



# House of Representatives

General Assembly

**File No. 281**

*January Session, 2011*

Substitute House Bill No. 6537

*House of Representatives, March 29, 2011*

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING SPEEDY TRIALS.***

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

1 Section 1. Section 54-82m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 In accordance with the provisions of section 51-14, the judges of the  
4 Superior Court shall make such rules as they deem necessary to  
5 provide a procedure to assure a speedy trial for any person charged  
6 with a criminal offense on or after July 1, 1985. Such rules shall provide  
7 that (1) in any case in which a plea of not guilty is entered, the trial of a  
8 defendant charged in an information [or indictment] with the  
9 commission of a criminal offense shall commence within twelve  
10 months from the filing date of the information or [indictment or from]  
11 the date of the arrest, whichever is later, except that when such  
12 defendant is incarcerated in a correctional institution of this state  
13 pending such trial and is not subject to the provisions of section 54-82c,  
14 the trial of such defendant shall commence within eight months from  
15 the filing date of the information or [indictment or from] the date of

16 arrest, whichever is later, if the most serious charge contained in the  
 17 information is a felony, or within ninety days from the filing date of  
 18 the information or the date of arrest, whichever is later, if the most  
 19 serious charge contained in the information is a misdemeanor; [and]  
 20 (2) except as provided in subdivision (3) of this section, if a defendant  
 21 is not brought to trial within the time limit set forth in subdivision (1)  
 22 of this section and a trial is not commenced within thirty days of a  
 23 motion for a speedy trial made by the defendant at any time after such  
 24 time limit has passed, the information [or indictment] shall be  
 25 dismissed; and (3) if a defendant is incarcerated in a correctional  
 26 institution of this state pending trial and is not subject to the provisions  
 27 of section 54-82c, only one information is filed against the defendant  
 28 and the most serious charge contained in the information is a  
 29 misdemeanor, and the defendant is not brought to trial within the  
 30 ninety-day limit set forth in subdivision (1) of this section, (A) the  
 31 defendant shall be released by the court upon the defendant's  
 32 execution of a written promise to appear with such nonfinancial  
 33 conditions, if any, found sufficient to reasonably assure the appearance  
 34 of the defendant in court, (B) the trial of such defendant shall  
 35 commence within twelve months from the filing date of the  
 36 information or the date of the arrest, whichever is later, and (C) if the  
 37 trial is not commenced within such twelve-month limit, the  
 38 information shall be dismissed. Such rules shall include provisions to  
 39 identify periods of delay caused by the action of the defendant, or the  
 40 defendant's inability to stand trial, to be excluded in computing the  
 41 time limits set forth in subdivision (1) of this section.

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

Section 1	October 1, 2011	54-82m
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**Statement of Legislative Commissioners:**

In Subdiv. (3), language was added concerning the incarcerated defendant not being subject to Sec. 54-82c, for consistency with the language of Subdiv. (1).

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Correction, Dept.	GF - Savings	186,000	319,000
Judicial Dept.	GF - Cost	73,500	98,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Net Cost	7,850	6,300

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill reduces the time from eight months to 90 days for which an incarcerated pretrial offender must wait for a trial. This would only apply to offenders whose most serious charge is a misdemeanor.

**Department of Correction Savings**

An annualized reduction in the incarcerated population of 30 is anticipated to result from implementation of this bill. The Department of Correction (DOC) will experience savings from reduced overtime, as well as averted inmate medical care and other expenses of incarceration (clothing, food, living supplies, personal hygiene). Total state savings, detailed below, are projected at approximately \$196,000 in FY 12, reflecting partial year implementation.

Item	FY 12 Savings
Overtime	\$ 132,000
Inmate Medical Services	26,000
Other Expenses	28,000
TOTAL - DOC	\$ 186,000
<i>Fringe Benefits</i>	10,000
TOTAL	\$ 196,000

Savings would increase to approximately \$336,000 in FY 13 (\$319,000 DOC; \$17,000 fringe benefits) to reflect full year

implementation.

### **Judicial Department Costs**

The bill would result in additional trials in the Geographical Area courts, resulting in a cost of \$91,350 in FY 12 to the Judicial Department for two additional criminal caseflow coordinators (\$73,500 in salary and \$17,850 in fringe benefits).

Costs would increase to approximately \$121,300 (\$98,000 in salary and \$23,300 in fringe benefits) to reflect full year implementation.

Currently there are 1,700 cases associated with unsentenced offenders incarcerated for misdemeanors. Of this total, it is estimated that an additional 200 trials per year would occur from changing the waiting time for a trial from eight months to 90 days. The increased workload associated with the additional trials will require the two criminal caseflow coordinator positions to schedule, coordinate and undertake the necessary reviews with the judge and court staff associated with the increased number of trials.

The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated non-pension fringe benefit cost associated with personnel changes is 23.76% of payroll in FY 12 and FY 13. In addition, there could be an impact to potential liability for the applicable state pension funds.

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

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

Pension-related costs for the identified personnel changes will be recognized in the state's annual required pension contribution as of FY 14.

**OLR Bill Analysis****sHB 6537*****AN ACT CONCERNING SPEEDY TRIALS.*****SUMMARY:**

By law, the Superior Court must establish rules to provide criminal defendants with speedy trials. Under current law, if a defendant is incarcerated while awaiting trial (as opposed to being incarcerated for a prior conviction), the rules must provide for trial within eight months of the arrest or the filing of charges, whichever is later. The bill reduces this period to 90 days if the most serious charge is a misdemeanor. If the most serious charge is a felony, the eight-month period continues to apply.

The law also requires the rules to provide for dismissal of the case if the defendant, after the required time for trial has passed, files a motion for a speedy trial and no trial begins within 30 days of the filing. The bill requires the rules to provide different requirements for a defendant who is incarcerated while awaiting trial (and not for a prior conviction) when (1) there is only one information (charging document) filed against him or her and (2) the most serious charge is a misdemeanor. If such a defendant is not brought to trial within 90 days of the charges or arrest, whichever is later, the court must release the defendant upon receiving the defendant's written promise to appear and imposing sufficient nonfinancial conditions, if any, to reasonably assure the defendant's appearance in court. The defendant's trial must begin within 12 months of the charges or arrest, whichever is later. If it does not, the case must be dismissed.

The bill also makes a technical change, reflecting that crimes charged by the state are no longer prosecuted by grand jury indictment.

EFFECTIVE DATE: October 1, 2011

**BACKGROUND**

***Speedy Trials***

By law, for defendants who are not incarcerated, the Superior Court's rules must provide for trial within 12 months of the arrest or the filing of charges, whichever is later. The speedy trial rules must exclude from the time calculation those delays that are caused by the defendant or by the defendant's inability to stand trial. This exclusion applies for defendants who are not incarcerated as well as for those incarcerated while awaiting trial.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/11/2011)