, provided
1407 notice [shall have] has been given to the licensee to appear before the
1408 commissioner to show cause why the license should not be suspended,
1409 revoked or refused renewal, upon a finding by the commissioner that:
1410 (1) The licensee has violated any of the terms or provisions of [sections
1411 29-152e to 29-152m, inclusive, or section 38a-660a] this chapter or
1412 section 24, 51, 52, 56 or 57 of this act or any of the regulations adopted
1413 under section 29-152o; (2) the licensee has practiced fraud, deceit or
1414 misrepresentation; (3) the licensee has made a material misstatement in
1415 the application for issuance or renewal of such license; (4) the licensee
1416 has demonstrated incompetence or untrustworthiness in the conduct
1417 of the licensee's business; (5) the licensee has been convicted of a
1418 felony, a misdemeanor specified in subdivision (6) of subsection (c) of
1419 section 29-152f, as amended by this act; [or other crime affecting the
1420 licensee's honesty, integrity or moral fitness;] or (6) the licensee is
1421 unsuitable.

1422 (b) The suspension or revocation of, or the refusal to renew, any bail
1423 enforcement agent's license shall also [constitute the] result in the
1424 suspension or revocation of the bail enforcement agent's firearms
1425 permit issued pursuant to section 29-152m, as amended by this act,
1426 and any professional bondsman or surety bail bondsman license

1427 issued to such person pursuant to chapter 533. Any bail enforcement
1428 agent who fails to surrender such license within five days of
1429 notification in writing of the suspension or revocation of, or refusal to
1430 renew, such license shall be guilty of a class [C] B misdemeanor.

1431 (c) Any party aggrieved by an order of the commissioner under this
1432 section may appeal therefrom in accordance with the provisions of
1433 section 4-183, except venue for such appeal shall be in the judicial
1434 district of Hartford.

1435 Sec. 55. Section 29-152k of the general statutes is repealed and the
1436 following is substituted in lieu thereof (*Effective October 1, 2004*):

1437 (a) Prior to taking or attempting to take into custody the principal
1438 on a bond, a professional bondsman or surety bail bondsman licensed
1439 under chapter 533 [, a surety bail bond agent licensed under chapter
1440 700f] or a bail enforcement agent licensed under [sections 29-152f to 29-
1441 152i, inclusive] this chapter, shall, at least six hours prior to such taking
1442 or attempt, notify the police department or resident state trooper for,
1443 or state police troop having jurisdiction over, the municipality in
1444 which the principal is believed to be located of such bondsman's or
1445 agent's intentions. Such bondsman or agent shall update such notice if
1446 such activities continue over an extended period of time or the location
1447 of the attempted apprehension changes.

1448 (b) The notice required under subsection (a) of this section shall
1449 include: (1) The name and license number of each professional
1450 bondsman, surety bail bondsman and bail enforcement agent to be
1451 present at the location of the apprehension and participate in such
1452 apprehension; (2) the name of the principal on the bond to be
1453 apprehended; (3) the address or location where the apprehension will
1454 be attempted; and (4) any other information deemed necessary by the
1455 Commissioner of Public Safety or required by the local law
1456 enforcement agency to protect its police officers and the public.

1457 Sec. 56. (NEW) (*Effective October 1, 2004*) Whenever a professional
1458 bondsman, surety bail bondsman or bail enforcement agent takes into

1459 custody a principal on a bond, such bondsman or agent shall deliver
1460 such person to the court or to the state police or a law enforcement
1461 agency within five hours if such person was apprehended in this state
1462 or within twenty-four hours if such person was apprehended in
1463 another state.

1464 Sec. 57. (NEW) (*Effective October 1, 2004*) (a) Each professional
1465 bondsman, surety bail bondsman or bail enforcement agent shall
1466 complete a report, on a form furnished by the Commissioner of Public
1467 Safety, each time such bondsman or agent is involved in the
1468 apprehension of, or arranges the surrender of, a principal who has
1469 defaulted on a bond.

1470 (b) Such report shall include: (1) The name of the principal
1471 apprehended, (2) the date and time of the apprehension, (3) the
1472 location of the apprehension, (4) the name and license number of each
1473 professional bondsman, surety bail bondsman or bail enforcement
1474 agent present and participating in the apprehension, (5) the name and
1475 location of the police department or detention facility to which the
1476 principal was surrendered, (6) a brief description of the circumstances
1477 surrounding the apprehension including notice provided to the state
1478 police or the local law enforcement agency, any use of force by a
1479 bondsman or agent, and any physical injury sustained by any person
1480 during or in connection with the apprehension, and (7) any other
1481 information required by the commissioner.

1482 (c) Such report shall be maintained by each professional bondsman,
1483 surety bail bondsman or bail enforcement agent for a period of at least
1484 five years and shall be subject to inspection by law enforcement
1485 personnel for administrative and investigative purposes during
1486 normal business hours.

1487 Sec. 58. Section 29-152l of the general statutes is repealed and the
1488 following is substituted in lieu thereof (*Effective October 1, 2004*):

1489 No professional bondsman or surety bail bondsman licensed under
1490 chapter 533 [, surety bail bond agent licensed under chapter 700f] or

1491 bail enforcement agent licensed under [sections 29-152f to 29-152i,
1492 inclusive] this chapter, shall wear, carry or display any uniform,
1493 badge, shield or other insignia or emblems that purport to indicate that
1494 such bondsman or agent is an employee, officer or agent of the state or
1495 any political subdivision of the state or of the federal government.

1496 Sec. 59. Section 29-152m of the general statutes is repealed and the
1497 following is substituted in lieu thereof (*Effective October 1, 2004*):

1498 (a) No professional bondsman or surety bail bondsman licensed
1499 under chapter 533 [, surety bail bond agent licensed under chapter
1500 700f] or bail enforcement agent licensed under [sections 29-152f to
1501 29-152i, inclusive] this chapter, shall carry a pistol, revolver or other
1502 firearm while engaging in the business of a professional bondsman,
1503 surety bail [bond agent] bondsman or bail enforcement agent, as the
1504 case may be, or while traveling to or from such business unless such
1505 bondsman or agent obtains a special permit from the Commissioner of
1506 Public Safety in accordance with the provisions of subsection (b) of this
1507 section. The permit required under this section shall be in addition to
1508 the permit requirement imposed under section 29-28.

1509 (b) The Commissioner of Public Safety may grant to any
1510 professional bondsman or surety bail bondsman licensed under
1511 chapter 533 [, surety bail bond agent licensed under chapter 700f] or
1512 bail enforcement agent licensed under [sections 29-152f to 29-152i,
1513 inclusive] this chapter, a permit to carry a pistol or revolver or other
1514 firearm while engaging in the business of professional bondsman,
1515 surety bail [bond agent] bondsman or bail enforcement agent, as the
1516 case may be, or while traveling to or from such business, provided that
1517 such bondsman or agent has proven to the satisfaction of the
1518 commissioner that such bondsman or agent has successfully
1519 completed a course, approved by the commissioner, of training in the
1520 safety and use of firearms. The commissioner shall adopt regulations
1521 in accordance with the provisions of chapter 54 concerning the
1522 approval of schools, institutions or organizations offering such
1523 courses, requirements for instructors and the required number of

1524 hours and content of such courses.

1525 (c) Application for a permit issued pursuant to this section shall be
1526 made on forms provided by the commissioner and shall be
1527 accompanied by a thirty-one-dollar fee. Such permit shall have an
1528 expiration date that coincides with that of the state permit to carry a
1529 pistol or revolver issued pursuant to section 29-28. A permit issued
1530 pursuant to this section shall be renewable every five years with a
1531 renewal fee of thirty-one dollars. The commissioner shall send, by first
1532 class mail, a notice of expiration of the [bail enforcement agent]
1533 firearms permit issued pursuant to this section, together with a notice
1534 of expiration of the permit to carry a pistol or revolver issued pursuant
1535 to section 29-28, in one combined form. The commissioner shall send
1536 such combined notice to the holder of the permits not later than ninety
1537 days before the date of the expiration of both permits, and shall
1538 enclose a form for renewal of the permits. A [bail enforcement agent]
1539 firearms permit issued pursuant to this section shall be valid for a
1540 period of ninety days after the expiration date, except this provision
1541 shall not apply if the permit to carry a pistol or revolver has been
1542 revoked or revocation is pending pursuant to section 29-32, in which
1543 case the [bail enforcement agent] firearms permit issued pursuant to
1544 this section shall also be revoked.

1545 (d) Each professional bondsman, surety bail bondsman and bail
1546 enforcement agent issued a firearms permit pursuant to this section
1547 shall attend an annual firearms recertification course, approved by the
1548 commissioner, to demonstrate continued competency in the safety and
1549 use of firearms. Proof of recertification shall be required at the time of
1550 renewal of the firearms permit.

1551 Sec. 60. (NEW) (*Effective October 1, 2004*) All application or license
1552 renewal fees received by the Commissioner of Public Safety pursuant
1553 to sections 29-146, 29-147, 29-152f and 29-152h of the general statutes,
1554 as amended by this act, shall, upon deposit in the General Fund, be
1555 credited to the appropriation to the Department of Public Safety for
1556 purposes of licensing professional bondsmen and surety bail

1557 bondsmen and regulating the commercial bail bond industry.

1558 Sec. 61. (*Effective October 1, 2004*) Not later than January 1, 2005, the
1559 Judicial Branch shall revise the appearance bond form as necessary to
1560 permit the recording of the information required by subsection (b) of
1561 section 26 of this act.

1562 Sec. 62. Section 29-152n of the general statutes is repealed and the
1563 following is substituted in lieu thereof (*Effective October 1, 2004*):

1564 Any person who violates any provision of sections 29-152e to
1565 29-152m, inclusive, as amended by this act, [and 38a-660a] shall be
1566 guilty of a class D felony.

1567 Sec. 63. Subsection (a) of section 53a-222 of the general statutes is
1568 repealed and the following is substituted in lieu thereof (*Effective*
1569 *October 1, 2004*):

1570 (a) A person is guilty of violation of conditions of release when,
1571 while charged with the commission of a felony, misdemeanor or motor
1572 vehicle violation for which a sentence to a term of imprisonment may
1573 be imposed, such person is released pursuant to subsection (c) of
1574 section 54-63d or subsection [(c)] (e) of section 54-64a, as amended by
1575 this act, on the condition that such person (1) avoid all contact with the
1576 alleged victim, or (2) not use or possess a dangerous weapon, and such
1577 person intentionally violates that condition.

1578 Sec. 64. (*Effective October 1, 2004*) Sections 38a-660a and 54-64g of the
1579 general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>

Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>October 1, 2004</i>
Sec. 13	<i>October 1, 2004</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>October 1, 2004</i>
Sec. 16	<i>October 1, 2004</i>
Sec. 17	<i>October 1, 2004</i>
Sec. 18	<i>October 1, 2004</i>
Sec. 19	<i>October 1, 2004</i>
Sec. 20	<i>October 1, 2004</i>
Sec. 21	<i>October 1, 2004</i>
Sec. 22	<i>October 1, 2004</i>
Sec. 23	<i>October 1, 2004</i>
Sec. 24	<i>October 1, 2004</i>
Sec. 25	<i>October 1, 2004</i>
Sec. 26	<i>October 1, 2004</i>
Sec. 27	<i>October 1, 2004</i>
Sec. 28	<i>October 1, 2004</i>
Sec. 29	<i>October 1, 2004</i>
Sec. 30	<i>October 1, 2004</i>
Sec. 31	<i>October 1, 2004</i>
Sec. 32	<i>October 1, 2004</i>
Sec. 33	<i>October 1, 2004</i>
Sec. 34	<i>October 1, 2004</i>
Sec. 35	<i>October 1, 2004</i>
Sec. 36	<i>October 1, 2004</i>
Sec. 37	<i>October 1, 2004</i>
Sec. 38	<i>October 1, 2004</i>
Sec. 39	<i>October 1, 2004</i>
Sec. 40	<i>October 1, 2004</i>
Sec. 41	<i>October 1, 2004</i>
Sec. 42	<i>October 1, 2004</i>
Sec. 43	<i>October 1, 2004</i>
Sec. 44	<i>October 1, 2004</i>
Sec. 45	<i>October 1, 2004</i>
Sec. 46	<i>October 1, 2004</i>

Sec. 47	<i>October 1, 2004</i>
Sec. 48	<i>October 1, 2004</i>
Sec. 49	<i>October 1, 2004</i>
Sec. 50	<i>October 1, 2004</i>
Sec. 51	<i>October 1, 2004</i>
Sec. 52	<i>October 1, 2004</i>
Sec. 53	<i>October 1, 2004</i>
Sec. 54	<i>October 1, 2004</i>
Sec. 55	<i>October 1, 2004</i>
Sec. 56	<i>October 1, 2004</i>
Sec. 57	<i>October 1, 2004</i>
Sec. 58	<i>October 1, 2004</i>
Sec. 59	<i>October 1, 2004</i>
Sec. 60	<i>October 1, 2004</i>
Sec. 61	<i>October 1, 2004</i>
Sec. 62	<i>October 1, 2004</i>
Sec. 63	<i>October 1, 2004</i>
Sec. 64	<i>October 1, 2004</i>

PRI *Joint Favorable Subst.*

APP *Joint Favorable*

FIN *Joint Favorable*

JUD *Joint Favorable*