



Senate

General Assembly

File No. 147

February Session, 2006

Senate Bill No. 360

Senate, March 28, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ARRAIGNMENTS ON ARREST WARRANTS.

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

1 Section 1. Section 54-1d of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) For the purposes of this section, "geographical area" means the
5 geographical area of the Superior Court established pursuant to
6 section 51-348.

7 [(a)] (b) Except as provided in subsections [(b) and (c)] (d) and (e) of
8 this section, defendants in criminal actions shall be [brought]
9 presented for arraignment to: [the]

10 (1) The court in the geographical area [, established pursuant to
11 section 51-348,] in which the crime was alleged to have been
12 committed; [, or, if]

13 (2) If the arrest was by warrant, [to] the court in the geographical
14 area in which the crime was alleged to have been committed or in
15 which the arrest was made; [, or, if] or

16 (3) If the [defendant is arrested on] arrest was by a warrant issued
17 pursuant to section 53a-32 or for failure to appear as provided in
18 section 53a-172 or 53a-173, [to] the court in the geographical area in
19 which the crime was alleged to have been committed or in which the
20 arrest was made, or the superior court having jurisdiction over the
21 underlying criminal prosecution.

22 (c) If the defendant was [brought] presented to the court in the
23 geographical area in which the arrest was made for arraignment and
24 was not released from custody after such arraignment, the defendant
25 shall be presented to the court in the geographical area in which the
26 crime was alleged to have been committed not later than the [second]
27 fifth court day following such arraignment. Except as provided in
28 subsection (d) of this section, any defendant who has been presented to
29 the court in accordance with this section and is the subject of one or
30 more additional arrest warrants issued for crimes that were alleged to
31 have been committed in one or more geographical areas, other than the
32 geographical area in which the defendant is initially presented, shall
33 subsequently be presented to the court in each geographical area in
34 which such crimes were alleged to have been committed, in such order
35 as the courts may determine, not later than the fifth court day
36 following the prior arraignment. A criminal cause shall not fail on the
37 ground that it has been submitted to a session of improper venue.

38 [(b)] (d) Any defendant who is charged with multiple offenses
39 under any provision of section 53a-127b or sections 53a-128a to 53a-
40 128i, inclusive, where such offenses were alleged to have been
41 committed in more than one geographical area, [established pursuant
42 to section 51-348,] may be presented to the court in any one of such
43 geographical areas. The court may consolidate all such offenses into a
44 single criminal action and shall have jurisdiction over such action.

45 [(c)] (e) Any defendant who is charged with a violation of section

46 53a-129a of the general statutes, revision of 1958, revised to January 1,
47 2003, or section 53a-129b, 53a-129c or 53a-129d and any defendant who
48 is charged with any other offense committed as a result of such
49 violation may be presented to the court in the geographical area in
50 which the person whose personal identifying information has been
51 obtained and used by the defendant resides.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-1d

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill clarifies the law concerning the specific geographical area court in which a criminal defendant arrested on a warrant is to be presented for arraignment, which has no fiscal impact. The bill also extends, from two to five court days, the maximum amount of time between the initial and any subsequent arraignments of any defendant arrested on a warrant with charges pending in multiple court districts. This change does not alter the defendant's opportunity to argue bond at the initial arraignment and therefore is not expected to increase the number of days any defendant spends incarcerated on a pre-trial basis.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis
SB 360

AN ACT CONCERNING ARRAIGNMENTS ON ARREST WARRANTS.

SUMMARY:

With some exceptions, this bill provides an alternative court location for the arraignment of criminal defendants arrested pursuant to a single warrant and specifies the appropriate court location for those arrested on multiple warrants.

By law, a criminal defendant who is arraigned in the geographical area (GA) court where the arrest was made but not released must be presented for arraignment in the GA court where the crime was committed. The bill extends, from two to five days, the maximum time between arraignments. The bill also sets five days as the maximum time between arraignments for defendants arrested on multiple warrants.

EFFECTIVE DATE: Upon passage

ARRAIGNMENT LOCATIONS

Arrest On a Single Warrant

The bill allows defendants arrested pursuant to a single warrant to be arraigned in the GA court where the crime was allegedly committed. The law continues to allow them to be arraigned in the GA where the arrest was made.

If the warrant is for failure to appear or a probation violation, they may be arraigned in the GA where the crime was allegedly committed or where the arrest was made. The law continues to allow them to be arraigned in the Superior Court with jurisdiction over the underlying criminal prosecution.

Arrest On Multiple Warrants

The bill requires criminal defendants who are arraigned pursuant to multiple warrants that include at least one warrant for a crime committed outside of the GA court's jurisdiction to be arraigned in each GA where the crimes allegedly occurred. It sets the maximum time between arraignments at five days.

The bill does not apply to defendants charged with multiple offenses of automated teller machine fraud or credit card theft or fraud. By law, these defendants may be arraigned in any one of the GA courts and their charges may be consolidated into a single action. The bill also does not apply to defendants charged with identity theft or crimes resulting from identity theft. These defendants are arraigned in the GA where the crime victim resides.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/13/2006)