



General Assembly

Amendment

February Session, 2004

LCO No. 4927

SB0051404927HR0

Offered by:

REP. WITKOS, 17th Dist.

REP. FARR, 19th Dist.

To: Senate Bill No. 514

File No. 454

Cal. No. 510

"AN ACT CONCERNING AN EMERGENCY JUDICIAL RESPONSE SYSTEM FOR FAMILY VIOLENCE CASES."

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

3 "Sec. 501. Section 54-63c of the general statutes, as amended by
4 section 1 of public act 03-173, is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2004*):

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

15 person of the arrested person's rights under section 54-1b, and of the
16 arrested person's right to be interviewed concerning the terms and
17 conditions of release. Unless the arrested person waives or refuses
18 such interview, the police officer shall promptly interview the arrested
19 person to obtain information relevant to the terms and conditions of
20 the arrested person's release from custody, and shall seek independent
21 verification of such information where necessary. At the request of the
22 arrested person, the arrested person's counsel may be present during
23 the interview. After such a waiver, refusal or interview, the police
24 officer shall promptly order release of the arrested person upon the
25 execution of a written promise to appear or the posting of such bond as
26 may be set by the police officer, except that no condition of release set
27 by the court or a judge thereof may be modified by such officer and no
28 arrested person shall be released upon the execution of a written
29 promise to appear or the posting of a bond without surety if the
30 arrested person is charged with the commission of a family violence
31 crime, as defined in section 46b-38a, and in the commission of such
32 crime the arrested person used or threatened the use of a firearm.
33 When cash bail in excess of ten thousand dollars is received for [a
34 detained] an arrested person accused of a felony, where the underlying
35 facts and circumstances of the felony involve the use, attempted use or
36 threatened use of physical force against another person, the police
37 officer shall prepare a report that contains (1) the name, address and
38 taxpayer identification number of the accused person, (2) the name,
39 address and taxpayer identification number of each person offering the
40 cash bail, other than a person licensed as a professional bondsman
41 under chapter 533 or a surety bail bond agent under chapter 700f, (3)
42 the amount of cash received, and (4) the date the cash was received.
43 Not later than fifteen days after receipt of such cash bail, the police
44 officer shall file the report with the Department of Revenue Services
45 and mail a copy of the report to the state's attorney for the judicial
46 district in which the alleged offense was committed and to each person
47 offering the cash bail. No police officer shall set the terms and
48 conditions of a person's release, set a bond for a person or release a
49 person from custody under this subsection unless the police officer has

50 first checked the National Crime Information Center (NCIC)
51 computerized index of criminal justice information to determine if
52 such person is listed in such index. If the arrested person has not
53 posted bail, the police officer shall immediately notify a bail
54 commissioner.

55 (b) The chief, acting chief [,] or superintendent of police of any local
56 police department, the Commissioner of Public Safety, any captain or
57 lieutenant of any local police department or the Division of State Police
58 within the Department of Public Safety or any person lawfully
59 exercising the powers of any such officer may take a written promise
60 to appear or a bond with or without surety from an arrested person as
61 provided in subsection (a) of this section, or as fixed by the court or
62 any judge thereof, may administer such oaths as are necessary in the
63 taking of promises or bonds and shall file any report required under
64 subsection (a) of this section.

65 (c) In the case of any arrested person ordered by a police officer to
66 be released upon the posting of a bond without surety as provided in
67 subsection (a) of this section, such officer may impose conditions of
68 release necessary to protect the victim of the crime from threats,
69 harassment, injury or intimidation by the arrested person, including,
70 but not limited to, conditions prohibiting the arrested person from (1)
71 imposing any restraint upon the person or liberty of the victim, (2)
72 threatening, harassing, assaulting, molesting or sexually assaulting the
73 victim, or (3) entering the family dwelling or the dwelling or
74 workplace of the victim. Failure to comply with any such conditions
75 shall constitute a violation of the conditions of release for the purposes
76 of section 54-64f."