



General Assembly

February Session, 2004

**Raised Bill No. 512**

LCO No. 1885

\* \_\_\_\_\_SB00512APP\_\_042004\_\_\_\_\_\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING NOTIFICATION TO VICTIMS OF CRIME.***

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

1 Section 1. Section 53a-32 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) At any time during the period of probation or conditional  
4 discharge, the court or any judge thereof may issue a warrant for the  
5 arrest of a defendant for violation of any of the conditions of probation  
6 or conditional discharge, or may issue a notice to appear to answer to a  
7 charge of such violation, which notice shall be personally served upon  
8 the defendant. Any such warrant shall authorize all officers named  
9 therein to return the defendant to the custody of the court or to any  
10 suitable detention facility designated by the court. Whenever a  
11 defendant has, in the judgment of such defendant's probation officer,  
12 violated the conditions of such defendant's probation, the probation  
13 officer may, in lieu of having such defendant returned to court for  
14 proceedings in accordance with this section, place such defendant in  
15 the zero-tolerance drug supervision program established pursuant to  
16 section 53a-39d. Whenever a sexual offender, as defined in section 54-  
17 260, as amended, has violated the conditions of such person's

18 probation by failing to notify such person's probation officer of any  
19 change of such person's residence address, as required by said section,  
20 such probation officer may notify any police officer that such person  
21 has, in such officer's judgment, violated the conditions of such person's  
22 probation and such notice shall be sufficient warrant for the police  
23 officer to arrest such person and return such person to the custody of  
24 the court or to any suitable detention facility designated by the court.  
25 Any probation officer may arrest any defendant on probation without  
26 a warrant or may deputize any other officer with power to arrest to do  
27 so by giving such other officer a written statement setting forth that the  
28 defendant has, in the judgment of the probation officer, violated the  
29 conditions of the defendant's probation. Such written statement,  
30 delivered with the defendant by the arresting officer to the official in  
31 charge of any correctional center or other place of detention, shall be  
32 sufficient warrant for the detention of the defendant. After making  
33 such an arrest, such probation officer shall present to the detaining  
34 authorities a similar statement of the circumstances of violation.  
35 Provisions regarding release on bail of persons charged with a crime  
36 shall be applicable to any defendant arrested under the provisions of  
37 this [section] subsection. Upon such arrest and detention, the  
38 probation officer shall immediately so notify the court or any judge  
39 thereof. Thereupon, or upon an arrest by warrant as [herein] provided  
40 in this subsection, the court shall cause the defendant to be brought  
41 before it without unnecessary delay for a hearing on the violation  
42 charges. At such hearing, the defendant shall be informed of the  
43 manner in which such defendant is alleged to have violated the  
44 conditions of such defendant's probation or conditional discharge,  
45 shall be advised by the court that such defendant has the right to retain  
46 counsel and, if indigent, shall be entitled to the services of the public  
47 defender, and shall have the right to cross-examine witnesses and to  
48 present evidence in such defendant's own behalf.

49 (b) Whenever a defendant has, in the judgment of such defendant's  
50 probation officer, violated the conditions of such defendant's probation  
51 or conditional discharge, upon taking any action authorized pursuant

52 to subsection (a) of this section, the probation officer shall notify any  
53 victim of the crime for which the defendant was convicted, who has  
54 requested such notification and has provided the probation officer  
55 with a current address, of the alleged violation of the conditions of  
56 probation or conditional discharge by the defendant and the place,  
57 date and time of any hearing on the violation charges. Such notice shall  
58 be given in writing by certified mail, return receipt requested.

59 [(b) If such violation] (c) If a violation of the conditions of the  
60 defendant's probation or conditional discharge is established, the court  
61 shall permit any victim of the crime for which the defendant was  
62 convicted to appear before the court for the purpose of making a  
63 statement for the record regarding disposition of the case under this  
64 subsection. In lieu of such appearance, the crime victim may submit a  
65 written statement to the court and the statement shall be made part of  
66 the record at the hearing. After considering the crime victim's  
67 statement, the court may: (1) Continue the sentence of probation or  
68 conditional discharge; (2) modify or enlarge the conditions of  
69 probation or conditional discharge; (3) extend the period of probation  
70 or conditional discharge, provided the original period with any  
71 extensions shall not exceed the periods authorized by section 53a-29; or  
72 (4) revoke the sentence of probation or conditional discharge. If such  
73 sentence is revoked, the court shall require the defendant to serve the  
74 sentence imposed or impose any lesser sentence. Any such lesser  
75 sentence may include a term of imprisonment, all or a portion of which  
76 may be suspended entirely or after a period set by the court, followed  
77 by a period of probation with such conditions as the court may  
78 establish. No such revocation shall be ordered, except upon  
79 consideration of the whole record and unless such violation is  
80 established by the introduction of reliable and probative evidence and  
81 by a preponderance of the evidence.

82 Sec. 2. Section 53a-39 of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2004*):

84 (a) At any time during the period of a definite sentence of three

85 years or less, the sentencing court or judge may, after hearing and for  
86 good cause shown, reduce the sentence, order the defendant  
87 discharged, or order the defendant discharged on probation or  
88 conditional discharge for a period not to exceed that to which the  
89 defendant could have been originally sentenced.

90 (b) At any time during the period of a definite sentence of more than  
91 three years, upon agreement of the defendant and the state's attorney  
92 to seek review of the sentence, the sentencing court or judge may, after  
93 hearing and for good cause shown, reduce the sentence, order the  
94 defendant discharged, or order the defendant discharged on probation  
95 or conditional discharge for a period not to exceed that to which the  
96 defendant could have been originally sentenced.

97 (c) The provisions of this section shall not apply to any portion of a  
98 sentence imposed that is a mandatory minimum sentence for an  
99 offense which may not be suspended or reduced by the court.

100 (d) At a hearing held by the sentencing court or judge under this  
101 section, [such] the court or judge shall permit any victim of the crime  
102 for which the defendant was convicted to appear before the court or  
103 judge for the purpose of making a statement for the record concerning  
104 whether or not the sentence of the defendant should be reduced, the  
105 defendant should be discharged or the defendant should be  
106 discharged on probation or conditional discharge pursuant to  
107 subsection (a) or (b) of this section. In lieu of such appearance, the  
108 crime victim may submit a written statement to the court or judge and  
109 the court or judge shall make such statement a part of the record at the  
110 hearing. [For the purposes of this subsection, "victim" means the  
111 victim, the legal representative of the victim or a member of the  
112 deceased victim's immediate family.]

113 (e) If no hearing is held by the sentencing court or judge under this  
114 section, the court or judge shall allow a reasonable period of time, but  
115 not less than fifteen days from the date of the defendant's application  
116 under this section, for any victim of the crime for which the defendant

117 was convicted to submit a written statement for the record. Any such  
118 statement shall be considered by the court or judge prior to making a  
119 determination as to whether or not the sentence of the defendant  
120 should be reduced, the defendant should be discharged or the  
121 defendant should be discharged on probation or conditional discharge  
122 pursuant to subsection (a) or (b) of this section. If a hearing under this  
123 section is scheduled after receipt of such statement, the court or judge  
124 shall provide notice to the crime victim of the date, time and place of  
125 the hearing.

126 (f) The sentencing court or judge shall notify the victim of the crime  
127 for which the defendant was convicted as to the decision of the court  
128 or judge under this section, provided the crime victim has requested  
129 such notification and has provided a current address to the court or  
130 judge. Such notice shall be given in writing by certified mail, return  
131 receipt requested.

132 Sec. 3. Subsection (b) of section 54-56e of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective*  
134 *October 1, 2004*):

135 (b) The court may, in its discretion, invoke such program on motion  
136 of the defendant or on motion of a state's attorney or prosecuting  
137 attorney with respect to a defendant (1) who, the court believes, will  
138 probably not offend in the future, (2) who has no previous record of  
139 conviction of a crime or of a violation of section 14-196, subsection (c)  
140 of section 14-215, section 14-222a, subsection (a) of section 14-224 or  
141 section 14-227a, as amended, (3) who has not been adjudged a youthful  
142 offender within the preceding five years under the provisions of  
143 sections 54-76b to 54-76n, inclusive, as amended, and (4) who states  
144 under oath, in open court or before any person designated by the clerk  
145 and duly authorized to administer oaths, under the penalties of  
146 perjury that the defendant has never had such program invoked in the  
147 defendant's behalf, provided (A) the defendant shall agree thereto, and  
148 [provided] (B) notice has been given by the [defendant] court, on a  
149 form approved by rule of court, to [the] any victim [or victims] of such

150 crime or motor vehicle violation, [if any,] by registered or certified  
151 mail, and such crime victim or [victims have] victim of such motor  
152 vehicle violation has an opportunity to be heard thereon. In  
153 determining whether to grant an application under this section with  
154 respect to a person who has been adjudged a youthful offender under  
155 the provisions of sections 54-76b to 54-76n, inclusive, as amended,  
156 more than five years prior to the date of such application, and  
157 notwithstanding the provisions of section 54-76l, the court shall have  
158 access to the youthful offender records of such person and may  
159 consider the nature and circumstances of the crime with which such  
160 person was charged as a youth. Any defendant who makes application  
161 for participation in such program shall pay to the court an application  
162 fee of thirty-five dollars.

163 Sec. 4. Section 54-230 of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective October 1, 2004*):

165 (a) Upon receipt of notice from an inmate pursuant to section 54-  
166 227, the Office of Victim Services shall notify by certified mail, return  
167 receipt requested, all persons who have requested to be notified  
168 pursuant to subsection (a) of section 54-228 and section 54-229  
169 whenever such inmate makes application for release or sentence  
170 reduction or review. Such notice shall be in writing and notify each  
171 person of (1) the nature of the release or sentence reduction or review  
172 being applied for, (2) the address and telephone number of the board,  
173 [or] agency or court to which the application by the inmate was made,  
174 [and] (3) the date and place of the hearing or session, if any, scheduled  
175 on the application, and (4) in the case of an application to the  
176 sentencing court or judge for a reduction in sentence pursuant to  
177 section 53a-39, as amended by this act, the person's right to attend any  
178 scheduled hearing or to submit a written statement concerning  
179 whether or not the sentence of the inmate should be reduced, the  
180 inmate should be discharged or the inmate should be discharged on  
181 probation or conditional discharge.

182 (b) In addition to the notice provided pursuant to subsection (a) of

183 this section, in the case of an application to the sentencing court or  
184 judge for a reduction in sentence pursuant to section 53a-39, as  
185 amended by this act, the Office of Victim Services shall provide each  
186 person who has requested to be notified pursuant to subsection (a) of  
187 section 54-228 and section 54-229 with a statement form to be used by  
188 such person for making and submitting a statement to the court or  
189 judge as provided in subdivision (4) of subsection (a) of this section.  
190 Such form shall be prescribed by the Office of the Chief Court  
191 Administrator and shall indicate that, if no hearing has been  
192 scheduled, the person has fifteen days from the date of the inmate's  
193 application under section 54-227 to submit the form to the court or  
194 judge in order for the person's statement to be considered by the court  
195 or judge.

196       [(b)] (c) Upon receipt of notice from a person pursuant to subsection  
197 (b) of section 54-227, the Office of Victim Services shall notify by  
198 certified mail, return receipt requested, all persons who have requested  
199 to be notified pursuant to subsection (b) of section 54-228 whenever  
200 such person files an application with the court to be exempted from  
201 the registration requirements of section 54-251 pursuant to subsections  
202 (b) or (c) of said section or files a petition with the court pursuant to  
203 section 54-255 for an order restricting the dissemination of the  
204 registration information, or removing such restriction. Such notice  
205 shall be in writing and notify each person of (1) the nature of the  
206 exemption or of the restriction or removal of the restriction being  
207 applied for, (2) the address and telephone number of the court to  
208 which the application or petition by the person was made, and (3) the  
209 date and place of the hearing or session, if any, scheduled on the  
210 application or petition.

211       [(c)] (d) Upon compliance with the notification requirements of this  
212 section, the Office of Victim Services shall notify, on a form prescribed  
213 by the Office of the Chief Court Administrator, the board, agency or  
214 court to which the application or petition was made of such  
215 compliance.

216 [(d)] (e) Upon receipt of notice from the Department of Correction  
217 pursuant to section 54-231, the Office of Victim Services shall notify by  
218 certified mail, return receipt requested, all victims who have requested  
219 to be notified pursuant to section 54-228 whenever such inmate is  
220 scheduled to be released from a correctional institution. Such notice  
221 shall be in writing and notify each victim of the date of such inmate's  
222 release. The victim shall notify the Office of Victim Services of his or  
223 her current mailing address, which shall be kept confidential and shall  
224 not be disclosed by the Office of Victim Services.

225 Sec. 5. Section 54-230a of the general statutes is repealed and the  
226 following is substituted in lieu thereof (*Effective October 1, 2004*):

227 (a) Upon receipt of notice from an inmate pursuant to section 54-  
228 227, the Department of Correction shall notify by certified mail, return  
229 receipt requested, all persons who have requested to be notified  
230 pursuant to subsection (a) of section 54-228 and section 54-229  
231 whenever such inmate makes application for release or sentence  
232 reduction or review. Such notice shall be in writing and notify each  
233 person of (1) the nature of the release or sentence reduction or review  
234 being applied for, (2) the address and telephone number of the board,  
235 [or] agency or court to which the application by the inmate was made,  
236 [and] (3) the date and place of the hearing or session, if any, scheduled  
237 on the application, and (4) in the case of an application to the  
238 sentencing court or judge for a reduction in sentence pursuant to  
239 section 53a-39, as amended by this act, the person's right to attend any  
240 scheduled hearing or to submit a written statement concerning  
241 whether or not the sentence of the inmate should be reduced, the  
242 inmate should be discharged or the inmate should be discharged on  
243 probation or conditional discharge.

244 (b) In addition to the notice provided pursuant to subsection (a) of  
245 this section, in the case of an application to the sentencing court or  
246 judge for a reduction in sentence pursuant to section 53a-39, as  
247 amended by this act, the Department of Correction shall provide each  
248 person who has requested to be notified pursuant to subsection (a) of

249 section 54-228 and section 54-229 with a statement form to be used by  
250 such person for making and submitting a statement to the court or  
251 judge as provided in subdivision (4) of subsection (a) of this section.  
252 Such form shall be prescribed by the Office of the Chief Court  
253 Administrator and shall indicate that, if no hearing has been  
254 scheduled, the person has fifteen days from the date of the inmate's  
255 application under section 54-227 to submit the form to the court or  
256 judge in order for the person's statement to be considered by the court  
257 or judge.

258 [(b)] (c) Upon receipt of notice from a person pursuant to subsection  
259 (b) of section 54-227, the Department of Correction shall notify by  
260 certified mail, return receipt requested, all persons who have requested  
261 to be notified pursuant to subsection (b) of section 54-228 whenever  
262 such person files an application with the court to be exempted from  
263 the registration requirements of section 54-251 pursuant to subsections  
264 (b) or (c) of said section or files a petition with the court pursuant to  
265 section 54-255 for an order restricting the dissemination of the  
266 registration information, or removing such restriction. Such notice  
267 shall be in writing and notify each person of (1) the nature of the  
268 exemption or of the restriction or the removal of the restriction being  
269 applied for, (2) the address and telephone number of the court to  
270 which the application or petition by the person was made, and (3) the  
271 date and place of the hearing or session, if any, scheduled on the  
272 application or petition.

273 [(c)] (d) Upon compliance with the notification requirements of this  
274 section, the Department of Correction shall notify, on a form  
275 prescribed by the Office of the Chief Court Administrator, the board,  
276 agency or court to which the application or petition was made of such  
277 compliance.

278 Sec. 6. (NEW) (*Effective October 1, 2004*) The prosecuting authority,  
279 upon receiving notice of the filing of an appeal or other postconviction  
280 remedy arising from a criminal matter by a defendant convicted of any  
281 crime, shall promptly inform any victim of such crime in writing, by

282 certified mail, return receipt requested, of such appeal or  
283 postconviction remedy, provided the crime victim has requested  
284 notification and has provided a current address to the prosecuting  
285 authority. The prosecuting authority shall also provide such crime  
286 victim with the following information: (1) A brief explanation of the  
287 appellate or postconviction process, including the possible disposition  
288 of the case; (2) whether the defendant has been released on bail or  
289 other recognizance pending the disposition of the appeal or  
290 postconviction proceeding; (3) the date, time and place of any hearing,  
291 any subsequent change in the date, time and place of the hearing and  
292 the crime victim's right to attend such hearing; and (4) the result of the  
293 appeal or postconviction proceeding.

294       Sec. 7. (NEW) (*Effective October 1, 2004*) The prosecuting authority,  
295 upon receiving notice of the filing of an appeal or other postconviction  
296 remedy arising from a delinquency matter by a juvenile convicted as  
297 delinquent, shall promptly inform any victim of the juvenile's  
298 delinquent act in writing, by certified mail, return receipt requested, of  
299 such appeal or postconviction remedy, provided the victim has  
300 requested notification and has provided a current address to the  
301 prosecuting authority. The prosecuting authority shall also provide  
302 such victim with the following information: (1) A brief explanation of  
303 the appellate or postconviction process, including the possible  
304 disposition of the case; (2) whether the juvenile has been released on  
305 bail or other recognizance pending the disposition of the appeal or  
306 postconviction proceeding; (3) the date, time and place of any hearing,  
307 any subsequent change in the date, time and place of the hearing and  
308 the victim's right to attend such hearing; and (4) the result of the  
309 appeal or postconviction proceeding.

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>

**JUD**      *Joint Favorable*

**APP**      *Joint Favorable*