



General Assembly

Substitute Bill No. 5588

February Session, 2014



AN ACT CONCERNING BAIL BONDS.

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

1 Section 1. Section 54-65 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

17 (b) If the principal of a surety in a recognizance in criminal
18 proceedings absconds, such surety may apply, prior to six months
19 after the date the bond is ordered forfeited, to a judge of the Superior

20 Court to be released from such bond. The judge may release such
21 surety from such bond for good cause shown.

22 Sec. 2. Section 54-65a of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2014*):

24 (a) (1) Whenever an arrested person is released upon the execution
25 of a bond with surety in an amount of five hundred dollars or more
26 and such bond is ordered forfeited because the principal failed to
27 appear in court as conditioned in such bond, the court shall, at the time
28 of ordering the bond forfeited: [(1)] (A) Issue a rearrest warrant or a
29 capias directing a proper officer to take the defendant into custody,
30 [(2)] (B) provide written notice to the surety on the bond that the
31 principal has failed to appear in court as conditioned in such bond,
32 except that if the surety on the bond is an insurer, as defined in section
33 38a-660, the court shall provide such notice to such insurer and not to
34 the surety bail bond agent, as defined in section 38a-660, and [(3)] (C)
35 order a stay of execution upon the forfeiture for six months. The court
36 may, in its discretion and for good cause shown, extend such stay of
37 execution. A stay of execution shall not prevent the issuance of a
38 rearrest warrant or a capias.

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

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

52 not prevent the issuance of a rearrest warrant or a capias.]

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

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

65 Sec. 3. Section 54-66 of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

79 (2) When cash bail is offered, such bond shall be executed and the
80 money shall be received in lieu of a surety or sureties upon such bond.
81 Such cash bail shall be retained by the clerk of such court until a final
82 order of the court disposing of the same is passed, ; [; provided,] except

83 that if such bond is forfeited, the clerk of such court shall pay the
84 money to the payee named therein, according to the terms and
85 conditions of the bond. When cash bail in excess of ten thousand
86 dollars is received for a person accused of a felony, where the
87 underlying facts and circumstances of the felony involve the use,
88 attempted use or threatened use of physical force against another
89 person, the clerk of such court shall prepare a report that contains (A)
90 the name, address and taxpayer identification number of the accused
91 person, (B) the name, address and taxpayer identification number of
92 each person offering the cash bail, other than a person licensed as a
93 professional bondsman under chapter 533 or a surety bail bond agent
94 under chapter 700f, (C) the amount of cash received, and (D) the date
95 the cash was received. Not later than fifteen days after receipt of such
96 cash bail, the clerk of such court shall file the report with the
97 Department of Revenue Services and mail a copy of the report to the
98 state's attorney for the judicial district in which the court is located and
99 to each person offering the cash bail.

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

117 form prescribed by the Office of the Chief Court Administrator.

118 [(c)] (b) (1) Whenever an accused person is released upon the
119 deposit by a person on behalf of the accused person of a sum of money
120 equal to the amount called for by such bond or upon the pledge by a
121 person on behalf of the accused person of real property, the equity of
122 which is equal to the amount called for by such bond, and such bond is
123 ordered forfeited because the accused person failed to appear in court
124 as conditioned in such bond, the court shall, at the time of ordering the
125 bond forfeited: [(1)] (A) Issue a rearrest warrant or a capias directing a
126 proper officer to take the accused person into custody, [(2)] (B) provide
127 written notice to the person who offered cash bail or pledged real
128 property on behalf of the accused person that the accused person has
129 failed to appear in court as conditioned in such bond, and [(3)] (C)
130 order a stay of execution upon the forfeiture for six months. The court
131 may, in its discretion and for good cause shown, extend such stay of
132 execution. A stay of execution shall not prevent the issuance of a
133 rearrest warrant or a capias.

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

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

149 Sec. 4. Section 54-65c of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective October 1, 2014*):

151 A court shall vacate an order forfeiting a bail bond and release the
152 professional bondsman, as defined in section 29-144, or the surety bail
153 bond agent and the insurer, as both terms are defined in section 38a-
154 660, if (1) the principal on the bail bond (A) is detained or incarcerated
155 (i) in another state, territory or country, or (ii) by a federal agency, or
156 (B) has been removed by United States Immigration and Customs
157 Enforcement, and (2) the professional bondsman, the surety bail bond
158 agent or the insurer provides satisfactory proof of such detention, [or]
159 incarceration or removal to the court and the state's attorney
160 prosecuting the case, and (3) the state's attorney prosecuting the case
161 declines to seek extradition of the principal.

162 Sec. 5. Section 54-66a of the 2014 supplement to the general statutes
163 is repealed and the following is substituted in lieu thereof (*Effective*
164 *October 1, 2014*):

165 Any bail bond posted in any criminal proceeding in this state shall
166 be automatically terminated and released whenever the defendant: (1)
167 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
168 granted admission to the pretrial alcohol education program pursuant
169 to section 54-56g; (3) is granted admission to the pretrial family
170 violence education program pursuant to section 46b-38c; (4) is granted
171 admission to the community service labor program pursuant to section
172 53a-39c; (5) is granted admission to the pretrial drug education and
173 community service program pursuant to section 54-56i; (6) has the
174 complaint or information filed against such defendant dismissed; (7) is
175 acquitted; (8) is sentenced by the court; (9) is granted admission to the
176 pretrial school violence prevention program pursuant to section 54-56j;
177 (10) is charged with a violation of section 29-33 and prosecution has
178 been suspended pursuant to subsection (h) of section 29-33; or (11) is
179 granted admission to the supervised diversionary program for persons
180 with psychiatric disabilities, or persons who are veterans, pursuant to
181 section 54-56l.

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

Section 1	<i>October 1, 2014</i>	54-65
Sec. 2	<i>October 1, 2014</i>	54-65a
Sec. 3	<i>October 1, 2014</i>	54-66
Sec. 4	<i>October 1, 2014</i>	54-65c
Sec. 5	<i>October 1, 2014</i>	54-66a

JUD *Joint Favorable Subst.*