



Substitute House Bill No. 6689

Public Act No. 13-158

AN ACT CONCERNING BAIL BONDS.

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

Section 1. (*Effective from passage*) (a) There is established a task force to examine (1) methods for reducing the costs incurred to extradite an individual to the state with respect to criminal proceedings against such individual, and (2) the feasibility of permitting a court to vacate an order forfeiting a bail bond when a professional bondsman, surety bail bond agent or insurer pays the costs of extraditing the principal on the forfeited bail bond.

(b) The task force shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives, who shall be a surety bail bond agent or a professional bondsman in this state;

(2) One appointed by the president pro tempore of the Senate, who shall be a representative of an insurer, as defined in section 38a-660 of the general statutes;

(3) One appointed by the majority leader of the House of Representatives;

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(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the minority leader of the Senate;

(7) The Commissioner of Emergency Services and Public Protection, or the commissioner's designee;

(8) A representative of the United States Marshals Service, who shall be appointed by the United States Marshal for the District of Connecticut; and

(9) The Chief State's Attorney.

(c) Any member of the task force appointed under subdivision (3), (4), (5) or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The Chief State's Attorney shall serve as chairperson of the task force. Such chairperson shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall serve as administrative staff of the task force.

(g) Not later than January 15, 2014, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters

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relating to the judiciary, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 15, 2014, whichever is later.

Sec. 2. Section 54-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Any surety in a recognizance in criminal proceedings, who believes that [his] such surety's principal intends to abscond, shall apply to a judge of the Superior Court, produce [his] such surety's bail bond or evidence of [his] being a surety, and verify the reason of [his] such surety's application by oath or otherwise. Thereupon, the judge shall immediately grant a mittimus, directed to a proper officer or indifferent person, commanding [him] such officer or person immediately to arrest the principal and commit [him] the principal to a community correctional center. The Community Correctional Center Administrator shall receive and retain the principal [and retain him] in a community correctional center until discharged by due order of law. The surrender of the principal shall be a full discharge of the surety upon [his] such surety's bond or recognizance.

(b) If the principal of a surety in a recognizance in criminal proceedings absconds, such surety may apply in writing, prior to six months after the date the bond is ordered forfeited, to a judge of the Superior Court to be released from such bond. The judge may release such surety from such bond for good cause shown.

Sec. 3. Section 54-65a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) Whenever an arrested person is released upon the execution of a bond with surety in an amount of five hundred dollars or more and such bond is ordered forfeited because the principal failed to appear in court as conditioned in such bond, the court shall, at the time

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of ordering the bond forfeited: [(1)] (A) Issue a rearrest warrant or a capias directing a proper officer to take the defendant into custody, [(2)] (B) provide written notice to the surety on the bond that the principal has failed to appear in court as conditioned in such bond, except that if the surety on the bond is an insurer, as defined in section 38a-660, the court shall provide such notice to such insurer and not to the surety bail bond agent, as defined in section 38a-660, and [(3)] (C) order a stay of execution upon the forfeiture for six months. The court may, in its discretion and for good cause, extend such stay of execution. A stay of execution shall not prevent the issuance of a rearrest warrant or a capias.

(2) When the principal whose bond has been forfeited is returned to custody pursuant to the rearrest warrant or a capias within six months [of] after the date such bond was ordered forfeited or, if a stay of execution was extended, within the time period inclusive of such extension of the date such bond was ordered forfeited, the bond shall be automatically terminated and the surety released and the court shall order new conditions of release for the defendant in accordance with section 54-64a.

(3) When the principal whose bond has been forfeited returns to court voluntarily within five business days [of] after the date such bond was ordered forfeited, the court may, in its discretion, and after finding that the defendant's failure to appear was not wilful, vacate the forfeiture order and reinstate the bond. [Such stay of execution shall not prevent the issuance of a rearrest warrant or a capias.]

(4) When the accused person whose bond has been forfeited returns to court voluntarily more than five business days and less than six months after the date such bond was ordered forfeited, the bond shall be automatically terminated and the surety released and the court shall order new conditions of release for the defendant in accordance with section 54-64a.

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(b) Whenever an arrested person, whose bond has been forfeited, is returned to the jurisdiction of the court within one year [of] after the date such bond was ordered forfeited, the surety on such bond shall be entitled to a rebate of that portion of the forfeited amount as may be fixed by the court or as may be established by a schedule adopted by rule of the judges of the court.

Sec. 4. Section 54-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) In any criminal case in which a bond is allowable or required and the amount thereof has been determined, the accused person, or any person [in] on the accused person's behalf, [(1)] (A) may deposit, with the clerk of the court having jurisdiction of the offense with which the accused stands charged or any assistant clerk of such court who is bonded in the same manner as the clerk or any person or officer authorized to accept bail, a sum of money equal to the amount called for by such bond, or [(2)] (B) may pledge real property, the equity of which is equal to the amount called for by such bond, provided the person pledging such property is the owner of such property, and such accused person shall thereupon be admitted to bail.

(2) When cash bail is offered, such bond shall be executed and the money shall be received in lieu of a surety or sureties upon such bond. Such cash bail shall be retained by the clerk of such court until a final order of the court disposing of the same is passed; provided, if such bond is forfeited, the clerk of such court shall pay the money to the payee named therein, according to the terms and conditions of the bond. When cash bail in excess of ten thousand dollars is received for a person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the clerk of such court shall prepare a report that contains (A) the name, address and taxpayer identification number of the accused person, (B) the

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name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (C) the amount of cash received, and (D) the date the cash was received. Not later than fifteen days after receipt of such cash bail, the clerk of such court shall file the report with the Department of Revenue Services and mail a copy of the report to the state's attorney for the judicial district in which the court is located and to each person offering the cash bail.

[(b)] (3) When real property is pledged, the pledge shall constitute a lien on the real property upon the filing of a notice of lien in the office of the town clerk of the town in which the real property is located. The lien shall be in an amount equal to the bond set by the court. The notice of lien shall be on a form prescribed by the Office of the Chief Court Administrator. Upon order of forfeiture of the underlying bond, the state's attorney for the judicial district in which the forfeiture is ordered shall refer the matter to the Attorney General and the Attorney General may, on behalf of the state, foreclose such lien in the same manner as a mortgage. The lien created by this subsection shall expire six years after the forfeiture is ordered unless the Attorney General commences an action to foreclose it within that period of time and records a notice of lis pendens in evidence thereof on the land records of the town in which the real property is located. If the bond has not been ordered forfeited, the clerk of the court shall authorize the recording of a release of such lien upon final disposition of the criminal matter or upon order of the court. The release shall be on a form prescribed by the Office of the Chief Court Administrator.

[(c)] (b) (1) Whenever an accused person is released upon the deposit by a person on behalf of the accused person of a sum of money equal to the amount called for by such bond or upon the pledge by a person on behalf of the accused person of real property, the equity of

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which is equal to the amount called for by such bond, and such bond is ordered forfeited because the accused person failed to appear in court as conditioned in such bond, the court shall, at the time of ordering the bond forfeited: [(1)] (A) Issue a rearrest warrant or a capias directing a proper officer to take the accused person into custody, [(2)] (B) provide written notice to the person who offered cash bail or pledged real property on behalf of the accused person that the accused person has failed to appear in court as conditioned in such bond, and [(3)] (C) order a stay of execution upon the forfeiture for six months. The court may, in its discretion and for good cause, extend such stay of execution. A stay of execution shall not prevent the issuance of a rearrest warrant or a capias.

(2) When the accused person whose bond has been forfeited is returned to custody pursuant to the rearrest warrant or a capias within six months of the date such bond was ordered forfeited or, if a stay of execution was extended, within the time period inclusive of such extension of the date such bond was ordered forfeited, the bond shall be automatically terminated and the person who offered cash bail or pledged real property on behalf of the accused person shall be released from such obligation and the court shall order new conditions of release for the accused person in accordance with section 54-64a.

(3) When the accused person whose bond has been forfeited returns to court voluntarily within five business days of the date such bond was ordered forfeited, the court may, in its discretion, and after finding that the accused person's failure to appear was not wilful, vacate the forfeiture order and reinstate the bond. [Such stay of execution shall not prevent the issuance of a rearrest warrant or a capias.]

Sec. 5. Section 54-65c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

A court shall vacate an order forfeiting a bail bond and release the

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professional bondsman, as defined in section 29-144, or the surety bail bond agent and the insurer, as both terms are defined in section 38a-660, if (1) the principal on the bail bond (A) is detained or incarcerated (i) in another state, territory or country, or (ii) by a federal agency, or (B) has been removed by United States Immigration and Customs Enforcement, and (2) the professional bondsman, the surety bail bond agent or the insurer provides satisfactory proof of such detention, [or] incarceration or removal to the court and the state's attorney prosecuting the case, and (3) the state's attorney prosecuting the case declines to seek extradition of the principal.

Sec. 6. Section 54-66a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Any bail bond posted in any criminal proceeding in this state shall be automatically terminated and released whenever the defendant: (1) Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is granted admission to the pretrial alcohol education program pursuant to section 54-56g; (3) is granted admission to the pretrial family violence education program pursuant to section 46b-38c; (4) is granted admission to the community service labor program pursuant to section 53a-39c; (5) is granted admission to the pretrial drug education program pursuant to section 54-56i; (6) has the complaint or information filed against such defendant dismissed; (7) is acquitted; (8) is sentenced by the court and such sentence commences; (9) is granted admission to the pretrial school violence prevention program pursuant to section 54-56j; (10) is charged with a violation of section 29-33 and prosecution has been suspended pursuant to subsection (h) of section 29-33; or (11) is granted admission to the supervised diversionary program for persons with psychiatric disabilities pursuant to section 54-56l.

Vetoed June 25, 2013