



General Assembly

January Session, 2011

Raised Bill No. 6635

LCO No. 5039

05039_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**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. Section 53a-31 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) A period of probation or conditional discharge commences on
4 the day it is imposed, except that, where it is preceded by a sentence of
5 imprisonment with execution suspended after a period of
6 imprisonment set by the court, it commences on the day the defendant
7 is released from such imprisonment. Multiple periods, whether
8 imposed at the same or different times, shall run concurrently.

9 (b) [Issuance] The issuance of a warrant or notice to appear, or an
10 arraignment following an arrest without a warrant, for violation
11 pursuant to section 53a-32 shall interrupt the period of the sentence [as
12 of the date of such issuance] until a final determination as to the
13 violation has been made by the court. In the absence of a warrant, [or]
14 a notice to appear or an arrest for violation pursuant to section 53a-32,
15 if the defendant has failed to comply with any of the conditions of

16 probation or conditional discharge, such failure shall not relieve the
17 Court Support Services Division from the responsibility of supervising
18 the defendant.

19 (c) Notwithstanding the issuance of a warrant or notice to appear or
20 an arrest without a warrant for violation pursuant to section 53a-32,
21 the defendant shall continue to comply with the conditions with which
22 the defendant was previously required to comply pursuant to section
23 53a-30. The Court Support Services Division shall make reasonable
24 efforts to inform the defendant of the defendant's obligation to
25 continue to comply with such conditions and to provide the defendant
26 with a copy of such conditions.

27 (d) In any case where a person who is under a sentence of probation
28 or of conditional discharge is also under an indeterminate sentence of
29 imprisonment, or a sentence authorized under section 18-65a or 18-73,
30 imposed for some other offense by a court of this state, the service of
31 the sentence of imprisonment shall satisfy the sentence of probation or
32 of conditional discharge unless the sentence of probation or of
33 conditional discharge is revoked prior to parole or satisfaction of the
34 sentence of imprisonment.

35 Sec. 2. Section 54-108 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2011*):

37 (a) Probation officers shall investigate all cases referred to them for
38 investigation by the executive director or by the court. They shall
39 furnish to each person released under their supervision a written
40 statement of the conditions of probation and shall instruct him
41 regarding the same. They shall keep informed of his conduct and
42 condition and use all suitable methods to aid and encourage him and
43 to bring about improvement in his conduct and condition. [Probation
44 officers shall collect and disburse all moneys in accordance with the
45 orders of the judges of the court; shall keep accurate and complete
46 accounts of all moneys received and disbursed in accordance with
47 such orders and shall give receipts therefor, and shall make such

48 reports in writing as the court or director may require. They shall send
49 a record of all probations to the director. Whenever any minor has
50 been arrested, the probation officer shall, as soon after the arrest as
51 practicable, be notified by the police in order that he may, before the
52 trial, ascertain the facts in the case. Pending such investigation the
53 court may commit the accused to the custody of the probation officer.
54 Whenever a minor is in default of bail and is committed to a
55 community correctional center, the Superior Court or, if such court is
56 not in session, any judge thereof, upon application and after notice to
57 the prosecuting authority of the court may order that such minor be
58 committed to the custody of a probation officer pending the
59 disposition of the case. Any such order shall be filed with the clerk of
60 such court, and a certified copy thereof filed with the Community
61 Correctional Center Administrator shall be sufficient warrant for the
62 release of such minor to the custody of the probation officer.]

63 (b) Probation officers shall supervise and enforce all conditions of
64 probation ordered pursuant to section 53a-30.

65 (c) Any interference with any probation officer or with any person
66 placed in his charge shall render the person so interfering liable to the
67 provisions of section 53a-167a.

68 Sec. 3. Subsection (a) of section 54-108d of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective July*
70 *1, 2011*):

71 (a) A probation officer may, in the performance of his or her official
72 duties, detain for a reasonable period of time and until a police officer
73 arrives to make an arrest (1) any person who has one or more
74 unexecuted state or federal arrest warrants lodged against him or her,
75 and (2) any person who such officer has probable cause to believe has
76 violated a condition of probation and is the subject of a probation
77 officer's authorization to arrest pursuant to subsection (a) of section
78 53a-32. If a police officer is unable to come to the location where the
79 person is being detained within a reasonable period of time, a

80 probation officer may transport the person to the nearest location
81 where a police officer is able to make an arrest.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	53a-31
Sec. 2	<i>July 1, 2011</i>	54-108
Sec. 3	<i>July 1, 2011</i>	54-108d(a)

Statement of Purpose:

To revise the circumstances that cause a sentence of probation to be interrupted, delete obsolete duties of probation officers, and authorize probation officers to transport to the nearest police officer persons they have detained who are subject to arrest.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]