



General Assembly

January Session, 2007

Raised Bill No. 7391

LCO No. 5823

05823_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PREVENTIVE DETENTION.

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

1 Section 1. Subsections (a) and (b) of section 54-64a of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2007*):

4 (a) (1) Except as provided in subsection (b) of this section, when any
5 arrested person is presented before the Superior Court, said court
6 shall, in bailable offenses, promptly order the release of such person
7 upon the first of the following conditions of release found sufficient to
8 reasonably assure the appearance of the arrested person in court: (A)
9 Upon his execution of a written promise to appear without special
10 conditions, (B) upon his execution of a written promise to appear with
11 nonfinancial conditions, (C) upon his execution of a bond without
12 surety in no greater amount than necessary, (D) upon his execution of
13 a bond with surety in no greater amount than necessary. In addition to
14 or in conjunction with any of the conditions enumerated in
15 subparagraphs (A) to (D), inclusive, of this subdivision the court may,
16 when it has reason to believe that the person is drug-dependent and
17 where necessary, reasonable and appropriate, order the person to

18 submit to a urinalysis drug test and to participate in a program of
19 periodic drug testing and treatment. The results of any such drug test
20 shall not be admissible in any criminal proceeding concerning such
21 person.

22 (2) The court may, in determining what conditions of release will
23 reasonably assure the appearance of the arrested person in court,
24 consider the following factors: (A) The nature and circumstances of the
25 offense, (B) such person's record of previous convictions, (C) such
26 person's past record of appearance in court after being admitted to
27 bail, (D) such person's family ties, (E) such person's employment
28 record, (F) such person's financial resources, character and mental
29 condition and (G) such person's community ties.

30 (3) When the court imposes conditions of release in accordance with
31 this subsection that will reasonably assure the appearance of the
32 arrested person in court, it shall state for the record the factors under
33 subdivision (2) of this subsection that it considered.

34 (b) (1) When any arrested person charged with the commission of a
35 class A felony, a class B felony, except a violation of section 53a-86 or
36 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
37 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
38 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136
39 or 53a-216, or a family violence crime, as defined in section 46b-38a, is
40 presented before the Superior Court, said court shall, in bailable
41 offenses, promptly order the release of such person upon the first of
42 the following conditions of release found sufficient to reasonably
43 assure the appearance of the arrested person in court and that the
44 safety of any other person will not be endangered: (A) Upon such
45 person's execution of a written promise to appear without special
46 conditions, (B) upon such person's execution of a written promise to
47 appear with nonfinancial conditions, (C) upon such person's execution
48 of a bond without surety in no greater amount than necessary, (D)
49 upon such person's execution of a bond with surety in no greater

50 amount than necessary. In addition to or in conjunction with any of the
51 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
52 subdivision, the court may, when it has reason to believe that the
53 person is drug-dependent and where necessary, reasonable and
54 appropriate, order the person to submit to a urinalysis drug test and to
55 participate in a program of periodic drug testing and treatment. The
56 results of any such drug test shall not be admissible in any criminal
57 proceeding concerning such person.

58 (2) The court may, in determining what conditions of release will
59 reasonably assure the appearance of the arrested person in court and
60 that the safety of any other person will not be endangered, consider the
61 following factors: (A) The nature and circumstances of the offense, (B)
62 such person's record of previous convictions, (C) such person's past
63 record of appearance in court after being admitted to bail, (D) such
64 person's family ties, (E) such person's employment record, (F) such
65 person's financial resources, character and mental condition, (G) such
66 person's community ties, (H) the number and seriousness of charges
67 pending against the arrested person, (I) the weight of the evidence
68 against the arrested person, (J) the arrested person's history of
69 violence, (K) whether the arrested person has previously been
70 convicted of similar offenses while released on bond, and (L) the
71 likelihood based upon the expressed intention of the arrested person
72 that such person will commit another crime while released.

73 (3) When the court imposes conditions of release in accordance with
74 this subsection that will reasonably assure the appearance of the
75 arrested person in court and that the safety of any other person will
76 not be endangered, it shall state for the record the factors under
77 subdivision (2) of this subsection that it considered and shall make
78 findings as to the danger the arrested person poses to the safety of
79 other persons that determined the specific conditions of release that it
80 imposed.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	54-64a(a) and (b)
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Statement of Purpose:

To require that when a court sets bail it states for the record the factors that influenced the conditions of release that it imposed.

[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.]