



General Assembly

**Substitute Bill No. 7391**

January Session, 2007

\*        HB07391JUD        041307        \*

**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2 statutes are repealed and the following is substituted in lieu thereof  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, or (D) upon his execution  
13 of a bond with surety in no greater amount than necessary. In addition  
14 to 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 (b) (1) When any arrested person charged with the commission of a  
31 class A felony, a class B felony, except a violation of section 53a-86 or  
32 53a-122, a class C felony, except a violation of section 53a-87, 53a-152  
33 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,  
34 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136  
35 or 53a-216, or a family violence crime, as defined in section 46b-38a, is  
36 presented before the Superior Court, said court shall, in bailable  
37 offenses, promptly order the release of such person upon the first of  
38 the following conditions of release found sufficient to reasonably  
39 assure the appearance of the arrested person in court and that the  
40 safety of [any other person] the public will not be endangered: (A)  
41 Upon such person's execution of a written promise to appear without  
42 special conditions, (B) upon such person's execution of a written  
43 promise to appear with nonfinancial conditions, (C) upon such  
44 person's execution of a bond without surety in no greater amount than  
45 necessary, or (D) upon such person's execution of a bond with surety  
46 in no greater amount than necessary. In addition to or in conjunction  
47 with any of the conditions enumerated in subparagraphs (A) to (D),  
48 inclusive, of this subdivision, the court may, when it has reason to  
49 believe that the person is drug-dependent and where necessary,  
50 reasonable and appropriate, order the person to submit to a urinalysis  
51 drug test and to participate in a program of periodic drug testing and  
52 treatment. The results of any such drug test shall not be admissible in  
53 any criminal proceeding concerning such person.

