



General Assembly

**Amendment**

February Session, 2008

LCO No. 4380

**\*SB0032104380HRO\***

Offered by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. MCKINNEY, 28<sup>th</sup> Dist.

To: Subst. Senate Bill No. 321

File No. 169

Cal. No. 278

**"AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF  
LAW."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 51-279 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective from*  
5 *passage*):

6 (a) The Chief State's Attorney, with the advice of the Division of  
7 Criminal Justice Advisory Board under section 51-279a, shall  
8 administer, direct, supervise, coordinate and control the operations,  
9 activities and programs of the division as it shall apply to the Superior  
10 Court. He shall: (1) Establish such bureaus, divisions, facilities and  
11 offices, including an appellate unit, a racketeering and continuing  
12 criminal activities unit and a bond forfeiture unit, and select such  
13 professional, technical and other personnel, including chief inspectors,  
14 as he deems reasonably necessary for the efficient operation and

15 discharge of the duties of the division, subject to the personnel policies  
16 and compensation plan established by the Department of  
17 Administrative Services; (2) adopt and enforce rules and regulations to  
18 carry out the purposes of this chapter; (3) establish guidelines, policies  
19 and procedures for the internal operation and administration of the  
20 division which shall be binding on all division personnel; (4) enter into  
21 contracts with consultants and such other persons as are necessary for  
22 the proper functioning of the office; (5) engage in long-range planning  
23 and review policy and legislation concerning the administration of  
24 criminal justice in the state and recommend needed changes and  
25 additions thereto; (6) collect statistical data concerning administration  
26 of criminal justice in the state and furnish the data to the appropriate  
27 committee of the General Assembly; (7) conduct research and evaluate  
28 programs within his office; (8) establish staff development, training  
29 and education programs designed to improve the quality of the  
30 division's services and programs; (9) annually notify prosecutors of  
31 their statutory duties to make statements in writing or in open court  
32 regarding their decision to not pursue a charge against a defendant  
33 that is otherwise available and would result in an enhanced penalty if  
34 proven; [(9)] (10) coordinate the activities of the division with those of  
35 such other state, municipal, regional, federal and private agencies as  
36 are concerned with the administration of criminal justice; [(10)] (11) be  
37 authorized to receive and administer funds from the federal  
38 government or any charitable foundation to assist in the operations of  
39 the division; [(11)] (12) supervise, approve and issue all orders  
40 concerning all purchases of commodities, equipment and services for  
41 the Division of Criminal Justice; [(12)] (13) supervise the administrative  
42 methods and systems employed in the Division of Criminal Justice;  
43 [(13)] (14) submit to the Department of Administrative Services for its  
44 approval a compensation plan for all employees of the division, which  
45 plan may include sick leave, vacation leave, absences without pay,  
46 longevity payments, increments and all other matters regarding  
47 personnel policies and procedures; [(14)] (15) establish with the  
48 approval of the Department of Administrative Services such job  
49 classifications as he deems necessary for the operation of the division;

50 [(15)] (16) audit bills to be paid from state appropriations for the  
51 expenses of the Division of Criminal Justice; [(16)] (17) maintain  
52 adequate accounting and budgetary records for all appropriations by  
53 the state for the maintenance of the Division of Criminal Justice and all  
54 other appropriations assigned by the legislature or state budgetary  
55 control offices for administration by the Division of Criminal Justice;  
56 [(17)] (18) serve as payroll officer for the Division of Criminal Justice;  
57 and [(18)] (19) have such other powers and duties as are reasonably  
58 necessary to administer the division and implement the purposes of  
59 this chapter. He shall prepare and submit to the Office of Policy and  
60 Management estimates of appropriations necessary for the  
61 maintenance of the division and make recommendations with respect  
62 thereto for inclusion as a separate item in the budget request of the  
63 Division of Criminal Justice.

64 Sec. 502. Subsection (h) of section 53a-40 of the general statutes, as  
65 amended by section 7 of public act 08-1 of the January special session,  
66 is repealed and the following is substituted in lieu thereof (*Effective July*  
67 *1, 2008*):

68 (h) When any person has been found to be a persistent dangerous  
69 felony offender, the court, in lieu of imposing the sentence of  
70 imprisonment authorized by section 53a-35 for the crime of which such  
71 person presently stands convicted, or authorized by section 53a-35a if  
72 the crime of which such person presently stands convicted was  
73 committed on or after July 1, 1981, shall sentence such person to a term  
74 of imprisonment of not more than forty years and, if such person has,  
75 at separate times prior to the commission of the present crime, been  
76 twice convicted of and imprisoned for any of the crimes enumerated in  
77 [subparagraph (B) of subdivision (1) of] subsection (a) of this section,  
78 sentence such person to [a term of imprisonment of not more than] life  
79 imprisonment without the possibility of release.

80 Sec. 503. Section 53a-40 of the general statutes, as amended by  
81 sections 6 and 7 of public act 08-1 of the January special session, is  
82 amended by adding subsection (n) as follows (*Effective July 1, 2008*):

83 (NEW) (n) Whenever a person is eligible to be charged as a  
84 persistent dangerous felony offender under subsection (a) of this  
85 section and has, at separate times prior to the commission of the  
86 present crime, been twice convicted of and imprisoned for any of the  
87 crimes enumerated in said subsection, the prosecuting authority shall  
88 charge such person as a persistent dangerous felony offender unless  
89 the prosecuting authority states in open court the reason for not  
90 charging such person as a persistent dangerous felony offender.

91 Sec. 504. Section 53a-35b of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective July 1, 2008*):

93 A sentence of imprisonment for life shall mean a definite sentence of  
94 sixty years, unless the sentence is life imprisonment without the  
95 possibility of release, imposed pursuant to subsection (h) of section  
96 53a-40, as amended by this act, or subsection (g) of section 53a-46a, in  
97 which case the sentence shall be imprisonment for the remainder of the  
98 defendant's natural life."