



General Assembly

January Session, 2007

Raised Bill No. 7164

LCO No. 4305

04305_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING SEIZED CURRENCY.

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

1 Section 1. Subsection (b) of section 54-36a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (b) (1) Whenever property is seized in connection with a criminal
5 arrest or seized pursuant to a search warrant without an arrest, the law
6 enforcement agency seizing such property shall file, on forms
7 provided for this purpose by the Office of the Chief Court
8 Administrator, an inventory of the property seized. The inventory,
9 together with the uniform arrest report, in the case of an arrest, shall be
10 filed with the clerk of the court for the geographical area in which the
11 criminal offense is alleged to have been committed; except, when the
12 property is stolen property and, in the opinion of the law enforcement
13 officer, does not exceed two hundred fifty dollars in value, or when an
14 attempt was made to steal the property but the property at all times
15 remained on the premises in a sealed container, the filing of an
16 inventory shall not be required and such property may be returned to
17 the owner. In the case of property seized in connection with a search

18 warrant without an arrest, the inventory shall be attached to the
19 warrant and shall be filed with the clerk of the court for the
20 geographical area in which the search warrant was issued. If any
21 criminal proceeding is transferred to another court location, then the
22 clerk with whom the inventory is filed shall transfer such inventory to
23 the clerk of the court location to which such action is transferred.

24 (2) If the seized property is stolen property, within ten days of the
25 seizure, the law enforcement agency seizing the property shall notify
26 the owner of the property if known, or, if the owner of the property is
27 unknown at the time of seizure, such agency shall within ten days of
28 any subsequent ascertainment of the owner notify such owner, and, on
29 a form prescribed by the Office of the Chief Court Administrator,
30 advise the owner of such owner's rights concerning the property and
31 the location of the property. Such written notice shall include a request
32 form for the return of the property. The owner may request the return
33 of the property by filing such request form with such law enforcement
34 agency, and upon receipt of such request, the law enforcement agency
35 shall forward it to the clerk of the court for the geographical area in
36 which the criminal offense is alleged to have been committed. The
37 clerk of the court shall notify the defendant or defendants of the
38 request to return the property. The court shall order the return of the
39 property within thirty days of the date of filing such return request by
40 the owner, except that for good cause shown, the court may order
41 retention of the property for a period to be determined by the court.
42 Any secondary evidence of the identity, description or value of such
43 property shall be admissible in evidence against such defendant in the
44 trial of such case. The fact that the evidence is secondary in nature may
45 be shown to affect the weight of such evidence, but not to affect its
46 admissibility. If the stolen property is a motor vehicle, a photograph of
47 the motor vehicle and a sworn affidavit attesting to the vehicle
48 identification number of such motor vehicle shall be sufficient
49 evidence of the identity of the motor vehicle. For the purposes of this
50 subdivision, "motor vehicle" means a passenger or commercial motor
51 vehicle or a motorcycle, as defined in section 14-1, and includes

52 construction equipment, agricultural tractors and farm implements.

53 (3) (A) If the seized property is currency and is stolen property, the
54 law enforcement agency seizing the currency shall follow the
55 procedures set forth in subdivision (2) of this subsection.

56 (B) If the seized property is currency and is not stolen property, the
57 law enforcement agency seizing the currency shall, [within] not later
58 than ten days [of] after such seizure, notify the defendant or
59 defendants, if such currency was seized in connection with a criminal
60 arrest, or the person or persons having a possessory interest in the
61 premises from which such currency was seized, if such currency was
62 seized pursuant to a search warrant without an arrest, that such
63 defendant or person has the right to a hearing before the Superior
64 Court on the disposition of the currency. Such defendant or person
65 may [, not later than thirty days after receiving such notice,] request a
66 hearing before the Superior Court [. The court may, after any such
67 hearing, order that the law enforcement agency, after taking
68 reasonable measures to preserve the evidentiary value of the currency,
69 deposit the currency in a deposit account in the name of the law
70 enforcement agency as custodian for evidentiary funds at a financial
71 institution in this state or order, for good cause shown, that the
72 currency be retained for a period to be determined by the court. If such
73 defendant or person does not request a hearing,] and file a motion for
74 return of seized property. At any time after seizure the law
75 enforcement agency may, after taking reasonable measures to preserve
76 the evidentiary value of the currency, deposit the currency in a deposit
77 account in the name of the law enforcement agency as custodian for
78 evidentiary funds at a financial institution in this state.

79 (C) If the currency is deposited in a deposit account at a financial
80 institution in this state pursuant to subparagraph (B) of this
81 subdivision, the financial institution at which such deposit account is
82 established shall not be required to segregate the currency deposited in
83 such deposit account. No funds may be withdrawn from such deposit

84 account except pursuant to a court order, [directed to the financial
85 institution. Any withdrawal of funds from such deposit account shall
86 be in the form of a check issued by the financial institution to the law
87 enforcement agency or to such other payee as the court may order] The
88 financial institution shall not be liable in any controversy arising over
89 the deposit or withdrawal of the funds. Nothing in this subdivision
90 shall prohibit a financial institution from charging a fee for the
91 maintenance and administration of such deposit account and for the
92 review of the court order.

93 (D) If the currency is deposited in a deposit account at a financial
94 institution in this state pursuant to subparagraph (B) of this
95 subdivision, any secondary evidence of the identity, description or
96 value of such currency shall be admissible in evidence against a
97 defendant in the trial of a criminal offense. The fact that the evidence is
98 secondary in nature may be shown to affect the weight of such
99 evidence, but not to affect its admissibility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	54-36a(b)

Statement of Purpose:

To allow law enforcement to deposit currency seized in the course of a criminal investigation into an account at a financial institution without requiring a court order to do so, and to shield such financial institution from liability.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]