



General Assembly

Substitute Bill No. 443

February Session, 2006

* SB00443PS 041806 *

AN ACT CONCERNING DOMESTIC VIOLENCE.

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

1 Section 1. Section 54-63c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
4 which the court or a judge thereof has indicated that bail should be
5 denied or ordered that the officer or indifferent person making such
6 arrest shall, without undue delay, bring such person before the clerk or
7 assistant clerk of the superior court for the geographical area under
8 section 54-2a, when any person is arrested for a bailable offense, the
9 chief of police, or the chief's authorized designee, of the police
10 department having custody of the arrested person shall promptly
11 advise such person of the person's rights under section 54-1b, and of
12 the person's right to be interviewed concerning the terms and
13 conditions of release. Unless the arrested person waives or refuses
14 such interview, the police officer shall promptly interview the arrested
15 person to obtain information relevant to the terms and conditions of
16 the person's release from custody, and shall seek independent
17 verification of such information where necessary. At the request of the
18 arrested person, the person's counsel may be present during the
19 interview. After such a waiver, refusal or interview, the police officer
20 shall promptly order release of the arrested person upon the execution

21 of a written promise to appear or the posting of such bond as may be
22 set by the police officer, except that no condition of release set by the
23 court or a judge thereof may be modified by such officer and no person
24 shall be released upon the execution of a written promise to appear or
25 the posting of a bond without surety if the person is charged with the
26 commission of a family violence crime, as defined in section 46b-38a,
27 and in the commission of such crime the person used or threatened the
28 use of a firearm.

29 (b) If the person is charged with the commission of a family violence
30 crime, as defined in section 46b-38a, the police officer may set
31 nonfinancial conditions of release which may require the arrested
32 person do one or more of the following: (1) Avoid all contact with the
33 alleged victim of the crime, (2) comply with specified restrictions on
34 the person's travel, association or place of abode that are directly
35 related to the protection of the alleged victim of the crime, or (3) not
36 use or possess a dangerous instrument, intoxicant or controlled
37 substance. Any nonfinancial conditions of release set pursuant to this
38 subsection shall remain in effect until the arrested person is presented
39 before the superior court pursuant to subsection (a) of section 54-1g.

40 (c) When cash bail in excess of ten thousand dollars is received for a
41 detained person accused of a felony, where the underlying facts and
42 circumstances of the felony involve the use, attempted use or
43 threatened use of physical force against another person, the police
44 officer shall prepare a report that contains (1) the name, address and
45 taxpayer identification number of the accused person, (2) the name,
46 address and taxpayer identification number of each person offering the
47 cash bail, other than a person licensed as a professional bondsman
48 under chapter 533 or a surety bail bond agent under chapter 700f, (3)
49 the amount of cash received, and (4) the date the cash was received.
50 Not later than fifteen days after receipt of such cash bail, the police
51 officer shall file the report with the Department of Revenue Services
52 and mail a copy of the report to the state's attorney for the judicial
53 district in which the alleged offense was committed and to each person
54 offering the cash bail.

55 (d) No police officer shall set the terms and conditions of a person's
56 release, set a bond for a person or release a person from custody under
57 this [subsection] section unless the police officer has first checked the
58 National Crime Information Center (NCIC) computerized index of
59 criminal justice information to determine if such person is listed in
60 such index.

61 (e) If the arrested person has not posted bail, the police officer shall
62 immediately notify a bail commissioner.

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

73 Sec. 2. Subsection (c) of section 46b-38b of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective*
75 *October 1, 2006*):

76 (c) No peace officer shall be held liable in any civil action regarding
77 personal injury or injury to property brought by any party to a family
78 violence incident for an arrest based on probable cause or for any
79 conditions of release set pursuant to subsection (b) of section 54-63c, as
80 amended by this act.

81 Sec. 3. Section 53a-222 of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2006*):

83 (a) A person is guilty of violation of conditions of release when,
84 while charged with the commission of a felony, misdemeanor or motor
85 vehicle violation for which a sentence to a term of imprisonment may

86 be imposed, such person is released pursuant to subsection (b) of
87 section 54-63c, as amended by this act, subsection (c) of section 54-63d
88 or subsection (c) of section 54-64a on the condition that such person (1)
89 avoid all contact with the alleged victim, or (2) not use or possess a
90 dangerous weapon, and such person intentionally violates that
91 condition.

92 (b) Violation of conditions of release is a class [A misdemeanor] D
93 felony.

94 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of
95 assault by strangulation in the first degree when such person commits
96 assault by strangulation in the second degree as provided in section 5
97 of this act and (1) in the commission of such offense, such person (A)
98 uses or attempts to use a dangerous instrument, or (B) causes serious
99 physical injury to such other person, or (2) such person has previously
100 been convicted of a violation of this section or section 5 of this act.

101 (b) Assault by strangulation in the first degree is a class B felony.

102 Sec. 5. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of
103 assault by strangulation in the second degree when, with intent to
104 impede the normal breathing or blood circulation of another person,
105 such person impedes the normal breathing or blood circulation of such
106 other person by applying pressure on the throat or neck of such other
107 person or by blocking the nose or mouth of such other person.

108 (b) Assault by strangulation in the second degree is a class D felony.

109 Sec. 6. Subdivision (20) of section 53a-3 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective*
111 *October 1, 2006*):

112 (20) "Electronic defense weapon" means a weapon which by
113 electronic impulse or current is capable of immobilizing a person
114 temporarily, but is not capable of inflicting death or serious physical
115 injury, including a stun gun or other conductive energy device.

116 Sec. 7. Subsection (a) of section 46b-38b of the general statutes is
 117 repealed and the following is substituted in lieu thereof (*Effective*
 118 *October 1, 2006*):

119 (a) Whenever a peace officer determines upon speedy information
 120 that a family violence crime, except a family violence crime involving a
 121 dating relationship, has been committed within such officer's
 122 jurisdiction, such officer shall arrest the person or persons suspected of
 123 its commission and charge such person or persons with the
 124 appropriate crime. The decision to arrest and charge shall not (1) be
 125 dependent on the specific consent of the victim, (2) consider the
 126 relationship of the parties, or (3) be based solely on a request by the
 127 victim. Whenever a peace officer determines that a family violence
 128 crime has been committed, such officer may seize any firearm or
 129 electronic defense weapon, as defined in section 53a-3, as amended by
 130 this act, at the location where the crime is alleged to have been
 131 committed that is in the possession of any person arrested for the
 132 commission of such crime or suspected of its commission or that is in
 133 plain view. Not later than seven days after any such seizure, the law
 134 enforcement agency shall return such firearm or electronic defense
 135 weapon in its original condition to the rightful owner thereof unless
 136 such person is ineligible to possess such firearm or electronic defense
 137 weapon or unless otherwise ordered by the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	54-63c
Sec. 2	<i>October 1, 2006</i>	46b-38b(c)
Sec. 3	<i>October 1, 2006</i>	53a-222
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	New section
Sec. 6	<i>October 1, 2006</i>	53a-3(20)
Sec. 7	<i>October 1, 2006</i>	46b-38b(a)

JUD *Joint Favorable Subst.*

PS *Joint Favorable*