



General Assembly

**Amendment**

February Session, 2004

LCO No. 5335

\*HB0566805335HDO\*

Offered by:  
REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. House Bill No. 5668

File No. 501

Cal. No. 347

**"AN ACT CONCERNING THE MERGER OF THE DEPARTMENT OF CORRECTION AND THE BOARD OF PAROLE AND THE CARRYING OF HANDGUNS BY EMPLOYEES OF THE DEPARTMENT OF CORRECTION."**

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

3 "Sec. 501. Subsection (b) of section 54-2a of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2004*):

6 (b) The court, judge or judge trial referee issuing a bench warrant  
7 for the arrest of the person or persons complained against shall, in  
8 cases punishable by death or life imprisonment, set the conditions of  
9 release or indicate that the person or persons named in the warrant  
10 shall not be entitled to bail and may, in all other cases, set the  
11 conditions of release. The conditions of release, if included in the  
12 warrant, shall fix the first of the following conditions which the court,  
13 judge or judge trial referee finds necessary to assure such person's

14 appearance in court: (1) [Written] Execution of a written promise to  
15 appear; [(2) execution of a bond without surety in no greater amount  
16 than necessary; or (3)] (2) execution of a bond with surety in no greater  
17 amount than necessary; (3) execution of a bond and the deposit with  
18 the clerk of the court of cash equal to ten per cent of the amount of the  
19 bond set; (4) execution of a bond and the pledge of real property, the  
20 equity of which is equal to the amount of the bond set, provided the  
21 person pledging such property is the owner of such property; or (5)  
22 execution of a bond and the deposit with the clerk of the court of cash  
23 in the amount of the bond set.

24 Sec. 502. Section 54-63c of the general statutes, as amended by  
25 section 1 of public act 03-173, is repealed and the following is  
26 substituted in lieu thereof (*Effective October 1, 2004*):

27 (a) Except in cases of arrest pursuant to a bench warrant of arrest in  
28 which the court or a judge thereof has indicated that bail should be  
29 denied or ordered that the officer or indifferent person making such  
30 arrest shall, without undue delay, bring such person before the clerk or  
31 assistant clerk of the superior court for the geographical area under  
32 section 54-2a, as amended by this act, when any person is arrested for a  
33 bailable offense, the chief of police, or the chief's authorized designee,  
34 of the police department having custody of the arrested person shall  
35 promptly advise such person of the person's rights under section 54-  
36 1b, and of the person's right to be interviewed concerning the terms  
37 and conditions of release. Unless the arrested person waives or refuses  
38 such interview, the police officer shall promptly interview the arrested  
39 person to obtain information relevant to the terms and conditions of  
40 the person's release from custody, and shall seek independent  
41 verification of such information where necessary. At the request of the  
42 arrested person, the person's counsel may be present during the  
43 interview. After such a waiver, refusal or interview, the police officer  
44 shall promptly order release of the arrested person upon the first of the  
45 following conditions of release found sufficient to provide reasonable  
46 assurance of the person's appearance in court: (1) Upon the execution  
47 of a written promise to appear, [or the posting of such bond as may be

48 set by the police officer] or (2) upon the execution of a bond with  
49 surety in no greater amount than necessary, except that no condition of  
50 release set by the court or a judge thereof may be modified by such  
51 officer and no person shall be released upon the execution of a written  
52 promise to appear [or the posting of a bond without surety] if the  
53 person is charged with the commission of a family violence crime, as  
54 defined in section 46b-38a, and in the commission of such crime the  
55 person used or threatened the use of a firearm. When cash bail in  
56 excess of ten thousand dollars is received for a detained person  
57 accused of a felony, where the underlying facts and circumstances of  
58 the felony involve the use, attempted use or threatened use of physical  
59 force against another person, the police officer shall prepare a report  
60 that contains [(1)] (A) the name, address and taxpayer identification  
61 number of the accused person, [(2)] (B) the name, address and taxpayer  
62 identification number of each person offering the cash bail, other than  
63 a person licensed as a professional bondsman or a surety bail  
64 bondsman under chapter 533, [or a surety bail bond agent under  
65 chapter 700f, (3)] (C) the amount of cash received, and [(4)] (D) the date  
66 the cash was received. Not later than fifteen days after receipt of such  
67 cash bail, the police officer shall file the report with the Department of  
68 Revenue Services and mail a copy of the report to the state's attorney  
69 for the judicial district in which the alleged offense was committed and  
70 to each person offering the cash bail. No police officer shall set the  
71 terms and conditions of a person's release, set a bond for a person or  
72 release a person from custody under this subsection unless the police  
73 officer has first checked the National Crime Information Center (NCIC)  
74 computerized index of criminal justice information to determine if  
75 such person is listed in such index. If the arrested person has not  
76 posted bail, the police officer shall immediately notify a bail  
77 commissioner.

78 (b) The chief, acting chief, superintendent of police, the  
79 Commissioner of Public Safety, any captain or lieutenant of any local  
80 police department or the Division of State Police within the  
81 Department of Public Safety or any person lawfully exercising the

82 powers of any such officer may take a written promise to appear or a  
83 bond with [or without] surety from an arrested person as provided in  
84 subsection (a) of this section, or as fixed by the court or any judge  
85 thereof, may administer such oaths as are necessary in the taking of  
86 promises or bonds and shall file any report required under subsection  
87 (a) of this section.

88 Sec. 503. Section 54-63d of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective October 1, 2004*):

90 (a) Upon notification by a police officer pursuant to section 54-63c<sub>2</sub>  
91 as amended by this act, that an arrested person has not posted bail, a  
92 bail commissioner shall promptly conduct an interview and  
93 investigation as specified in subdivisions (1) and (2) of subsection (a) of  
94 section 54-63b and, based upon the criteria established pursuant to  
95 subsection (b) of section 54-63b and except as provided in subsection  
96 (b) of this section, the bail commissioner shall promptly order release  
97 of such person on the first of the following conditions of release found  
98 sufficient to provide reasonable assurance of the person's appearance  
99 in court: (1) Upon the execution of a written promise to appear without  
100 special conditions; (2) upon the execution of a written promise to  
101 appear with any of the nonfinancial conditions as specified in  
102 subsection (c) of this section; [~~(3) upon the execution of a bond without~~  
103 ~~surety in no greater amount than necessary; or (4)] or (3) upon the  
104 execution of a bond with surety in no greater amount than necessary.  
105 If the person is unable to meet the conditions of release ordered by the  
106 bail commissioner, the bail commissioner shall so inform the court in a  
107 report prepared pursuant to subdivision (4) of subsection (a) of section  
108 54-63b.~~

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

114 (c) In addition to or in conjunction with any of the conditions  
115 enumerated in subdivisions (1) to ~~[(4)]~~ (3), inclusive, of subsection (a)  
116 of this section, the bail commissioner may impose nonfinancial  
117 conditions of release, which may require that the arrested person do  
118 any of the following: (1) Remain under the supervision of a designated  
119 person or organization; (2) comply with specified restrictions on the  
120 person's travel, association or place of abode; (3) not engage in  
121 specified activities, including the use or possession of a dangerous  
122 weapon, an intoxicant or controlled substance; (4) participate in the  
123 zero-tolerance drug supervision program established under section  
124 53a-39d; (5) avoid all contact with an alleged victim of the crime and  
125 with a potential witness who may testify concerning the offense; or (6)  
126 satisfy any other condition that is reasonably necessary to assure the  
127 appearance of the person in court. Any of the conditions imposed  
128 under subsection (a) of this section and this subsection by the bail  
129 commissioner shall be effective until the appearance of such person in  
130 court.

131 (d) The police department shall promptly comply with the order of  
132 release of the bail commissioner, except that if the department objects  
133 to the order or any of its conditions, the department shall promptly so  
134 advise a state's attorney or assistant state's attorney, the bail  
135 commissioner and the arrested person. The state's attorney or assistant  
136 state's attorney may authorize the police department to delay release,  
137 until a hearing can be had before the court then sitting for the  
138 geographical area which includes the municipality in which the  
139 arrested person is being detained or, if the court is not then sitting,  
140 until the next sitting of said court. When cash bail in excess of ten  
141 thousand dollars is received for a detained person accused of a felony,  
142 where the underlying facts and circumstances of the felony involve the  
143 use, attempted use or threatened use of physical force against another  
144 person, the police department shall prepare a report that contains (1)  
145 the name, address and taxpayer identification number of the accused  
146 person, (2) the name, address and taxpayer identification number of  
147 each person offering the cash bail, other than a person licensed as a

148 professional bondsman or a surety bail bondsman under chapter 533,  
149 [or a surety bail bond agent under chapter 700f,] (3) the amount of cash  
150 received, and (4) the date the cash was received. Not later than fifteen  
151 days after receipt of such cash bail, the police department shall file the  
152 report with the Department of Revenue Services and mail a copy of the  
153 report to the state's attorney for the judicial district in which the  
154 alleged offense was committed and to each person offering the cash  
155 bail.

156 (e) Except as provided in subsections (f) and (g) of this section, all  
157 information provided to the Court Support Services Division shall be  
158 for the sole purpose of determining and recommending the conditions  
159 of release, and shall otherwise be confidential and retained in the files  
160 of the Court Support Services Division, and not be subject to subpoena  
161 or other court process for use in any other proceeding or for any other  
162 purpose.

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

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

179 Sec. 504. Section 54-63f of the general statutes is repealed and the

180 following is substituted in lieu thereof (*Effective October 1, 2004*):

181 A person who has been convicted of any offense, except a violation  
182 of section 53a-54a, 53a-54b, 53a-54c or 53a-54d, [or any offense  
183 involving the use, attempted use or threatened use of physical force  
184 against another person,] and is either awaiting sentence or has given  
185 oral or written notice of such person's intention to appeal or file a  
186 petition for certification or a writ of certiorari may be released pending  
187 final disposition of the case, unless the court finds custody to be  
188 necessary to provide reasonable assurance of such person's appearance  
189 in court, upon the first of the following conditions of release found  
190 sufficient by the court to provide such assurance: (1) Upon such  
191 person's execution of a written promise to appear, [(2) upon such  
192 person's execution of a bond without surety in no greater amount than  
193 necessary, (3)] (2) upon such person's execution of a bond with surety  
194 in no greater amount than necessary, [(4)] (3) upon such person's  
195 deposit, with the clerk of the court having jurisdiction of the offense  
196 with which such person stands convicted or any assistant clerk who is  
197 bonded in the same manner as the clerk or any person or officer  
198 authorized to accept bail, a sum of money equal to ten per cent of the  
199 amount called for by the bond required by the court, (4) upon such  
200 person's pledge of real property, the equity of which is equal to the  
201 amount called for by the bond required by the court, provided the  
202 person pledging such property is the owner of such property, or (5)  
203 upon such person's deposit, with the clerk of the court having  
204 jurisdiction of the offense with which such person stands convicted or  
205 any assistant clerk of such court who is bonded in the same manner as  
206 the clerk or any person or officer authorized to accept bail, a sum of  
207 money equal to the amount called for by the bond required by the  
208 court, [, or (5) upon such person's pledge of real property, the equity of  
209 which is equal to the amount called for by the bond required by the  
210 court, provided the person pledging such property is the owner of  
211 such property.] When cash bail is offered, such bond shall be executed  
212 and the money shall be received in lieu of a surety or sureties upon  
213 such bond. Such cash bail shall be retained by the clerk of such court

214 until a final order of the court disposing of the same is passed,  
215 provided, if such bond is forfeited, the clerk of such court shall pay the  
216 money to the payee named therein, according to the terms and  
217 conditions of the bond.

218 Sec. 505. Section 54-64a of the general statutes, as amended by  
219 section 107 of public act 03-278, is repealed and the following is  
220 substituted in lieu thereof (*Effective October 1, 2004*):

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

246 (b) In addition to or in conjunction with any of the conditions

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

255 [(2)] (c) The court may, in determining what conditions of release  
256 will reasonably assure the appearance of the arrested person in court,  
257 consider the following factors: [(A)] (1) The nature and circumstances  
258 of the offense, [(B)] including the weight of the evidence against such  
259 person, (2) such person's record of previous convictions, [(C)] (3) such  
260 person's past record of appearance in court after being admitted to  
261 bail, [(D)] (4) such person's family ties, [(E)] (5) such person's  
262 employment record, [(F)] (6) such person's financial resources,  
263 character and mental condition, and [(G)] (7) such person's community  
264 ties.

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

276 [(b) (1) When any arrested person charged with the commission of a  
277 class A felony, a class B felony, except a violation of section 53a-86 or  
278 53a-122, a class C felony, except a violation of section 53a-87, 53a-152  
279 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,

280 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136  
281 or 53a-216, or a family violence crime, as defined in section 46b-38a, is  
282 presented before the Superior Court, said court shall, in bailable  
283 offenses, promptly order the release of such person upon the first of  
284 the following conditions of release found sufficient to reasonably  
285 assure the appearance of the arrested person in court and that the  
286 safety of any other person will not be endangered: (A) Upon such  
287 person's execution of a written promise to appear without special  
288 conditions, (B) upon such person's execution of a written promise to  
289 appear with nonfinancial conditions, (C) upon such person's execution  
290 of a bond without surety in no greater amount than necessary, (D)  
291 upon such person's execution of a bond with surety in no greater  
292 amount than necessary. In addition to or in conjunction with any of the  
293 conditions enumerated in subparagraphs (A) to (D), inclusive, of this  
294 subdivision, the court may, when it has reason to believe that the  
295 person is drug-dependent and where necessary, reasonable and  
296 appropriate, order the person to submit to a urinalysis drug test and to  
297 participate in a program of periodic drug testing and treatment. The  
298 results of any such drug test shall not be admissible in any criminal  
299 proceeding concerning such person.

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

314 that such person will commit another crime while released.]

315 [(c)] (e) If the court determines that a nonfinancial condition of  
316 release should be imposed pursuant to [subparagraph (B) of  
317 subdivision (1) of subsection (a) or (b)] subdivision (2) of subsection (a)  
318 of this section, the court shall order the pretrial release of the person  
319 subject to the least restrictive condition or combination of conditions  
320 that the court determines will reasonably assure the appearance of the  
321 arrested person in court and, [with respect to the release of the person  
322 pursuant to subsection (b) of this section] if the offense or offenses  
323 charged or the facts and circumstances brought to the attention of the  
324 court suggest that the arrested person may pose a risk to the physical  
325 safety of any person, that the safety of any other person will not be  
326 endangered, which conditions may include an order that the arrested  
327 person do one or more of the following: (1) Remain under the  
328 supervision of a designated person or organization; (2) comply with  
329 specified restrictions on such person's travel, association or place of  
330 abode; (3) not engage in specified activities, including the use or  
331 possession of a dangerous weapon, an intoxicant or a controlled  
332 substance; (4) participate in the zero-tolerance drug supervision  
333 program established under section 53a-39d; (5) provide sureties of the  
334 peace pursuant to section 54-56f under supervision of a designated bail  
335 commissioner; (6) avoid all contact with an alleged victim of the crime  
336 and with a potential witness who may testify concerning the offense;  
337 (7) maintain employment or, if unemployed, actively seek  
338 employment; (8) maintain or commence an educational program; (9)  
339 be subject to electronic monitoring; or (10) satisfy any other condition  
340 that is reasonably necessary to assure the appearance of the person in  
341 court and that the safety of any other person will not be endangered.  
342 The court shall state on the record its reasons for imposing any such  
343 nonfinancial condition.

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

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

359 Sec. 506. Section 54-69 of the general statutes is repealed and the  
360 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

382 amount than necessary and the pledge of real property, the equity of  
383 which is equal to the amount of the bond set, provided the person  
384 pledging such property is the owner of such property, or (5) upon such  
385 person's execution of a bond in no greater amount than necessary and  
386 the deposit with the clerk of the court of cash in the amount of the  
387 bond set.

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

395 (c) Notwithstanding the provisions of subsection (b) of this section,  
396 a hearing may be had on an application by any such state's attorney  
397 without a copy of such application and notice of the hearing being  
398 served upon the surety or sureties upon such bond, if any, the  
399 appropriate bail commissioner and the accused person if the accused  
400 person is charged with the commission of a family violence crime, as  
401 defined in section 46b-38a, or a violation of section 53a-181c, 53a-181d,  
402 53a-181e, 53a-223 or 53a-223b, as amended, and is being presented at  
403 the next sitting of the Superior Court as required by section 54-1g.

404 Sec. 507. (NEW) (*Effective October 1, 2004*) In any criminal case in  
405 which an arrested person's release is conditioned on the deposit with  
406 the clerk of the court of cash equal to ten per cent of the amount of the  
407 bond or cash in the amount of the bond, no professional bondsman or  
408 surety bail bondsman licensed pursuant to chapter 533 of the general  
409 statutes may deposit such cash on behalf of the arrested person.

410 Sec. 508. (NEW) (*Effective from passage*) The Commissioner of Public  
411 Safety shall not issue a new license as a professional bondsman under  
412 chapter 533 of the general statutes on or after July 1, 2004. Any  
413 application for a license as a professional bondsman that has been filed

414 with the commissioner and is pending on July 1, 2004, shall be void.  
415 Any license as a professional bondsman issued prior to July 1, 2004,  
416 may be renewed in accordance with section 29-147 of the general  
417 statutes, as amended by this act, unless it lapses, is terminated by the  
418 licensee or is revoked by the commissioner.

419 Sec. 509. (NEW) (*Effective from passage*) (a) The licensing and  
420 regulatory authority for surety bail bond agents is transferred from the  
421 Insurance Department to the Department of Public Safety, effective  
422 October 1, 2004.

423 (b) Any person holding a valid license as a surety bail bond agent  
424 on October 1, 2004, issued pursuant to chapter 700f of the general  
425 statutes, shall be deemed to hold a valid license as a surety bail  
426 bondsman on and after said date issued pursuant chapter 533 of the  
427 general statutes and shall be subject to the provisions of chapter 533 of  
428 the general statutes and sections 513 to 516, inclusive, 523, 524, 526 to  
429 528, inclusive, 536, 540, 556 and 557 of this act. Such license shall expire  
430 on February 1, 2005, or at such later date within the following three  
431 months as the Commissioner of Public Safety may specify, and any  
432 person who desires to renew such license shall make application to the  
433 commissioner as provided in section 29-147 of the general statutes, as  
434 amended by this act.

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

445 Sec. 510. Section 29-144 of the general statutes is repealed and the

446 following is substituted in lieu thereof (*Effective October 1, 2004*):

447 [Any person who makes a] No person shall engage in the business  
448 of furnishing bail in criminal cases or [who furnishes] furnishing bail  
449 in five or more criminal cases in any one year, whether for  
450 compensation or otherwise, [shall be deemed a professional bondsman  
451 and shall be subject to the provisions of this chapter. Any resident  
452 elector of the state of Connecticut who is of good moral character and  
453 of sound financial responsibility may, upon obtaining a license  
454 therefor in accordance with the provisions of this chapter, engage in  
455 the business of professional bondsman within this state] unless such  
456 person is licensed as a professional bondsman or surety bail bondsman  
457 in accordance with the provisions of this chapter. No person shall  
458 solicit or negotiate in respect to execution or delivery of an  
459 undertaking of bail or bail bond on behalf of an insurer, or execute or  
460 deliver such an undertaking of bail or bail bond on behalf of an  
461 insurer, unless such person is licensed as a surety bail bondsman in  
462 accordance with the provisions of this chapter.

463 Sec. 511. Section 29-145 of the general statutes is repealed and the  
464 following is substituted in lieu thereof (*Effective October 1, 2004*):

465 (a) Any person desiring to engage in the business of a [professional  
466 bondsman] surety bail bondsman shall apply to the Commissioner of  
467 Public Safety for a license therefor. Such application shall [set forth  
468 under oath the full name, age, residence and occupation of the  
469 applicant, whether the applicant intends to engage in the business of a  
470 professional bondsman individually or in partnership or association  
471 with another or others, and, if so, the identity of each. It shall also set  
472 forth under oath a statement of the assets and liabilities of the  
473 applicant, and whether the applicant has been charged with or  
474 convicted of crime, and such other information, including fingerprints  
475 and photographs, as said commissioner from time to time may require.  
476 The commissioner shall require the applicant to submit to state and  
477 national criminal history records checks. The criminal history records  
478 checks required pursuant to this section shall be conducted in

479 accordance with section 29-17a. No person who has been convicted of  
480 a felony shall be licensed to do business as a professional bondsman in  
481 this state. No person engaged in law enforcement or vested with police  
482 powers shall be licensed to do business as a professional bondsman] be  
483 in such form as the commissioner may prescribe.

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

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

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

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

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

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

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

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

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

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

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

517 Sec. 512. Section 29-146 of the general statutes is repealed and the  
518 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

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

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

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

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

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

548       (4) Is of good moral character; and

549       (5) Is of sound financial responsibility.

550       Sec. 513. (NEW) (*Effective October 1, 2004*) Any person responsible  
551 for the operation and management of a partnership, association,  
552 corporation, company or other firm that is in the business of furnishing  
553 bail in criminal cases or for the supervision of professional bondsmen  
554 or surety bail bondsmen within such partnership, association,  
555 corporation, company or other firm shall be licensed as a professional  
556 bondsman or surety bail bondsman pursuant to chapter 533 of the  
557 general statutes.

558       Sec. 514. (NEW) (*Effective from passage*) Any person licensed as a  
559 professional bondsman pursuant to chapter 533 of the general statutes  
560 or a surety bail bond agent pursuant to chapter 700f of the general  
561 statutes shall furnish a cash performance bond in the amount of ten  
562 thousand dollars to the Department of Public Safety not later than June  
563 30, 2004. The bond shall be in force during the term of such  
564 bondsman's or agent's license, including any renewal thereof. The  
565 department shall return such bond to such bondsman or agent upon  
566 voluntary termination of such license by the licensee or revocation of  
567 such license by the department, except that the department may  
568 withhold from the amount of such bond any unpaid penalty imposed  
569 upon such licensee by the department.

570 Sec. 515. (NEW) (*Effective October 1, 2004*) Prior to the issuance or  
571 renewal by the Commissioner of Public Safety of a license as a  
572 professional bondsman or surety bail bondsman, any applicant or  
573 licensee who intends to engage in apprehending or otherwise  
574 delivering into custody principals who have defaulted on bonds shall  
575 provide to the commissioner evidence of general liability insurance  
576 coverage in an amount of not less than three hundred thousand dollars  
577 to insure against liability for damages resulting from such activities  
578 including, but not limited to, damages for false arrest, false  
579 imprisonment, libel and slander.

580 Sec. 516. (NEW) (*Effective October 1, 2004*) A professional bondsman  
581 or surety bail bondsman shall provide written notice to the  
582 Commissioner of Public Safety within two business days of any change  
583 of address. The notification shall include the bondsman's old address  
584 and new address.

585 Sec. 517. Section 29-147 of the general statutes is repealed and the  
586 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

599 (b) Each professional bondsman and surety bail bondsman shall  
600 attend a biennial in-service training course consisting of not less than  
601 eight hours of instruction in subject areas related to their profession as

602 determined by the commissioner. Such course shall be prescribed by  
603 the commissioner and be provided by the department or a private  
604 entity approved by the commissioner.

605 (c) Said commissioner may refuse to renew, suspend for a definite  
606 term or revoke any license issued under the provisions of this chapter,  
607 [if it appears to said commissioner that such licensee has been  
608 convicted of a felony in this state or elsewhere or is engaged in any  
609 unlawful activity affecting his fitness to continue in the business of  
610 professional bondsman or that his financial responsibility has been  
611 substantially impaired] provided notice has been given to the licensee  
612 to appear before the commissioner to show cause why the license  
613 should not be refused renewal, suspended or revoked, upon a finding  
614 by the commissioner that: (1) The licensee has violated any of the  
615 provisions of this chapter or section 513, 514, 515, 516, 523, 524, 526,  
616 527, 528, 536, 540, 556 or 557 of this act, (2) the licensee has practiced  
617 fraud, deceit or misrepresentation, (3) the licensee has made a material  
618 misstatement in the application for issuance or renewal of such license,  
619 (4) the licensee has substantially impaired financial responsibility, (5)  
620 the licensee has demonstrated incompetence or untrustworthiness in  
621 the conduct of the licensee's business, or (6) the licensee has been  
622 convicted of a felony or any offense specified in subdivision (6) of  
623 subsection (d) of section 29-145, as amended by this act.

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

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

639 Sec. 518. Section 29-147a of the general statutes is repealed and the  
640 following is substituted in lieu thereof (*Effective October 1, 2004*):

641 (a) (1) The Commissioner of Public Safety [may] shall immediately  
642 suspend any license issued under the provisions of this chapter of any  
643 professional bondsman when [he] the commissioner finds that such  
644 [surety] bondsman has failed to pay a forfeited bond within thirty days  
645 after the expiration of the six-month stay of execution ordered  
646 pursuant to subdivision (3) of subsection (a) of section 54-65a, as  
647 amended by this act. Such license shall remain so suspended and shall  
648 not be reinstated nor shall any such license be issued to such [surety]  
649 bondsman until such person pays such forfeited bond. During such  
650 period of suspension, such bondsman shall not post any bond in this  
651 state.

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

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

660 (b) (1) The Commissioner of Public Safety shall immediately  
661 suspend any license issued under the provisions of this chapter of any  
662 surety bail bondsman when the commissioner finds that such  
663 bondsman has engaged in misconduct that has contributed to the  
664 failure of an insurer to pay a forfeited bond within thirty days after the  
665 expiration of the six-month stay of execution ordered pursuant to  
666 subdivision (3) of subsection (a) of section 54-65a, as amended by this

667 act. During such period of suspension, such surety bail bondsman  
668 shall not post any bond in this state.

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

673 (c) If the Insurance Commissioner suspends the license of an insurer  
674 pursuant to section 38a-660, as amended by this act, for failure to pay a  
675 forfeited bond within thirty days after the expiration of the six-month  
676 stay of execution ordered pursuant to subdivision (3) of subsection (a)  
677 of section 54-65a, as amended by this act, no surety bail bondsman  
678 shall post any surety bond as an agent of such insurer during such  
679 period of suspension.

680 Sec. 519. Section 29-148 of the general statutes is repealed and the  
681 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

690 Sec. 520. Section 29-149 of the general statutes is repealed and the  
691 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

698 suspension or revocation of any bondsman's license to engage in such  
699 business.

700 Sec. 521. Section 29-150 of the general statutes is repealed and the  
701 following is substituted in lieu thereof (*Effective October 1, 2004*):

702 Each professional bondsman and surety bail bondsman shall, when  
703 furnishing surety for recognizances of any person charged with crime,  
704 take oath to the sufficiency of [his] such bondsman's security upon a  
705 uniform form furnished for such purpose by the clerk of the Superior  
706 Court and approved by the Commissioner of Public Safety. No person  
707 who offers himself or herself as surety on bail in any criminal case  
708 shall falsely represent that [he] such person is the legal or equitable  
709 owner of any stated property.

710 Sec. 522. Section 29-152 of the general statutes is repealed and the  
711 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

717 Sec. 523. (NEW) (*Effective October 1, 2004*) (a) No professional  
718 bondsman or surety bail bondsman licensed under chapter 533 of the  
719 general statutes shall:

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

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

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

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

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

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

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

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

740 (9) Fail to maintain or submit for review or audit any business  
741 records or documents required to be maintained pursuant to section  
742 527 of this act;

743 (10) Take a principal on a bond into custody without proper  
744 authorization; or

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

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

755 (c) For the purposes of this section, "solicit" means to distribute  
756 business cards, novelty items, print advertising or other written

757 information, or provide verbal information to, an arrested person or  
758 potential indemnitor without such information being requested by  
759 such arrested person or indemnitor.

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

761 Sec. 524. (NEW) (*Effective October 1, 2004*) (a) No professional  
762 bondsman or surety bail bondsman licensed under chapter 533 of the  
763 general statutes or bail enforcement agent licensed under chapter 533a  
764 of the general statutes, when taking or attempting to take into custody  
765 a principal on a bond who has failed to appear in court, shall:

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

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

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

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

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

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

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

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

784 Sec. 525. Section 29-151 of the general statutes is repealed and the

785 following is substituted in lieu thereof (*Effective October 1, 2004*):

786 [No such] A professional bondsman or surety bail bondsman shall  
787 charge [for his commission or fee more than fifty dollars for the  
788 amount of bail furnished by him up to five hundred dollars, nor more  
789 than ten per cent of the amount of bail furnished by him from five  
790 hundred dollars up to five thousand dollars, nor more than seven per  
791 cent of the amount of bail furnished by him on sums in excess of five  
792 thousand dollars] a nonrefundable fee of ten per cent of the amount of  
793 bail furnished by such bondsman on bail amounts of five hundred  
794 dollars or more. When a professional bondsman or surety bail  
795 bondsman has furnished bail to an accused in a criminal proceeding,  
796 the fee which [he] such bondsman receives therefor shall be credited  
797 on account of [his] such bondsman's fee for any subsequent bail in an  
798 increased amount which [he] such bondsman may furnish for the same  
799 person in the same criminal proceeding; but this provision shall not  
800 apply to bail furnished on appeal of a conviction or bindover of an  
801 accused. Each professional bondsman and surety bail bondsman  
802 licensed under the provisions of this chapter shall annually, during the  
803 month of January, on forms furnished by the Commissioner of Public  
804 Safety, report to said commissioner in detail the names of the persons  
805 for whom such bondsman has become surety during the year ended  
806 December thirty-first preceding, with the date, the amount of bond  
807 and the fee charged and paid and such further information as said  
808 commissioner requires.

809 Sec. 526. (NEW) (*Effective October 1, 2004*) (a) Whenever a  
810 professional bondsman or surety bail bondsman posts a surety bond  
811 on behalf of a person charged with crime, such bondsman shall  
812 provide a written receipt to the principal on the bond that specifies: (1)  
813 The principal's name, (2) the indemnitor's name, (3) the case docket  
814 number, (4) the total amount of the surety bond, (5) the total amount of  
815 the nonrefundable fee paid by the principal or indemnitor, (6) the total  
816 value of any collateral posted by the principal or indemnitor, (7) the  
817 date the bond was posted, and (8) the date the nonrefundable fee was  
818 received by the bondsman.

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

828 Sec. 527. (NEW) (*Effective October 1, 2004*) (a) A professional  
829 bondsman or surety bail bondsman shall maintain as part of such  
830 bondsman's business records, for a period of at least five years, a copy  
831 of all surety bonds executed by such bondsman and written receipts  
832 provided by such bondsman.

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

839 Sec. 528. (NEW) (*Effective October 1, 2004*) (a) Any person posting a  
840 surety bond, ten per cent cash bond, cash only bond or property bond  
841 in an amount of five hundred dollars or more with the court shall pay  
842 to the clerk of the court a processing fee of twenty-five dollars.

843 (b) All fees collected pursuant to this section shall be deposited in  
844 the bail bond account established pursuant to section 529 of this act.

845 Sec. 529. (NEW) (*Effective October 1, 2004*) (a) There is established an  
846 account to be known as the bail bond account which shall be a separate  
847 nonlapsing account within the General Fund. The account shall  
848 contain any moneys required by law to be deposited in the account.  
849 Any balance remaining in said account at the end of any fiscal year  
850 shall be carried forward in the account for the next fiscal year.

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

854 Sec. 530. Section 38a-660 of the general statutes is repealed and the  
855 following is substituted in lieu thereof (*Effective October 1, 2004*):

856 (a) As used in this section:

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

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

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

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

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

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

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

880 chapter 533.

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

887 (d) Only natural persons who are licensed under this section may  
888 execute bail bonds. A firm, partnership, association or corporation,  
889 desiring to execute an undertaking of bail in this state must do so by  
890 and through a person holding a license issued as provided in this  
891 section.

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

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

912 (g) An applicant for a license shall be required to appear in person  
913 and take a written examination testing the applicant's competency and  
914 qualifications to act as a surety bail bond agent. The commissioner  
915 may designate an independent testing service to prepare and  
916 administer such examination, provided any examination fees charged  
917 by such service shall be paid by the applicant. The commissioner shall  
918 collect the appropriate examination fee, which shall entitle the  
919 applicant to take the examination for the license, except when a testing  
920 service is used, the testing service shall pay such fee to the  
921 commissioner. In either case, such examination shall be as the  
922 commissioner prescribes and shall be of sufficient scope to test the  
923 applicant's knowledge of subjects pertinent to the duties and  
924 responsibilities of a surety bail bond agent, including all laws and  
925 regulations of this state applicable thereto.

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

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

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

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

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

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

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

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

970 (c) The commissioner shall suspend the license of any insurer when  
971 the commissioner finds that such insurer has failed to pay a forfeited  
972 bond. Such license shall remain so suspended and shall not be  
973 reinstated nor shall any such license be issued to such insurer until  
974 such insurer pays such forfeited bond. During such period of  
975 suspension, such insurer shall not underwrite any surety bail bond in

976 this state. The commissioner may revoke the license of an insurer when  
977 the commissioner finds a pattern of license suspensions for failure to  
978 pay a forfeited bond. If an insurer fails to pay such forfeited bond  
979 within six months from the date of such suspension, the commissioner  
980 shall revoke such license.

981 Sec. 531. Section 54-65a of the general statutes, as amended by  
982 section 21 of public act 03-202, is repealed and the following is  
983 substituted in lieu thereof (*Effective October 1, 2004*):

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

997 (b) The notice to an insurer that is required pursuant to subdivision  
998 (2) of subsection (a) of this section shall be sent to the street address of  
999 the principal office of such insurer as last shown on the records of the  
1000 Insurance Department and shall not be sent to any other person or any  
1001 other address. There shall be a presumption that a notice sent to an  
1002 insurer pursuant to this subsection and not returned to the sender was  
1003 received by the insurer.

1004 (c) When the principal whose bond has been forfeited is returned to  
1005 custody pursuant to the rearrest warrant or a capias within six months  
1006 of the date such bond was ordered forfeited, the bond shall be  
1007 automatically terminated and the surety released and the court shall

1008 order new conditions of release for the defendant in accordance with  
1009 section 54-64a, as amended by this act. When the principal whose bond  
1010 has been forfeited returns to court voluntarily within five business  
1011 days of the date such bond was ordered forfeited, the court may, in its  
1012 discretion, and after finding that the defendant's failure to appear was  
1013 not wilful, vacate the forfeiture order and reinstate the bond. Such stay  
1014 of execution shall not prevent the issuance of a rearrest warrant or a  
1015 *capias*.

1016 [(b)] (d) Whenever an arrested person, whose bond has been  
1017 forfeited, is returned to the jurisdiction of the court within one year of  
1018 the date such bond was ordered forfeited, the surety on such bond  
1019 shall be entitled to a rebate of that portion of the forfeited amount as  
1020 may be fixed by the court or as may be established by a schedule  
1021 adopted by rule of the judges of the superior court. The judges of the  
1022 superior court shall review such schedule and, if deemed necessary,  
1023 amend such schedule. Any surety or other person seeking a rebate  
1024 shall make application to the Department of Administrative Services.

1025 (e) The court shall not reduce, extend or vacate the stay of execution  
1026 ordered pursuant to subdivision (3) of subsection (a) of this section.

1027 Sec. 532. Section 54-66 of the general statutes is repealed and the  
1028 following is substituted in lieu thereof (*Effective October 1, 2004*):

1029 (a) In any criminal case in which a bond is allowable or required  
1030 and the amount thereof has been determined, the accused person, or  
1031 any person in the accused person's behalf, (1) may deposit, with the  
1032 clerk of the court having jurisdiction of the offense with which the  
1033 accused stands charged or any assistant clerk of such court who is  
1034 bonded in the same manner as the clerk or any person or officer  
1035 authorized to accept bail, a sum of money equal to the amount called  
1036 for by such bond, or (2) may pledge real property, the equity of which  
1037 is equal to the amount called for by such bond, provided the person  
1038 pledging such property is the owner of such property, and such  
1039 accused person shall thereupon be admitted to bail. When cash bail is

1040 offered, such bond shall be executed and the money shall be received  
1041 in lieu of a surety or sureties upon such bond. Such cash bail shall be  
1042 retained by the clerk of such court until a final order of the court  
1043 disposing of the same is passed; provided, if such bond is forfeited, the  
1044 clerk of such court shall pay the money to the payee named therein,  
1045 according to the terms and conditions of the bond. When cash bail in  
1046 excess of ten thousand dollars is received for a person accused of a  
1047 felony, where the underlying facts and circumstances of the felony  
1048 involve the use, attempted use or threatened use of physical force  
1049 against another person, the clerk of such court shall prepare a report  
1050 that contains (A) the name, address and taxpayer identification  
1051 number of the accused person, (B) the name, address and taxpayer  
1052 identification number of each person offering the cash bail, other than  
1053 a person licensed as a professional bondsman or surety bail bondsman  
1054 under chapter 533, [or a surety bail bond agent under chapter 700f,] (C)  
1055 the amount of cash received, and (D) the date the cash was received.  
1056 Not later than fifteen days after receipt of such cash bail, the clerk of  
1057 such court shall file the report with the Department of Revenue  
1058 Services and mail a copy of the report to the state's attorney for the  
1059 judicial district in which the court is located and to each person  
1060 offering the cash bail.

1061 (b) [When] Whenever real property is pledged, the pledge shall  
1062 constitute a lien on the real property upon the filing of a notice of lien  
1063 in the office of the town clerk of the town in which the property is  
1064 located. The lien shall be in an amount equal to the bond set by the  
1065 court. The notice of lien shall be on a form prescribed by the Office of  
1066 the Chief Court Administrator. Upon order of forfeiture of the  
1067 underlying bond, the state's attorney for the judicial district in which  
1068 the forfeiture is ordered shall refer the matter to the Attorney General  
1069 and the Attorney General may, on behalf of the state, foreclose such  
1070 lien in the same manner as a mortgage. The lien created by this  
1071 subsection shall expire six years after the forfeiture is ordered unless  
1072 the Attorney General commences an action to foreclose it within that  
1073 period of time and records a notice of lis pendens in evidence thereof

1074 on the land records of the town in which the property is located. If the  
1075 bond has not been ordered forfeited, the clerk of the court shall  
1076 authorize the recording of a release of such lien upon final disposition  
1077 of the criminal matter or upon order of the court. The release shall be  
1078 on a form prescribed by the Office of the Chief Court Administrator.

1079 (c) Whenever an accused person is released upon the deposit by a  
1080 person on behalf of the accused person of a sum of money equal to the  
1081 amount called for by such bond or upon the pledge by a person on  
1082 behalf of the accused person of real property, the equity of which is  
1083 equal to the amount called for by such bond, and such bond is ordered  
1084 forfeited because the accused person failed to appear in court as  
1085 conditioned in such bond, the court shall, at the time of ordering the  
1086 bond forfeited: (1) Issue a rearrest warrant or a capias directing a  
1087 proper officer to take the accused person into custody, (2) provide  
1088 written notice to the person who offered cash bail or pledged real  
1089 property on behalf of the accused person that the accused person has  
1090 failed to appear in court as conditioned in such bond, and (3) order a  
1091 stay of execution upon the forfeiture for six months. When the accused  
1092 person whose bond has been forfeited is returned to custody pursuant  
1093 to the rearrest warrant or a capias within six months of the date such  
1094 bond was ordered forfeited, the bond shall be automatically  
1095 terminated and the person who offered cash bail or pledged real  
1096 property on behalf of the accused person shall be released from such  
1097 obligation and the court shall order new conditions of release for the  
1098 accused person in accordance with section 54-64a, as amended by this  
1099 act. When the accused person whose bond has been forfeited returns to  
1100 court voluntarily within five business days of the date such bond was  
1101 ordered forfeited, the court may, in its discretion, and after finding that  
1102 the accused person's failure to appear was not wilful, vacate the  
1103 forfeiture order and reinstate the bond. Such stay of execution shall not  
1104 prevent the issuance of a rearrest warrant or a capias.

1105 (d) Whenever an accused person, whose bond has been forfeited, is  
1106 returned to the jurisdiction of the court within one year of the date  
1107 such bond was ordered forfeited, the person who offered cash bail or

1108 pledged real property shall be entitled to a rebate of that portion of the  
1109 forfeited amount or equity as may be fixed by the court or as may be  
1110 established by a schedule adopted by rule of the judges of the superior  
1111 court.

1112 (e) The court shall not reduce, extend or vacate the stay of execution  
1113 ordered pursuant to subdivision (3) of subsection (c) of this section.

1114 Sec. 533. (NEW) (*Effective October 1, 2004*) (a) The Insurance  
1115 Department shall provide to the Judicial Branch, the Department of  
1116 Public Safety, the Department of Administrative Services and the  
1117 Attorney General (1) the name of each insurer licensed to underwrite  
1118 surety bonds and transact bail bond business in this state, (2) the street  
1119 address of the principal office of such insurer, and (3) the five-digit  
1120 identification code assigned to such insurer by the National  
1121 Association of Insurance Commissioners.

1122 (b) Each power of attorney form provided by an insurer to a surety  
1123 bail bondsman shall contain, preprinted on such form, the name of the  
1124 insurer, the street address of the principal office of such insurer, and  
1125 the five-digit identification code assigned to such insurer by the  
1126 National Association of Insurance Commissioners.

1127 (c) Each insurer licensed to underwrite surety bonds and transact  
1128 bail bond business in this state shall prenumber the power of attorney  
1129 forms it provides to surety bail bondsmen or otherwise implement a  
1130 process as may be prescribed by the Insurance Department to uniquely  
1131 identify each such form.

1132 Sec. 534. Section 51-279b of the general statutes is repealed and the  
1133 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

1139 fraud, corruption, illegal gambling and the recruitment of persons to  
1140 carry out such illegal activities.

1141 [(b) The Chief State's Attorney shall establish a bond forfeiture unit  
1142 within the Division of Criminal Justice. Such unit shall be responsible  
1143 for the collection, in the name of the state, and by suit when necessary,  
1144 of all forfeited bonds payable to the state. Such unit may compromise  
1145 and settle forfeited bonds for less than the amount thereof without  
1146 regard to the expiration of any stay of forfeiture.

1147 (c) The Chief State's Attorney shall develop uniform standards for  
1148 the compromise and settlement of forfeited bonds. Such standards  
1149 shall be applied on a state-wide basis.]

1150 Sec. 535. Subsection (a) of section 4a-12 of the general statutes is  
1151 repealed and the following is substituted in lieu thereof (*Effective*  
1152 *October 1, 2004*):

1153 (a) The Commissioner of Administrative Services shall be  
1154 responsible for the following: (1) Investigation, determination, billing  
1155 and collection of all charges for support of persons aided, cared for or  
1156 treated in a state humane institution, as defined in section 17b-222, and  
1157 enforcement of support obligations of the liable relatives of such  
1158 persons; (2) billing and collection of any money due to the state in  
1159 public assistance cases, and enforcement of support obligations of  
1160 liable relatives in such cases; (3) collection of benefits and maintenance  
1161 of trustee accounts therefor; (4) collection of all forfeited bail bonds  
1162 payable to the state; and [(4)] (5) such collection services for other state  
1163 agencies and departments as shall be agreed to between said  
1164 commissioner and the heads of such other agencies and departments.

1165 Sec. 536. (NEW) (*Effective October 1, 2004*) (a) Whenever a court  
1166 orders a bond forfeited, the Judicial Branch shall, in addition to the  
1167 notice required pursuant to subdivision (2) of subsection (a) of section  
1168 54-65a of the general statutes, as amended by this act, or subdivision  
1169 (2) of subsection (c) of section 54-66 of the general statutes, as amended  
1170 by this act, provide notice of such forfeiture and such information as

1171 deemed necessary for the collection of such forfeited bond to the  
1172 Department of Administrative Services.

1173 (b) During the fifth month of the six-month stay of execution  
1174 ordered by the court pursuant to subdivision (3) of subsection (a) of  
1175 section 54-65a of the general statutes, as amended by this act, or  
1176 subdivision (3) of subsection (c) of section 54-66 of the general statutes,  
1177 as amended by this act, the department shall send a written notice to  
1178 the surety informing such surety that payment of the forfeited bond is  
1179 due upon the expiration of such stay of execution. Such notice shall  
1180 contain information on the applicable payment schedule including  
1181 information on any discounts or rebates that may be available.

1182 (c) The surety on a bond that has been ordered forfeited shall pay  
1183 the total amount of such bond within thirty days after the expiration of  
1184 the six-month stay of execution, except that if payment is made within  
1185 ten days after such expiration, such surety may pay ninety per cent of  
1186 the amount of such bond.

1187 (d) A forfeited bond that is not paid within thirty days after the  
1188 expiration of the six-month stay of execution shall accrue interest at the  
1189 rate of one per cent per month or any portion thereof.

1190 (e) All payments of forfeited bonds shall be made to the Department  
1191 of Administrative Services.

1192 (f) The Department of Administrative Services shall refer the  
1193 collection of any forfeited bond that is not paid within thirty days after  
1194 the expiration of the six-month stay of execution to the Attorney  
1195 General.

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

1202 per cent shall be allocated to the Department of Public Safety for  
1203 purposes of expanding the fugitive recovery unit; and fifty per cent  
1204 shall be allocated to the General Fund.

1205 Sec. 537. (NEW) (*Effective October 1, 2004*) A court may release a  
1206 professional bondsman, surety bail bondsman or insurer from the  
1207 obligation to pay a forfeited bond if the accused person is detained in  
1208 another state and this state declines to seek the extradition of such  
1209 person.

1210 Sec. 538. (NEW) (*Effective October 1, 2004*) No court may vacate a  
1211 forfeiture order and reinstate a forfeited bond after five business days  
1212 of the date the bond was ordered forfeited unless the professional  
1213 bondsman, surety bail bondsman or insurer who executed the forfeited  
1214 bond agrees to remain the surety on the reinstated bond.

1215 Sec. 539. (NEW) (*Effective October 1, 2004*) The Judicial Branch,  
1216 Department of Public Safety, Insurance Department, Department of  
1217 Administrative Services and Attorney General shall develop and  
1218 implement a process to provide timely notification and accurate  
1219 information to facilitate the collection of forfeited bail bonds and the  
1220 suspension of the licenses of professional bondsmen, surety bail  
1221 bondsmen and insurers who have failed to pay such forfeited bail  
1222 bonds.

1223 Sec. 540. (NEW) (*Effective October 1, 2004*) No person may file an  
1224 appeal of an order of a court forfeiting a bond unless such person (1)  
1225 places in escrow with the court the total amount of the forfeited bond  
1226 or pays such amount under protest with a reservation of appellate  
1227 rights, or (2) posts with the court a supersedeas bond from an insurer  
1228 authorized to transact surety business in this state in the amount of  
1229 one hundred fifty per cent of the amount of the forfeited bond for  
1230 purposes of guaranteeing payment of any judgment, interest, fees or  
1231 costs that may be awarded by the court.

1232 Sec. 541. (NEW) (*Effective October 1, 2004*) Any funds held by an  
1233 insurer in a fiduciary capacity on behalf of a surety bail bondsman for

1234 purposes of indemnifying the insurer for losses and costs associated  
1235 with surety bonds executed by such bondsman shall be deposited and  
1236 maintained in a Connecticut bank or federal bank, as those terms are  
1237 defined in section 36a-1 of the general statutes.

1238 Sec. 542. (NEW) (*Effective October 1, 2004*) (a) Whenever a rearrest  
1239 warrant is issued by a court for a person charged with the commission  
1240 of a felony, state and local law enforcement agencies shall, within five  
1241 days of receipt of the warrant, enter the warrant information into the  
1242 Connecticut on-line law enforcement communications teleprocessing  
1243 system and, if extradition of such person is sought by a state's attorney,  
1244 into the computerized index of criminal justice information maintained  
1245 by the National Crime Information Center.

1246 (b) State and local law enforcement agencies shall develop protocols  
1247 for determining whether rearrest warrants issued for persons charged  
1248 with the commission of misdemeanors are entered into the  
1249 Connecticut on-line law enforcement communications teleprocessing  
1250 system.

1251 Sec. 543. (NEW) (*Effective October 1, 2004*) A court shall vacate an  
1252 order forfeiting a bond and release the surety if (1) the principal is  
1253 incarcerated in another state, territory or country for a period in excess  
1254 of the six-month stay of execution ordered pursuant to section 54-65a  
1255 or 54-66 of the general statutes, as amended by this act, (2) the  
1256 professional bondsman, the surety bail bondsman or the insurer  
1257 provides proof of such incarceration to the court and the state's  
1258 attorney prosecuting the case, and (3) the state's attorney prosecuting  
1259 the case declines to seek extradition of the principal.

1260 Sec. 544. (NEW) (*Effective October 1, 2004*) The Judicial Branch shall  
1261 notify the Department of Administrative Services whenever a court  
1262 vacates an order forfeiting a bond.

1263 Sec. 545. (NEW) (*Effective October 1, 2004*) The Chief State's Attorney  
1264 may contract with a private prisoner transport company for the  
1265 transportation to and from this state of persons who have been

1266 apprehended after failing to appear in court or escaping from custody.

1267 Sec. 546. (NEW) (*Effective October 1, 2004*) The provisions of sections  
1268 29-35, 29-38 and 53-206 of the general statutes shall not apply to an  
1269 officer or employee of a private prisoner transport company who  
1270 carries any pistol or revolver or any other dangerous or deadly  
1271 weapon or instrument or has a weapon or a pistol or revolver in a  
1272 motor vehicle while such officer or employee is engaged in this state in  
1273 the business of transporting prisoners, provided the policies of such  
1274 private prisoner transport company (1) meet the minimum standards  
1275 and requirements established pursuant to the Interstate Transportation  
1276 of Dangerous Criminals Act, P. L. 106-560, and (2) are approved by the  
1277 Commissioner of Public Safety.

1278 Sec. 547. (NEW) (*Effective October 1, 2004*) The Division of State  
1279 Police within the Department of Public Safety shall expand the fugitive  
1280 recovery unit and make the location and apprehension of bail fugitives  
1281 a priority.

1282 Sec. 548. Section 29-152e of the general statutes is repealed and the  
1283 following is substituted in lieu thereof (*Effective October 1, 2004*):

1284 No person shall, as a surety on a bond in a criminal proceeding or  
1285 an agent of such surety, engage in the business of taking or attempting  
1286 to take into custody or otherwise locating, transporting or arranging  
1287 the surrender or apprehension of the principal on the bond who has  
1288 failed to appear in court and for whom a rearrest warrant or a capias  
1289 has been issued pursuant to section 54-65a, as amended by this act,  
1290 unless such person is licensed as a professional bondsman or surety  
1291 bail bondsman under chapter 533 [, a surety bail bond agent under  
1292 chapter 700f] or a bail enforcement agent under [sections 29-152f to 29-  
1293 152i, inclusive] chapter 533a.

1294 Sec. 549. Section 29-152f of the general statutes is repealed and the  
1295 following is substituted in lieu thereof (*Effective October 1, 2004*):

1296 (a) Any person desiring to engage in the business of a bail

1297 enforcement agent shall apply to the Commissioner of Public Safety for  
1298 a license therefor. [Such application shall set forth under oath the full  
1299 name, age, date and place of birth, residence and occupation of the  
1300 applicant. It shall also set forth under oath a statement of whether the  
1301 applicant has been charged with or convicted of crime, and such other  
1302 information, including fingerprints and photographs, as required by  
1303 the commissioner. The commissioner shall require the applicant to  
1304 submit to state and national criminal history records checks. The  
1305 criminal history records checks required pursuant to this section shall  
1306 be conducted in accordance with section 29-17a. Within five years  
1307 prior to the date of application, the applicant shall have successfully  
1308 completed a course in the criminal justice system consisting of not less  
1309 than twenty hours of study approved by the commissioner. No person  
1310 who has been convicted of a felony or any misdemeanor under section  
1311 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-  
1312 175, 53a-176, 53a-178 or 53a-181d, shall be licensed to do business as a  
1313 bail enforcement agent in this state. No person engaged in law  
1314 enforcement or vested with police powers shall be licensed to do  
1315 business as a bail enforcement agent.]

1316 (b) Each application shall be signed by the applicant and shall be  
1317 accompanied by a nonrefundable filing fee of two hundred fifty  
1318 dollars. The applicant shall submit with the application a complete set  
1319 of the applicant's fingerprints, certified by an authorized law  
1320 enforcement officer, a photograph of the applicant, four letters of  
1321 reference, an employment history for the preceding five years and  
1322 such other information as the commissioner may prescribe.

1323 (c) Each applicant for a bail enforcement agent license shall:

1324 (1) Be at least twenty-five years of age;

1325 (2) Be a legal resident of the United States;

1326 (3) Have received a high school diploma or its equivalent;

1327 (4) Be honorably discharged from, or released under honorable

1328 conditions from active service or reserve status in, the armed forces of  
1329 the United States, if such applicant had been a member of the armed  
1330 forces of the United States;

1331 (5) Have not been convicted of a felony;

1332 (6) Have not been convicted of a violation of section 21a-279, 53a-58,  
1333 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-  
1334 178 or 53a-181d, or any offense involving honesty, integrity or moral  
1335 fitness, or any offense in any other state the essential elements of which  
1336 are substantially the same as said section or such offense; and

1337 (7) Not be employed as a law enforcement official or vested with  
1338 any police powers.

1339 Sec. 550. Section 29-152g of the general statutes is repealed and the  
1340 following is substituted in lieu thereof (*Effective October 1, 2004*):

1341 [Upon being satisfied, after investigation, that the applicant is a  
1342 suitable person to receive a license as a bail enforcement agent, and  
1343 that the applicant meets the licensing requirements of section 29-152f,  
1344 the Commissioner of Public Safety may issue a license to such  
1345 applicant to do business in this state as a bail enforcement agent. The  
1346 fee for such license shall be one hundred dollars. Each such license  
1347 shall be for such term not exceeding one year as said commissioner  
1348 determines. Any bail enforcement agent holding a license issued  
1349 pursuant to this section or section 29-152h shall notify the  
1350 commissioner within two business days of any change of address. The  
1351 notification shall include the bail enforcement agent's old address and  
1352 new address.]

1353 (a) The commissioner shall, upon receipt of such application, cause  
1354 a background investigation to be made of the applicant. The  
1355 commissioner shall require the applicant to submit to state and  
1356 national criminal history records checks. The criminal history records  
1357 checks shall be conducted in accordance with section 29-17a. The  
1358 commissioner shall interview the applicant.

1359 (b) The commissioner may issue a bail enforcement agent license to  
1360 a person if the commissioner finds that the applicant:

1361 (1) Has met the requirements of section 29-152f, as amended by this  
1362 act;

1363 (2) Has successfully completed within the five years next preceding  
1364 the date of the application a twenty-hour prelicensing course  
1365 prescribed by the department and provided by the department or a  
1366 private entity approved by the department;

1367 (3) Has taken and passed, with a minimum passing score of at least  
1368 seventy per cent, an examination prescribed by the commissioner to  
1369 test the applicant's competency and qualifications in the area of the  
1370 criminal justice system including the rearrest power, use of physical  
1371 force and restraint and any other area deemed appropriate by the  
1372 commissioner; and

1373 (4) Is of good moral character.

1374 Sec. 551. (NEW) (*Effective October 1, 2004*) Prior to the issuance or  
1375 renewal by the Commissioner of Public Safety of a license as a bail  
1376 enforcement agent, any applicant or licensee shall provide to the  
1377 commissioner evidence of general liability insurance coverage in an  
1378 amount of not less than three hundred thousand dollars to insure  
1379 against liability for damages resulting from such agent's activities  
1380 including, but not limited to, damages for false arrest, false  
1381 imprisonment, libel and slander.

1382 Sec. 552. (NEW) (*Effective October 1, 2004*) A bail enforcement agent  
1383 shall provide written notice to the Commissioner of Public Safety  
1384 within two business days of any change of address. The notification  
1385 shall include the agent's old address and new address.

1386 Sec. 553. Section 29-152h of the general statutes is repealed and the  
1387 following is substituted in lieu thereof (*Effective October 1, 2004*):

1388 (a) Each person licensed as a bail enforcement agent under the

1389 provisions of [sections 29-152f to 29-152i, inclusive] this chapter, may  
1390 apply for a renewal of such license upon renewal application forms  
1391 provided by the Commissioner of Public Safety and requiring the  
1392 disclosure of such information as said commissioner requires in  
1393 determining whether or not such agent's suitability to continue in such  
1394 business has changed since the issuance of any prior license. The  
1395 commissioner shall conduct a thorough investigation of each bail  
1396 enforcement agent applying for license renewal. The fee for renewal of  
1397 a bail enforcement agent's license shall be [one hundred] two hundred  
1398 fifty dollars.

1399 (b) Each bail enforcement agent shall attend a biennial in-service  
1400 training course consisting of not less than eight hours of instruction in  
1401 subject areas related to such agent's profession as determined by the  
1402 commissioner. Such course shall be prescribed by the commissioner  
1403 and be provided by the department or a private entity approved by the  
1404 commissioner.

1405 Sec. 554. Section 29-152i of the general statutes is repealed and the  
1406 following is substituted in lieu thereof (*Effective October 1, 2004*):

1407 (a) The Commissioner of Public Safety may suspend, revoke or  
1408 refuse to renew the license of any bail enforcement agent, provided  
1409 notice [shall have] has been given to the licensee to appear before the  
1410 commissioner to show cause why the license should not be suspended,  
1411 revoked or refused renewal, upon a finding by the commissioner that:  
1412 (1) The licensee has violated any of the terms or provisions of [sections  
1413 29-152e to 29-152m, inclusive, or section 38a-660a] this chapter or  
1414 section 524, 551, 552, 556 or 557 of this act or any of the regulations  
1415 adopted under section 29-152o; (2) the licensee has practiced fraud,  
1416 deceit or misrepresentation; (3) the licensee has made a material  
1417 misstatement in the application for issuance or renewal of such license;  
1418 (4) the licensee has demonstrated incompetence or untrustworthiness  
1419 in the conduct of the licensee's business; (5) the licensee has been  
1420 convicted of a felony, a misdemeanor specified in subdivision (6) of  
1421 subsection (c) of section 29-152f, as amended by this act; [or other

1422 crime affecting the licensee's honesty, integrity or moral fitness;] or (6)  
1423 the licensee is unsuitable.

1424 (b) The suspension or revocation of, or the refusal to renew, any bail  
1425 enforcement agent's license shall also [constitute the] result in the  
1426 suspension or revocation of the bail enforcement agent's firearms  
1427 permit issued pursuant to section 29-152m, as amended by this act,  
1428 and any professional bondsman or surety bail bondsman license  
1429 issued to such person pursuant to chapter 533. Any bail enforcement  
1430 agent who fails to surrender such license within five days of  
1431 notification in writing of the suspension or revocation of, or refusal to  
1432 renew, such license shall be guilty of a class [C] B misdemeanor.

1433 (c) Any party aggrieved by an order of the commissioner under this  
1434 section may appeal therefrom in accordance with the provisions of  
1435 section 4-183, except venue for such appeal shall be in the judicial  
1436 district of Hartford.

1437 Sec. 555. Section 29-152k of the general statutes is repealed and the  
1438 following is substituted in lieu thereof (*Effective October 1, 2004*):

1439 (a) Prior to taking or attempting to take into custody the principal  
1440 on a bond, a professional bondsman or surety bail bondsman licensed  
1441 under chapter 533 [, a surety bail bond agent licensed under chapter  
1442 700f] or a bail enforcement agent licensed under [sections 29-152f to 29-  
1443 152i, inclusive] this chapter, shall, at least six hours prior to such taking  
1444 or attempt, notify the police department or resident state trooper for,  
1445 or state police troop having jurisdiction over, the municipality in  
1446 which the principal is believed to be located of such bondsman's or  
1447 agent's intentions. Such bondsman or agent shall update such notice if  
1448 such activities continue over an extended period of time or the location  
1449 of the attempted apprehension changes.

1450 (b) The notice required under subsection (a) of this section shall  
1451 include: (1) The name and license number of each professional  
1452 bondsman, surety bail bondsman and bail enforcement agent to be  
1453 present at the location of the apprehension and participate in such

1454 apprehension; (2) the name of the principal on the bond to be  
1455 apprehended; (3) the address or location where the apprehension will  
1456 be attempted; and (4) any other information deemed necessary by the  
1457 Commissioner of Public Safety or required by the local law  
1458 enforcement agency to protect its police officers and the public.

1459       Sec. 556. (NEW) (*Effective October 1, 2004*) Whenever a professional  
1460 bondsman, surety bail bondsman or bail enforcement agent takes into  
1461 custody a principal on a bond, such bondsman or agent shall deliver  
1462 such person to the court or to the state police or a law enforcement  
1463 agency within five hours if such person was apprehended in this state  
1464 or within twenty-four hours if such person was apprehended in  
1465 another state.

1466       Sec. 557. (NEW) (*Effective October 1, 2004*) (a) Each professional  
1467 bondsman, surety bail bondsman or bail enforcement agent shall  
1468 complete a report, on a form furnished by the Commissioner of Public  
1469 Safety, each time such bondsman or agent is involved in the  
1470 apprehension of, or arranges the surrender of, a principal who has  
1471 defaulted on a bond.

1472       (b) Such report shall include: (1) The name of the principal  
1473 apprehended, (2) the date and time of the apprehension, (3) the  
1474 location of the apprehension, (4) the name and license number of each  
1475 professional bondsman, surety bail bondsman or bail enforcement  
1476 agent present and participating in the apprehension, (5) the name and  
1477 location of the police department or detention facility to which the  
1478 principal was surrendered, (6) a brief description of the circumstances  
1479 surrounding the apprehension including notice provided to the state  
1480 police or the local law enforcement agency, any use of force by a  
1481 bondsman or agent, and any physical injury sustained by any person  
1482 during or in connection with the apprehension, and (7) any other  
1483 information required by the commissioner.

1484       (c) Such report shall be maintained by each professional bondsman,  
1485 surety bail bondsman or bail enforcement agent for a period of at least

1486 five years and shall be subject to inspection by law enforcement  
1487 personnel for administrative and investigative purposes during  
1488 normal business hours.

1489 Sec. 558. Section 29-152l of the general statutes is repealed and the  
1490 following is substituted in lieu thereof (*Effective October 1, 2004*):

1491 No professional bondsman or surety bail bondsman licensed under  
1492 chapter 533 [, surety bail bond agent licensed under chapter 700f] or  
1493 bail enforcement agent licensed under [sections 29-152f to 29-152i,  
1494 inclusive] this chapter, shall wear, carry or display any uniform,  
1495 badge, shield or other insignia or emblems that purport to indicate that  
1496 such bondsman or agent is an employee, officer or agent of the state or  
1497 any political subdivision of the state or of the federal government.

1498 Sec. 559. Section 29-152m of the general statutes is repealed and the  
1499 following is substituted in lieu thereof (*Effective October 1, 2004*):

1500 (a) No professional bondsman or surety bail bondsman licensed  
1501 under chapter 533 [, surety bail bond agent licensed under chapter  
1502 700f] or bail enforcement agent licensed under [sections 29-152f to  
1503 29-152i, inclusive] this chapter, shall carry a pistol, revolver or other  
1504 firearm while engaging in the business of a professional bondsman,  
1505 surety bail [bond agent] bondsman or bail enforcement agent, as the  
1506 case may be, or while traveling to or from such business unless such  
1507 bondsman or agent obtains a special permit from the Commissioner of  
1508 Public Safety in accordance with the provisions of subsection (b) of this  
1509 section. The permit required under this section shall be in addition to  
1510 the permit requirement imposed under section 29-28.

1511 (b) The Commissioner of Public Safety may grant to any  
1512 professional bondsman or surety bail bondsman licensed under  
1513 chapter 533 [, surety bail bond agent licensed under chapter 700f] or  
1514 bail enforcement agent licensed under [sections 29-152f to 29-152i,  
1515 inclusive] this chapter, a permit to carry a pistol or revolver or other  
1516 firearm while engaging in the business of professional bondsman,  
1517 surety bail [bond agent] bondsman or bail enforcement agent, as the

1518 case may be, or while traveling to or from such business, provided that  
1519 such bondsman or agent has proven to the satisfaction of the  
1520 commissioner that such bondsman or agent has successfully  
1521 completed a course, approved by the commissioner, of training in the  
1522 safety and use of firearms. The commissioner shall adopt regulations  
1523 in accordance with the provisions of chapter 54 concerning the  
1524 approval of schools, institutions or organizations offering such  
1525 courses, requirements for instructors and the required number of  
1526 hours and content of such courses.

1527 (c) Application for a permit issued pursuant to this section shall be  
1528 made on forms provided by the commissioner and shall be  
1529 accompanied by a thirty-one-dollar fee. Such permit shall have an  
1530 expiration date that coincides with that of the state permit to carry a  
1531 pistol or revolver issued pursuant to section 29-28. A permit issued  
1532 pursuant to this section shall be renewable every five years with a  
1533 renewal fee of thirty-one dollars. The commissioner shall send, by first  
1534 class mail, a notice of expiration of the [bail enforcement agent]  
1535 firearms permit issued pursuant to this section, together with a notice  
1536 of expiration of the permit to carry a pistol or revolver issued pursuant  
1537 to section 29-28, in one combined form. The commissioner shall send  
1538 such combined notice to the holder of the permits not later than ninety  
1539 days before the date of the expiration of both permits, and shall  
1540 enclose a form for renewal of the permits. A [bail enforcement agent]  
1541 firearms permit issued pursuant to this section shall be valid for a  
1542 period of ninety days after the expiration date, except this provision  
1543 shall not apply if the permit to carry a pistol or revolver has been  
1544 revoked or revocation is pending pursuant to section 29-32, in which  
1545 case the [bail enforcement agent] firearms permit issued pursuant to  
1546 this section shall also be revoked.

1547 (d) Each professional bondsman, surety bail bondsman and bail  
1548 enforcement agent issued a firearms permit pursuant to this section  
1549 shall attend an annual firearms recertification course, approved by the  
1550 commissioner, to demonstrate continued competency in the safety and  
1551 use of firearms. Proof of recertification shall be required at the time of

1552 renewal of the firearms permit.

1553       Sec. 560. (NEW) (*Effective October 1, 2004*) All application or license  
1554 renewal fees received by the Commissioner of Public Safety pursuant  
1555 to sections 29-146, 29-147, 29-152f and 29-152h of the general statutes,  
1556 as amended by this act, shall, upon deposit in the General Fund, be  
1557 credited to the appropriation to the Department of Public Safety for  
1558 purposes of licensing professional bondsmen and surety bail  
1559 bondsmen and regulating the commercial bail bond industry.

1560       Sec. 561. (*Effective October 1, 2004*) Not later than January 1, 2005, the  
1561 Judicial Branch shall revise the appearance bond form as necessary to  
1562 permit the recording of the information required by subsection (b) of  
1563 section 26 of this act.

1564       Sec. 562. Section 29-152n of the general statutes is repealed and the  
1565 following is substituted in lieu thereof (*Effective October 1, 2004*):

1566       Any person who violates any provision of sections 29-152e to  
1567 29-152m, inclusive, as amended by this act, [and 38a-660a] shall be  
1568 guilty of a class D felony.

1569       Sec. 563. Subsection (a) of section 53a-222 of the general statutes is  
1570 repealed and the following is substituted in lieu thereof (*Effective*  
1571 *October 1, 2004*):

1572       (a) A person is guilty of violation of conditions of release when,  
1573 while charged with the commission of a felony, misdemeanor or motor  
1574 vehicle violation for which a sentence to a term of imprisonment may  
1575 be imposed, such person is released pursuant to subsection (c) of  
1576 section 54-63d or subsection [(c)] (e) of section 54-64a, as amended by  
1577 this act, on the condition that such person (1) avoid all contact with the  
1578 alleged victim, or (2) not use or possess a dangerous weapon, and such  
1579 person intentionally violates that condition.

1580       Sec. 564. (*Effective October 1, 2004*) Sections 38a-660a and 54-64g of  
1581 the general statutes are repealed."