



Substitute Senate Bill No. 671

Public Act No. 08-51

AN ACT CONCERNING PERSISTENT DANGEROUS FELONY OFFENDERS AND PROVIDING ADDITIONAL RESOURCES TO THE CRIMINAL JUSTICE SYSTEM.

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

Section 1. Subsection (h) of section 53a-40 of the general statutes, as amended by section 7 of public act 08-1 of the January special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) When any person has been found to be a persistent dangerous felony offender, the court, in lieu of imposing the sentence of imprisonment authorized by [section 53a-35 for the crime of which such person presently stands convicted, or authorized by section 53a-35a if the crime of which such person presently stands convicted was committed on or after July 1, 1981, shall] the general statutes for the crime of which such person presently stands convicted, shall (1) sentence such person to a term of imprisonment [of not more than forty years] that is not (A) less than twice the minimum term of imprisonment authorized for such crime or (B) more than twice the maximum term of imprisonment authorized for such crime or forty years, whichever is greater, provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall

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include a mandatory minimum term of imprisonment that is twice such authorized mandatory minimum term of imprisonment, and [.] (2) if such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in [subparagraph (B) of subdivision (1) of] subsection (a) of this section, as amended, sentence such person to a term of imprisonment [of not more than life] that is not less than three times the minimum term of imprisonment authorized for such crime or more than life, provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall include a mandatory minimum term of imprisonment that is three times such authorized mandatory minimum term of imprisonment.

Sec. 2. Section 53a-40 of the general statutes, as amended by sections 6 and 7 of public act 08-1 of the January special session, is amended by adding subsection (n) as follows (*Effective from passage*):

(NEW) (n) (1) Whenever a person is arrested for any of the crimes enumerated in subsection (a) of this section, as amended, the prosecuting authority shall investigate and ascertain whether such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in said subsection (a) and would be eligible to be sentenced under subsection (h) of this section if convicted of such crime.

(2) If the prosecuting authority ascertains that such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section, as amended, and such person has been presented to a geographical area courthouse, the prosecuting authority shall cause such person to be transferred to a judicial district courthouse.

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(3) No court shall accept a plea of guilty, not guilty or nolo contendere from a person arrested for any of the crimes enumerated in subsection (a) of this section, as amended, unless it finds that the prosecuting authority has complied with the requirements of subdivision (1) of this subsection.

(4) If the prosecuting authority ascertains that such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section, as amended, but decides not to initiate proceedings to seek the sentence enhancement provided by subsection (h) of this section, the prosecuting authority shall state for the record the specific reason or reasons for not initiating such proceedings.

(5) If the prosecuting authority ascertains that such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section, as amended, and initiates proceedings to seek the sentence enhancement provided by subsection (h) of this section, but subsequently decides to terminate such proceedings, the prosecuting authority shall state for the record the specific reason or reasons for terminating such proceedings.

Sec. 3. (*Effective July 1, 2008*) The sum of six hundred eighty-one thousand dollars is appropriated to the Division of Criminal Justice, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of enhancing prosecution of repeat offenders, administrative coordination and information technology capacity.

Sec. 4. (*Effective July 1, 2008*) The sum of five hundred twelve thousand dollars is appropriated to the Public Defender Services Commission, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of enhancing the legal defense of indigent defendants and handling increased prosecutions.

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Sec. 5. (*Effective July 1, 2008*) The sum of five million two hundred thirty-two thousand dollars is appropriated to the Judicial Department, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of enhancing court operations and probation supervision of sexual offenders, including the use of global positioning system and polygraph technologies, increasing the capacity to serve outstanding warrants for violations of probation, providing truancy prevention and establishing a juvenile justice urban cities pilot program.

Sec. 6. (*Effective July 1, 2008*) The sum of five hundred fourteen thousand dollars is appropriated to the Department of Public Safety, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of hiring additional staff within the State Police Major Crime Squad.

Sec. 7. (*Effective July 1, 2008*) The sum of two million one hundred forty-seven thousand dollars is appropriated to the Department of Correction, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of funding alternative housing, additional correction and parole officers, expansion of the use of global positioning system devices in the supervision of parolees and additional staff for the Board of Pardons and Paroles to screen parole candidates and process files.

Sec. 8. (*Effective July 1, 2008*) The sum of nine hundred ten thousand dollars is appropriated to the Department of Mental Health and Addiction Services, from the General Fund, for the fiscal year ending June 30, 2009, for the purpose of enhancing coordination and monitoring of community services for individuals served by the alternative supervision and intervention support teams, providing supportive housing for individuals served in the jail diversion or reentry programs, enhancing the women's jail diversion program and hiring an additional clinician to expand the capacity of the alternative

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drug intervention program.

Approved May 8, 2008