



# Senate

General Assembly

**File No. 536**

February Session, 2008

Substitute Senate Bill No. 601

*Senate, April 9, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH.***

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) A probation officer  
2 may, in the performance of his or her official duties, detain for a  
3 reasonable period of time and until a police officer arrives to make an  
4 arrest (1) any person who has one or more unexecuted state or federal  
5 arrest warrants lodged against him or her, and (2) any person who  
6 such officer has probable cause to believe has violated a condition of  
7 probation and is the subject of a probation officer's authorization to  
8 arrest pursuant to subsection (a) of section 53a-32 of the general  
9 statutes, as amended by this act.

10 (b) A probation officer may seize and take into custody any  
11 contraband, as defined in subsection (a) of section 54-36a of the general  
12 statutes, that such officer discovers in the performance of his or her  
13 official duties. Such probation officer shall promptly process such  
14 contraband in accordance with the provisions of section 54-36a of the

15 general statutes.

16 (c) A probation officer may, in the performance of his or her official  
17 duties, act as a member of a state or federal ad hoc fugitive task force  
18 that seeks out and arrests persons who have unexecuted state or  
19 federal arrest warrants lodged against such persons and such officer  
20 shall be deemed to be acting as an employee of the state while carrying  
21 out the duties of the task force.

22 Sec. 2. Subsections (d) to (g), inclusive, of section 46b-133 of the 2008  
23 supplement to the general statutes are repealed and the following is  
24 substituted in lieu thereof (*Effective October 1, 2008*):

25 (d) The court or detention [supervisor] superintendent may turn  
26 such child over to a youth service program created for such purpose, if  
27 such course is practicable, or such child may be detained pending a  
28 hearing which shall be held on the business day next following his  
29 arrest. No child shall be detained after such hearing or held in  
30 detention pursuant to a court order unless it appears from the  
31 available facts that there is probable cause to believe that the child has  
32 committed the acts alleged and that there is (1) a strong probability  
33 that the child will run away prior to court hearing or disposition, (2) a  
34 strong probability that the child will commit or attempt to commit  
35 other offenses injurious to him or to the community before court  
36 disposition, (3) probable cause to believe that the child's continued  
37 residence in his home pending disposition will not safeguard the best  
38 interests of the child or the community because of the serious and  
39 dangerous nature of the act or acts he is alleged to have committed, (4)  
40 a need to hold the child for another jurisdiction, or (5) a need to hold  
41 the child to assure his appearance before the court, in view of his  
42 previous failure to respond to the court process. Such probable cause  
43 may be shown by sworn affidavit in lieu of testimony. No child shall  
44 be released from detention who is alleged to have committed a serious  
45 juvenile offense except by order of a judge of the Superior Court. In no  
46 case shall a child be confined in a community correctional center or  
47 lockup, or in any place where adults are or may be confined, except in

48 the case of a nursing infant; nor shall any child at any time be held in  
49 solitary confinement. When a female child is held in custody, she shall,  
50 as far as possible, be in the charge of a woman attendant.

51 (e) The police officer who brings a child into detention shall have  
52 first notified, or made a reasonable effort to notify, the parents or  
53 guardian of the child in question of the intended action and shall file at  
54 the detention center a signed statement setting forth the alleged  
55 delinquent conduct of the child. Unless the arrest was for a serious  
56 juvenile offense, the child may be released by a detention [supervisor]  
57 superintendent to the custody of [his] the child's parent or parents [ ]  
58 or guardian or some other suitable person.

59 (f) In conjunction with any order of release from detention the court  
60 may, when it has reason to believe a child is alcohol-dependent or  
61 drug-dependent as defined in section 46b-120 of the 2008 supplement  
62 to the general statutes, and where necessary, reasonable and  
63 appropriate, order the child to participate in a program of periodic  
64 alcohol or drug testing and treatment as a condition of such release.  
65 The results of any such alcohol or drug test shall be admissible only for  
66 the purposes of enforcing the conditions of release from detention.

67 (g) Whenever the population of a juvenile detention center equals or  
68 exceeds the maximum capacity for such center, as determined by the  
69 Judicial Department, the detention [supervisor] superintendent in  
70 charge of intake shall only admit a child who: (1) Is charged with the  
71 commission of a serious juvenile offense, (2) is the subject of an order  
72 to detain or an outstanding court order to take such child into custody,  
73 (3) is ordered by a court to be held in detention, or (4) is being  
74 transferred to such center to await a court appearance.

75 Sec. 3. Subsection (e) of section 53a-30 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective*  
77 *October 1, 2008*):

78 (e) The court may require that the person subject to electronic  
79 monitoring pursuant to subsection (a) of this section pay directly to the

80 electronic monitoring service provider a fee [for the cost] equal to the  
81 contractually approved daily cost rate of such electronic monitoring  
82 services. If the court finds that the person subject to electronic  
83 monitoring is indigent and unable to pay the costs of electronic  
84 monitoring services, [it] the court shall waive all or part of such costs.  
85 [Any contract entered into by the judicial branch and the electronic  
86 monitoring service provider shall include a provision stating that the  
87 total cost for electronic monitoring services shall not exceed six dollars  
88 per day. Such amount shall be indexed annually to reflect the rate of  
89 inflation.]

90 Sec. 4. Subsection (a) of section 53a-32 of the general statutes is  
91 repealed and the following is substituted in lieu thereof (*Effective*  
92 *October 1, 2008*):

93 (a) At any time during the period of probation or conditional  
94 discharge, the court or any judge thereof may issue a warrant for the  
95 arrest of a defendant for violation of any of the conditions of probation  
96 or conditional discharge, or may issue a notice to appear to answer to a  
97 charge of such violation, which notice shall be personally served upon  
98 the defendant. Any such warrant shall authorize all officers named  
99 therein to return the defendant to the custody of the court or to any  
100 suitable detention facility designated by the court. [Whenever a  
101 defendant has, in the judgment of such defendant's probation officer,  
102 violated the conditions of such defendant's probation, the probation  
103 officer may, in lieu of having such defendant returned to court for  
104 proceedings in accordance with this section, place such defendant in  
105 the zero-tolerance drug supervision program established pursuant to  
106 section 53a-39d. Whenever a sexual offender, as defined in section  
107 54-260, has violated the conditions of such person's probation by  
108 failing to notify such person's probation officer of any change of such  
109 person's residence address, as required by said section] Whenever a  
110 probation officer has probable cause to believe that a person has  
111 violated a condition of such person's probation, such probation officer  
112 may notify any police officer that such person has, in such officer's  
113 judgment, violated the conditions of such person's probation and such

114 notice shall be sufficient warrant for the police officer to arrest such  
115 person and return such person to the custody of the court or to any  
116 suitable detention facility designated by the court. Any probation  
117 officer may arrest any defendant on probation without a warrant or  
118 may deputize any other officer with power to arrest to do so by giving  
119 such other officer a written statement setting forth that the defendant  
120 has, in the judgment of the probation officer, violated the conditions of  
121 the defendant's probation. Such written statement, delivered with the  
122 defendant by the arresting officer to the official in charge of any  
123 correctional center or other place of detention, shall be sufficient  
124 warrant for the detention of the defendant. After making such an  
125 arrest, such probation officer shall present to the detaining authorities  
126 a similar statement of the circumstances of violation. Provisions  
127 regarding release on bail of persons charged with a crime shall be  
128 applicable to any defendant arrested under the provisions of this  
129 section. Upon such arrest and detention, the probation officer shall  
130 immediately so notify the court or any judge thereof. Thereupon, or  
131 upon an arrest by warrant as herein provided, the court shall cause the  
132 defendant to be brought before it without unnecessary delay for a  
133 hearing on the violation charges. At such hearing the defendant shall  
134 be informed of the manner in which such defendant is alleged to have  
135 violated the conditions of such defendant's probation or conditional  
136 discharge, shall be advised by the court that such defendant has the  
137 right to retain counsel and, if indigent, shall be entitled to the services  
138 of the public defender, and shall have the right to cross-examine  
139 witnesses and to present evidence in such defendant's own behalf.

140 Sec. 5. Subsection (d) of section 54-56e of the 2008 supplement to the  
141 general statutes is repealed and the following is substituted in lieu  
142 thereof (*Effective October 1, 2008*):

143 (d) Except as provided in subsection (e) of this section, any  
144 defendant who enters such program shall pay to the court a  
145 participation fee of one hundred dollars. Any defendant who enters  
146 such program shall agree to the tolling of any statute of limitations  
147 with respect to such crime and to a waiver of the right to a speedy trial.

148 Any such defendant shall appear in court and shall, under such  
149 conditions as the court shall order, be released to the custody of the  
150 Court Support Services Division, except that, if a criminal docket for  
151 drug-dependent persons has been established pursuant to section  
152 51-181b in the judicial district, such defendant may be transferred,  
153 under such conditions as the court shall order, to the court handling  
154 such docket for supervision by such court. If the defendant refuses to  
155 accept, or, having accepted, violates such conditions, the defendant's  
156 case shall be brought to trial. The period of such probation or  
157 supervision, or both, shall not exceed two years. [The court may order  
158 that as a condition of such probation the defendant participate in the  
159 zero-tolerance drug supervision program established pursuant to  
160 section 53a-39d.] If the defendant has reached the age of sixteen years  
161 but has not reached the age of eighteen years, the court may order that  
162 as a condition of such probation the defendant be referred for services  
163 to a youth service bureau established pursuant to section 10-19m of the  
164 2008 supplement to the general statutes, provided the court finds,  
165 through an assessment by a youth service bureau or its designee, that  
166 the defendant is in need of and likely to benefit from such services.  
167 When determining any conditions of probation to order for a person  
168 entering such program who was charged with a misdemeanor that did  
169 not involve the use, attempted use or threatened use of physical force  
170 against another person or a motor vehicle violation, the court shall  
171 consider ordering the person to perform community service in the  
172 community in which the offense or violation occurred. If the court  
173 determines that community service is appropriate, such community  
174 service may be implemented by a community court established in  
175 accordance with section 51-181c if the offense or violation occurred  
176 within the jurisdiction of a community court established by said  
177 section. If the defendant is charged with a violation of section 46a-58 of  
178 the 2008 supplement to the general statutes, 53-37a of the 2008  
179 supplement to the general statutes, 53a-181j, 53a-181k or 53a-181l, the  
180 court may order that as a condition of such probation the defendant  
181 participate in a hate crimes diversion program as provided in  
182 subsection (e) of this section. If a defendant is charged with a violation

183 of section 53-247, the court may order that as a condition of such  
184 probation the defendant undergo psychiatric or psychological  
185 counseling or participate in an animal cruelty prevention and  
186 education program provided such a program exists and is available to  
187 the defendant.

188 Sec. 6. Subsection (b) of section 54-56g of the 2008 supplement to the  
189 general statutes is repealed and the following is substituted in lieu  
190 thereof (*Effective October 1, 2008*):

191 (b) The court, after consideration of the recommendation of the  
192 state's attorney, assistant state's attorney or deputy assistant state's  
193 attorney in charge of the case, may, in its discretion, grant such  
194 application. If the court grants such application, it shall refer such  
195 person to the Court Support Services Division for assessment and  
196 confirmation of the eligibility of the applicant and to the Department  
197 of Mental Health and Addiction Services for evaluation. The Court  
198 Support Services Division, in making its assessment and confirmation,  
199 may rely on the representations made by the applicant under oath in  
200 open court with respect to convictions in other states of offenses  
201 specified in subsection (a) of this section. Upon confirmation of  
202 eligibility and receipt of the evaluation report, the defendant shall be  
203 referred to the Department of Mental Health and Addiction Services  
204 by the Court Support Services Division for placement in an  
205 appropriate alcohol intervention program for one year, or be placed in  
206 a state-licensed substance abuse treatment program. Any person who  
207 enters the system shall agree: (1) To the tolling of the statute of  
208 limitations with respect to such crime, (2) to a waiver of such person's  
209 right to a speedy trial, (3) to complete ten or fifteen counseling sessions  
210 in an alcohol intervention program or successfully complete a  
211 substance abuse treatment program of not less than twelve sessions  
212 pursuant to this section dependent upon the evaluation report and the  
213 court order, (4) upon completion of participation in the alcohol  
214 intervention program, to accept placement in a treatment program  
215 upon recommendation of a provider under contract with the  
216 Department of Mental Health and Addiction Services pursuant to

217 subsection (d) of this section or placement in a state-licensed treatment  
218 program which meets standards established by the Department of  
219 Mental Health and Addiction Services, if the Court Support Services  
220 Division deems it appropriate, and (5) if ordered by the court, to  
221 participate in at least one victim impact panel. The suspension of the  
222 motor vehicle operator's license of any such person pursuant to section  
223 14-227b shall be effective during the period such person is  
224 participating in such program, provided such person shall have the  
225 option of not commencing the participation in such program until the  
226 period of such suspension is completed. If the Court Support Services  
227 Division informs the court that the defendant is ineligible for the  
228 system and the court makes a determination of ineligibility or if the  
229 program provider certifies to the court that the defendant did not  
230 successfully complete the assigned program or is no longer amenable  
231 to treatment, the court shall order the court file to be unsealed, enter a  
232 plea of not guilty for such defendant and immediately place the case  
233 on the trial list. If such defendant satisfactorily completes the assigned  
234 program, such defendant may apply for dismissal of the charges  
235 against such defendant and the court, on reviewing the record of the  
236 defendant's participation in such program submitted by the Court  
237 Support Services Division and on finding such satisfactory completion,  
238 shall dismiss the charges. If the defendant does not apply for dismissal  
239 of the charges against such defendant after satisfactorily completing  
240 the assigned program the court, upon receipt of the record of the  
241 defendant's participation in such program submitted by the Court  
242 Support Services Division, may on its own motion make a finding of  
243 such satisfactory completion and dismiss the charges. Upon motion of  
244 the defendant and a showing of good cause, the court may extend the  
245 one-year placement period for a reasonable period for the defendant to  
246 complete the assigned program. A record of participation in such  
247 program shall be retained by the Court Support Services Division for a  
248 period of [seven] ten years from the date of application. The Court  
249 Support Services Division shall transmit to the Department of Motor  
250 Vehicles a record of participation in such program for each person who  
251 satisfactorily completes such program. The Department of Motor

252 Vehicles shall maintain for a period of [seven] ten years the record of a  
253 person's participation in such program as part of such person's driving  
254 record. The Court Support Services Division shall transmit to the  
255 Department of Environmental Protection the record of participation of  
256 any person who satisfactorily completes such program who has been  
257 charged with a violation of the provisions of section 15-133, 15-140l or  
258 15-140n. The Department of Environmental Protection shall maintain  
259 for a period of [seven] ten years the record of a person's participation  
260 in such program as a part of such person's boater certification record.

261 Sec. 7. Subsection (c) of section 54-63d of the general statutes is  
262 repealed and the following is substituted in lieu thereof (*Effective*  
263 *October 1, 2008*):

264 (c) In addition to or in conjunction with any of the conditions  
265 enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this  
266 section, the bail commissioner may impose nonfinancial conditions of  
267 release, which may require that the arrested person do any of the  
268 following: (1) Remain under the supervision of a designated person or  
269 organization; (2) comply with specified restrictions on the person's  
270 travel, association or place of abode; (3) not engage in specified  
271 activities, including the use or possession of a dangerous weapon, an  
272 intoxicant or controlled substance; (4) [participate in the zero-tolerance  
273 drug supervision program established under section 53a-39d; (5)]  
274 avoid all contact with an alleged victim of the crime and with a  
275 potential witness who may testify concerning the offense; or [(6)] (5)  
276 satisfy any other condition that is reasonably necessary to assure the  
277 appearance of the person in court. Any of the conditions imposed  
278 under subsection (a) of this section and this subsection by the bail  
279 commissioner shall be effective until the appearance of such person in  
280 court.

281 Sec. 8. Subsection (c) of section 54-64a of the general statutes is  
282 repealed and the following is substituted in lieu thereof (*Effective*  
283 *October 1, 2008*):

284 (c) If the court determines that a nonfinancial condition of release

285 should be imposed pursuant to subparagraph (B) of subdivision (1) of  
286 subsection (a) or (b) of this section, the court shall order the pretrial  
287 release of the person subject to the least restrictive condition or  
288 combination of conditions that the court determines will reasonably  
289 assure the appearance of the arrested person in court and, with respect  
290 to the release of the person pursuant to subsection (b) of this section,  
291 that the safety of any other person will not be endangered, which  
292 conditions may include an order that the arrested person do one or  
293 more of the following: (1) Remain under the supervision of a  
294 designated person or organization; (2) comply with specified  
295 restrictions on such person's travel, association or place of abode; (3)  
296 not engage in specified activities, including the use or possession of a  
297 dangerous weapon, an intoxicant or a controlled substance; (4)  
298 [participate in the zero-tolerance drug supervision program  
299 established under section 53a-39d; (5)] provide sureties of the peace  
300 pursuant to section 54-56f under supervision of a designated bail  
301 commissioner; [(6)] (5) avoid all contact with an alleged victim of the  
302 crime and with a potential witness who may testify concerning the  
303 offense; [(7)] (6) maintain employment or, if unemployed, actively seek  
304 employment; [(8)] (7) maintain or commence an educational program;  
305 [(9)] (8) be subject to electronic monitoring; or [(10)] (9) satisfy any  
306 other condition that is reasonably necessary to assure the appearance  
307 of the person in court and that the safety of any other person will not  
308 be endangered. The court shall state on the record its reasons for  
309 imposing any such nonfinancial condition.

310 Sec. 9. Subsection (e) of section 54-64a of the general statutes is  
311 repealed and the following is substituted in lieu thereof (*Effective*  
312 *October 1, 2008*):

313 (e) The court may require that the person subject to electronic  
314 monitoring pursuant to subsection (c) of this section, as amended by  
315 this act, pay directly to the electronic monitoring service provider a fee  
316 [for the cost] equal to the contractually approved daily cost rate of such  
317 electronic monitoring services. If the court finds that the person subject  
318 to electronic monitoring is indigent and unable to pay the costs of

319 electronic monitoring services, the court shall waive all or part of such  
320 costs. [Any contract entered into by the judicial branch and the  
321 electronic monitoring service provider shall include a provision stating  
322 that the total cost for electronic monitoring services shall not exceed  
323 five dollars per day. Such amount shall be indexed annually to reflect  
324 the rate of inflation.]

325 Sec. 10. Subsection (b) of section 54-76j of the general statutes is  
326 repealed and the following is substituted in lieu thereof (*Effective*  
327 *October 1, 2008*):

328 (b) If execution of the sentence is suspended under subdivision (6)  
329 of subsection (a) of this section, the defendant may be placed on  
330 probation or conditional discharge for a period not to exceed three  
331 years, provided, at any time during the period of probation, after  
332 hearing and for good cause shown, the court may extend the period as  
333 deemed appropriate by the court. If the court places the person  
334 adjudicated to be a youthful offender on probation, the court may  
335 order that, as a condition of such probation, the person be referred for  
336 services to a youth service bureau established pursuant to section 10-  
337 19m of the 2008 supplement to the general statutes, provided the court  
338 finds, through an assessment by a youth service bureau or its designee,  
339 that the person is in need of and likely to benefit from such services. [If  
340 the court places a person adjudicated as a youthful offender on  
341 probation, the court may order that, as a condition of such probation,  
342 the person participate in the zero-tolerance drug supervision program  
343 established pursuant to section 53a-39d.] If the court places a youthful  
344 offender on probation, school and class attendance on a regular basis  
345 and satisfactory compliance with school policies on student conduct  
346 and discipline may be a condition of such probation and, in such a  
347 case, failure to so attend or comply shall be a violation of probation. If  
348 the court has reason to believe that the person adjudicated to be a  
349 youthful offender is or has been an unlawful user of narcotic drugs, as  
350 defined in section 21a-240, and the court places such youthful offender  
351 on probation, the conditions of probation, among other things, shall  
352 include a requirement that such person shall submit to periodic tests to

353 determine, by the use of "synthetic opiate antinarcotic in action",  
354 nalline test or other detection tests, at a hospital or other facility,  
355 equipped to make such tests, whether such person is using narcotic  
356 drugs. A failure to report for such tests or a determination that such  
357 person is unlawfully using narcotic drugs shall constitute a violation of  
358 probation. If the court places a person adjudicated as a youthful  
359 offender for a violation of section 53-247 on probation, the court may  
360 order that, as a condition of such probation, the person undergo  
361 psychiatric or psychological counseling or participate in an animal  
362 cruelty prevention and education program, provided such a program  
363 exists and is available to the person.

364 Sec. 11. Section 54-103b of the general statutes is repealed and the  
365 following is substituted in lieu thereof (*Effective from passage*):

366 The Court Support Services Division shall implement liaison with  
367 local community service providers throughout the state for the  
368 purpose of improving services delivery for probation referrals.  
369 Contractual services purchased shall be predominantly for the purpose  
370 of, but not limited to, employment, psychiatric and psychological  
371 evaluation and counseling, drug and alcohol dependency treatment,  
372 and other services towards more effective control and rehabilitation of  
373 probation referrals. The Chief Court Administrator, as part of a  
374 publicly bid contract for an alternative incarceration program that is  
375 executed prior to, on or after the effective date of this section, may  
376 include a requirement that the contractor provide such space as is  
377 necessary for staff of the Court Support Services Division to meet with  
378 probationers and to conduct any business that may be necessary to  
379 oversee and monitor such program. Other outside professional service  
380 fees consonant with the primary purpose of improved direct services  
381 shall be within the scope of the authority granted by this section.

382 Sec. 12. (*Effective October 1, 2008*) Section 53a-39d of the general  
383 statutes is repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	46b-133(d) to (g)
Sec. 3	<i>October 1, 2008</i>	53a-30(e)
Sec. 4	<i>October 1, 2008</i>	53a-32(a)
Sec. 5	<i>October 1, 2008</i>	54-56e(d)
Sec. 6	<i>October 1, 2008</i>	54-56g(b)
Sec. 7	<i>October 1, 2008</i>	54-63d(c)
Sec. 8	<i>October 1, 2008</i>	54-64a(c)
Sec. 9	<i>October 1, 2008</i>	54-64a(e)
Sec. 10	<i>October 1, 2008</i>	54-76j(b)
Sec. 11	<i>from passage</i>	54-103b
Sec. 12	<i>October 1, 2008</i>	Repealer section

**Statement of Legislative Commissioners:**

Section 2(g) was amended to change a reference to "detention supervisor" and section 8 was added to delete a reference to the repealed section. The changes were made for consistency.

**JUD**      *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Judicial Department (Probation)	GF - Implements the Budget	414,037	522,049
Judicial Department (Probation)	GF - Potential Cost Recovery	Less than 105,000	Less than 140,000

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill expands the authority of probation officers to execute outstanding warrants for violations of probation, which implements the budget. Funds in the amount of \$414,037 have been included within sHB 5021 (the budget bill as favorably reported from the Appropriations Committee) to establish an additional Warrant Squad within the Court Support Services Division; nine probation officer positions are provided to work with local law enforcement to locate absconders and serve warrants in the community.

The bill enhances the ability of the Judicial Department to recover from probationers the cost of electronic monitoring. Current law limits cost recovery to \$6.00<sup>1</sup> per day from any probationer who is not indigent. The bill: (1) eliminates the \$6.00 cap; and (2) allows the court to require any indigent probationer to pay a portion of the cost for electronic monitoring. The potential, additional cost recovery under these provisions is approximately \$140,000 each year.

The bill eliminates the statutory zero tolerance drug supervision

<sup>1</sup> Note that the current contractual rates of electronic monitoring via the Global Positioning System are \$6.45 (passive) to \$12.95 (active).

pilot program<sup>2</sup> that the Court Support Services Division of the Judicial Department administers. The pilot program has been discontinued. Since the bill conforms statute to current practice, there is no fiscal impact.

The bill makes other minor and technical changes that have no fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impacts identified above would continue into the future subject to inflation.

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<sup>2</sup> Under this program, the state paid approximately \$235,000 each year to conduct periodic urine testing of participants. If any participants failed the test, they would be subject to immediate 48-hour detention in a halfway house.

**OLR Bill Analysis****sSB 601*****AN ACT CONCERNING THE COURT SUPPORT SERVICES  
DIVISION OF THE JUDICIAL BRANCH.*****SUMMARY:**

This bill allows a probation officer, while performing his or her duties, to detain someone for a reasonable time for a police officer to arrive to make an arrest when (1) the person has an unexecuted state or federal arrest warrant or (2) the probation officer has probable cause to believe that the person violated a condition of probation. It also makes notice from a probation officer to a police officer that someone has violated the conditions of his or her probation sufficient for the police officer to arrest the person.

The bill authorizes probation officers, in performing their duties, to act as members of a state or federal ad hoc fugitive task force that seeks out and arrests people with unexecuted state or federal arrest warrants. It specifies that they are acting as state employees while carrying out task force duties.

The bill also authorizes a probation officer to seize and take into custody any contraband discovered while performing his or her duties. The officer must promptly process the contraband under the same procedures used by law enforcement agencies for property.

By law, the court can require that a person be electronically monitored as a condition of release pending trial or a condition of probation or conditional discharge. The bill removes a requirement that the total cost for electronic monitoring services in a contract between the Judicial Branch and an electronic service provider not exceed \$6 per day for probation or conditional discharge or \$5 per day for releases pending trial, with both indexed annually for inflation.

The law allows the court to require someone subject to electronic monitoring to pay the provider the cost of electronic monitoring unless the court waives these costs because a person is indigent. The bill specifies that the fee is equal to the daily cost rate in the contract and allows the court to waive part, and not just all, of the costs.

The bill eliminates the zero-tolerance drug supervision program and makes conforming changes.

The bill increases, from seven to 10 years, the time that certain agencies must retain a record of a person's participation in the pre-trial alcohol education program.

The law allows the chief court administrator to include, as part of a publicly bid contract for an alternative incarceration program, a requirement that a contractor provide space for Court Support Services Division (CSSD) to meet with probationers and for monitoring the program. The bill specifies that this applies to a publicly bid contract executed before, on, or after the bill's passage.

The bill changes the title of a detention supervisor at a juvenile detention facility to a detention superintendent.

EFFECTIVE DATE: October 1, 2008 except the provision on publicly bid contracts is upon passage.

### **ARRESTS FOR PROBATION VIOLATIONS**

Under current law, a probation officer can notify a police officer that a sex offender has violated the conditions of his or her probation by failing to inform the probation officer of a change of address and that notice is sufficient for a police officer to arrest the person. The bill expands this procedure to anytime a probation officer has probable cause to believe someone violated a probation condition. By law, a probation officer can deputize another officer with power to arrest to do so on a written statement that the person violated the conditions of probation.

The bill allows a probation officer, while performing his or her duties, to detain someone for a reasonable time for a police officer to arrive to make an arrest when the probation officer has probable cause to believe that the person violated a condition of probation.

By law, a probation officer can arrest a defendant on probation for committing a crime without a warrant. The law makes probation officers “peace officers” and peace officers in their respective precincts can arrest, without a warrant, anyone for an offense in their jurisdiction when the person is taken or apprehended in the act or on speedy information of others (CGS § 54-1f).

### **ZERO-TOLERANCE DRUG SUPERVISION PROGRAM**

The bill eliminates the zero-tolerance drug supervision program and makes conforming changes. Under this program, a participant submits to periodic urinalysis, agrees to two days detention in a halfway house for each positive result, and agrees to waive the right to a hearing. The program is used as (1) a court-ordered condition of probation, including as a condition of accelerated rehabilitation or youthful offender status; (2) a condition of release required by the court or a bail commissioner for someone released on bail pending trial; and (3) a referral option for a probationer when his or her probation officer believes the probationer violated a condition of probation.

### **RECORD OF PRETRIAL ALCOHOL EDUCATION PROGRAM**

The bill requires the record of participation in the alcohol education program (AEP) be retained by CSSD for 10 years instead of seven years. By law, CSSD must transmit to the Department of Motor Vehicles (DMV) a record of the participation of each person who satisfactorily completes it. The bill requires DMV to maintain the record for 10 years instead of seven years as part of such person’s driving record.

By law, CSSD must transmit to the Department of Environmental Protection (DEP) the record of participation of any person who

satisfactorily completes the AEP program who has been charged with a violation of certain alcohol-related boating offenses.

The bill requires DEP to maintain the record for 10 years instead of seven years as a part of a person’s boater certification record.

**BACKGROUND**

***Pre-trial Alcohol Education Program***

By law, the pre-trial alcohol education program is available to certain people charged with driving under the influence, driving under the influence and under age 21, boating safety violations and boating under the influence, or 1<sup>st</sup> or 2<sup>nd</sup> degree reckless boating under the influence.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable  
Yea 43    Nay 0    (03/24/2008)