



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice  
Joint Committee on Public Safety and Security  
February 28, 2012**

**In Support of:  
H.B. No. 5093: An Act Concerning Extradition of Fugitives**

The Division of Criminal Justice respectfully recommends and requests the Committee's JOINT FAVORABLE SUBSTITUTE Report for H.B. No. 5093, An Act Concerning Extradition of Fugitives.

The concept for this legislation originated with the Division of Criminal Justice, and we would respectfully request that the Committee amend H.B. No. 5093 to restore the original language recommended by the Division. This bill originated from the Division of Criminal Justice to amend provisions adopted as part of the comprehensive bail bond legislation enacted as Public Act 11-45. The act essentially gives a bondsman the ability to get off the hook for a bail bond where the client becomes a fugitive from justice.

What the Division is essentially proposing is that a bail bondsman, surety bail bond agent or bail insurer be held financially accountable to assure the appearance of their client in court before they can seek to be released from the terms of the bond. If the person absconds and becomes a fugitive from justice, the financial liability for returning that person to Connecticut should rest with the bondsman or other agent and not with the taxpayer. Put another way, the bondsman or other agent - and not the taxpayer - should be responsible for what boils down to a bad business decision on the part of the bail agent.

In FY10-11, the Division of Criminal Justice spent more than \$171,000 on transportation of prisoners. The bulk of these expenditures were for expenses associated with the extradition of fugitives. Significant savings could be achieved by placing the responsibility for assuring appearance of these fugitives where it belongs, with the bail agent.

The Division would recommend that the bill be amended to require a bail bondsman, surety bail bond agent or insurer be required to pay in advance the cost of extradition for a fugitive in order to be released from the bond posted for that fugitive. The current language (LCO No. 821) provides for a process where the bail agent would simply agree to reimburse the state for the costs of extradition. There is no guarantee such reimbursement would occur, and in fact, our long experience with bail bond forfeiture is that such collections can often prove difficult. This would place an additional and unnecessary burden on the Division of Criminal Justice and by extension, the taxpayer. Again, the taxpayer should not be forced to fund the cost of collecting on what is essentially a bad business decision by a private entity.

Attached is the language as recommended by the Division. In conclusion, we thank the Committee for this opportunity to present testimony and would be happy to provide any additional information or to answer any questions the Committee might have.

**RECOMMENDED JOINT FAVORABLE SUBSTITUTE:**

Section 1. Section 54-65c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

A court shall vacate an order forfeiting a bail bond and release the professional bondsman, as defined in section 29-144 of the general statutes, the surety bail bond agent and the insurer, as both terms are defined in section 38a-660 of the general statutes, as amended by this act, if (1) the principal on the bail bond is detained or incarcerated in another state, territory or country, (2) the professional bondsman, the surety bail bond agent or the insurer provides proof of such detention or incarceration to the court and the state's attorney prosecuting the case, (3) the professional bondsman, surety bail bond agent or insurer provides in advance to the Division of Criminal Justice the full cost involved in extraditing the principal to the state, and [(3)] (4) the state's attorney prosecuting the case declines to seek extradition of the principal.