

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-158—sHB 6689 (VETOED)

Judiciary Committee

AN ACT CONCERNING BAIL BONDS

SUMMARY: This act makes numerous changes relating to bail bonds, including:

1. allowing a surety to apply to the court to be released from a bond after a principal absconds;
2. allowing a court to extend, for good cause, the required six-month stay of execution on a bond forfeiture order when an accused fails to appear in court;
3. automatically terminating a bond and releasing a surety when an accused voluntarily returns between five business days and six months after a bond forfeiture order;
4. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or removed by U.S. Immigration and Customs Enforcement (ICE), if the prosecutor does not seek extradition;
5. creating a nine-member task force to examine ways to reduce the costs of extraditing someone to Connecticut for criminal proceedings and the feasibility of allowing courts to vacate bond forfeiture orders when a professional bondsman, surety bail bond agent, or insurer pays the extradition costs; and
6. specifying that a bond that is automatically terminated because a defendant is sentenced by a court is considered terminated when the sentence actually begins.

EFFECTIVE DATE: October 1, 2013, except the provision creating the task force is effective upon passage.

ABSCONDING PRINCIPAL

The law requires a surety to apply to the Superior Court when he or she believes the principal on the bond will abscond, and the court must issue an order to take the person into custody. The principal's surrender discharges the bond. The act allows (1) the surety to apply to the court in writing to be released from a bond after a principal absconds and within six months of a bond forfeiture order and (2) a judge to release a surety for good cause.

EXTENDING STAY OF FORFEITURE ORDER

When someone deposits cash or pledges real property equal to the amount of a bond or a person posts a surety bond of \$500 or more, the law requires the court to (1) order the bond forfeited if the accused does not appear in court and (2) issue

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a rearrest warrant. As under prior law, the court must stay execution of the forfeiture for six months and, if the person returns to custody during that period, automatically terminate the bond and release the surety or person who offered cash bail or pledged real property on behalf of the accused.

The act allows the court to extend the stay of execution for good cause and automatically terminates the bond if the person is returned during this extended period.

VOLUNTARY RETURN BY THE ACCUSED

By law, if an accused person voluntarily returns to court within five days after an order forfeiting a surety bond of \$500 or more, the court can vacate the forfeiture order and reinstate the bond if the failure to appear was not willful.

If the person returns voluntarily more than five business days but less than six months after the forfeiture order, the act requires the court to (1) automatically terminate the bond, (2) release the surety, and (3) order the person's new conditions of release.

ACCUSED HELD BY FEDERAL AGENCY OR REMOVED BY ICE

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when the (1) accused is held in another state, territory, or country; (2) bondsman, agent, or insurer provides proof of the accused's detention; and (3) state's attorney prosecuting the case does not seek to extradite the accused. The act also requires the court to vacate a bond forfeiture order and release these individuals if the accused is held by a federal agency or is removed by ICE.

The act specifies that the court must find that the proof that one of these circumstances exists is satisfactory before vacating a bond and releasing a bondsman, agent, or insurer.

TASK FORCE ON EXTRADITIONS

The act creates a task force to examine:

1. ways to reduce the costs of extraditing someone to Connecticut for criminal proceedings against the person and
2. the feasibility of allowing courts to vacate bond forfeiture orders when a professional bondsman, surety bail bond agent, or insurer pays the extradition costs for the principal on the bond.

Under the act, the following are task force members:

1. a surety bail bond agent or professional bondsman in Connecticut, appointed by the House speaker;
2. a representative of an insurer qualified to conduct bail bond business in Connecticut, appointed by the Senate president pro tempore;
3. four members, who may be legislators, with the House and Senate majority and minority leaders each appointing one;
4. the emergency services and public protection commissioner or his

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designee;

5. a representative of the U.S. Marshals Service, appointed by the U.S. marshal for the District of Connecticut; and
6. the chief state's attorney.

The act requires appointing authorities to make their appointments within 30 days of the act's passage and fill any vacancies. The act designates the chief state's attorney as chairman and requires him to schedule and hold the first meeting within 60 days of the act's passage. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

The act requires the task force to report its findings and recommendations to the Judiciary Committee by January 15, 2014. The task force terminates on the later of that date or when it submits the report.

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