



# Senate

General Assembly

**File No. 612**

February Session, 2014

Substitute Senate Bill No. 456

*Senate, April 17, 2014*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING ADOPTION OF THE CONNECTICUT CODE OF EVIDENCE BY THE SUPREME COURT.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) The Supreme Court is  
2 authorized to adopt the Connecticut Code of Evidence. If the Supreme  
3 Court proceeds with the adoption of the Connecticut Code of  
4 Evidence, the Chief Justice shall appoint a standing advisory  
5 committee that shall study the provisions of said code and the orderly  
6 development of evidence law, and make recommendations to the  
7 Supreme Court concerning any proposed amendments to said code by  
8 the Supreme Court. The committee shall be comprised of judges of the  
9 Superior Court and attorneys who are members of the bar of this state  
10 and representative of diverse areas of the practice of law. The Chief  
11 Justice shall appoint one member of the committee to serve as the  
12 chairperson of the committee. In carrying out the duties prescribed in  
13 this subsection, the committee, in its discretion, may conduct public  
14 hearings.

15 (b) On or before January 1, 2015, and annually thereafter, the  
 16 chairperson of the advisory committee established pursuant to  
 17 subsection (a) of this section, shall report on the activities of the  
 18 advisory committee to the joint standing committee of the General  
 19 Assembly having cognizance of matters relating to the judiciary. Upon  
 20 the adoption of said code by the Supreme Court, such report shall  
 21 include any proposed amendments to said code which are being  
 22 considered by the advisory committee.

23 (c) Nothing in this section shall limit with respect to the law of  
 24 evidence the authority of the Supreme Court under common law or  
 25 the legislative authority of the General Assembly.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

There is no fiscal impact to the Judicial Department for the adoption of the Connecticut Code of Evidence or for the creating of a standing advisory committee.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sSB 456*****AN ACT CONCERNING ADOPTION OF THE CONNECTICUT CODE OF EVIDENCE BY THE SUPREME COURT.*****SUMMARY:**

This bill authorizes the Supreme Court to adopt a Connecticut Code of Evidence. If the court does so, the bill requires the chief justice to appoint a standing advisory committee to study the code's provisions and the development of evidence law and recommend proposed amendments to the Supreme Court.

The bill requires the advisory committee to consist of Superior Court judges and Connecticut-licensed attorneys who practice in different areas of the law, with the chairperson appointed by the chief justice. The committee may hold public hearings and the chairperson must annually report to the Judiciary Committee on the committee's activities and any proposed changes to the code under consideration. The first report is due by January 1, 2015.

The bill provides that it does not limit the Supreme Court's common law authority or the General Assembly's legislative authority over evidence law.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Evidence Rules***

In 1999, the Superior Court judges adopted a Code of Evidence that compiled and restated court rules, court decisions, and legislation governing evidence in courts. The judges established an oversight committee to monitor the code and recommend changes. They have since adopted revisions to the code.

In *State v. DeJesus*, the Connecticut Supreme Court ruled that the code's adoption did not eliminate the court's common law authority to develop and change evidence rules on a case-by-case basis. The court stated that it retains the power to change rules of evidence after the code's adoption (288 Conn. 418 (2008)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 1 (04/01/2014)