



General Assembly

Amendment

January Session, 2015

LCO No. 6904



Offered by:

SEN. LOONEY, 11th Dist.

SEN. COLEMAN, 2nd Dist.

To: Senate Bill No. 1031

File No. 660

Cal. No. 373

"AN ACT CONCERNING BAIL AMOUNTS SET BY JUDGES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 54-63c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
6 which the court or a judge thereof has indicated that bail should be
7 denied or ordered that the officer or indifferent person making such
8 arrest shall, without undue delay, bring such person before the clerk or
9 assistant clerk of the superior court for the geographical area under
10 section 54-2a, when any person is arrested for a bailable offense, the
11 chief of police, or the chief's authorized designee, of the police
12 department having custody of the arrested person or any probation
13 officer serving a violation of probation warrant shall promptly advise
14 such person of the person's rights under section 54-1b, and of the

15 person's right to be interviewed concerning the terms and conditions
16 of release. Unless the arrested person waives or refuses such interview,
17 the police officer or probation officer shall promptly interview the
18 arrested person to obtain information relevant to the terms and
19 conditions of the person's release from custody, and shall seek
20 independent verification of such information where necessary. At the
21 request of the arrested person, the person's counsel may be present
22 during the interview. No statement made by the arrested person in
23 response to any question during the interview related to the terms and
24 conditions of release shall be admissible as evidence against the
25 arrested person in any proceeding arising from the incident for which
26 the conditions of release were set. After such a waiver, refusal or
27 interview, and except as provided in subsection (b) of this section, the
28 police officer or probation officer shall promptly order release of the
29 arrested person upon the execution of a written promise to appear or
30 the posting of such bond as may be set by the police officer or
31 probation officer, except that no condition of release set by the court or
32 a judge thereof may be modified by such officers and no person shall
33 be released upon the execution of a written promise to appear or the
34 posting of a bond without surety if the person is charged with the
35 commission of a family violence crime, as defined in section 46b-38a,
36 and in the commission of such crime the person used or threatened the
37 use of a firearm.

38 (b) Any person charged with the commission of a family violence
39 crime, as defined in section 46b-38a, or a violation of an order issued
40 pursuant to section 46b-15 or subsection (e) of section 46b-38c, shall be
41 held without bond for a period of eight hours or until such person is
42 presented to the Superior Court pursuant to section 54-1g, whichever
43 is earlier, if a police officer finds at the time of arrest or at any time
44 prior to the release of such person, any of the following factors: (1) The
45 use or threatened use of a deadly weapon by the arrested person or a
46 pattern of prior conduct involving the use or threatened use of a
47 deadly weapon against the alleged victim or a minor child of the
48 arrested person or alleged victim, (2) a threat by the arrested person to

49 seriously injure or kill the alleged victim or a minor child of the
50 arrested person or alleged victim, or (3) that the arrested person
51 inflicted a serious physical injury upon the alleged victim or a minor
52 child of the arrested person or alleged victim.

53 [(b)] (c) If the person is charged with the commission of a family
54 violence crime, as defined in section 46b-38a, and, at the time of arrest
55 or any time prior to the release of such person, the police officer does
56 not find present any of the factors described in subsection (b) of this
57 section, or such person is to be released after being held for eight hours
58 pursuant to said subsection (b) and the police officer does not intend to
59 impose nonfinancial conditions of release pursuant to this subsection,
60 the police officer shall, pursuant to the procedure set forth in
61 subsection (a) of this section, promptly order the release of such person
62 upon the execution of a written promise to appear or the posting of
63 such bond as may be set by the police officer. If such person is not so
64 released, the police officer shall make reasonable efforts to
65 immediately contact a bail commissioner or an intake, assessment and
66 referral specialist employed by the Judicial Branch to set the conditions
67 of such person's release pursuant to section 54-63d. If, after making
68 such reasonable efforts, the police officer is unable to contact a bail
69 commissioner or an intake, assessment and referral specialist or
70 contacts a bail commissioner or an intake, assessment and referral
71 specialist but such bail commissioner or intake, assessment and
72 referral specialist is unavailable to promptly perform such bail
73 commissioner's or intake, assessment and referral specialist's duties
74 pursuant to section 54-63d, the police officer shall, pursuant to the
75 procedure set forth in subsection (a) of this section, order the release of
76 such person upon the execution of a written promise to appear or the
77 posting of such bond as may be set by the police officer and may
78 impose nonfinancial conditions of release which may require that the
79 arrested person do one or more of the following: (1) Avoid all contact
80 with the alleged victim of the crime, (2) comply with specified
81 restrictions on the person's travel, association or place of abode that are
82 directly related to the protection of the alleged victim of the crime, or

83 (3) not use or possess a dangerous weapon, intoxicant or controlled
84 substance. Any such nonfinancial conditions of release shall be
85 indicated on a form prescribed by the Judicial Branch and sworn to by
86 the police officer. Such form shall articulate (A) the efforts that were
87 made to contact a bail commissioner or an intake, assessment and
88 referral specialist, (B) the specific factual basis relied upon by the
89 police officer to impose the nonfinancial conditions of release, and (C)
90 if the arrested person was non-English-speaking, that the services of a
91 translation service or interpreter were used. A copy of that portion of
92 the form that indicates the nonfinancial conditions of release shall
93 immediately be provided to the arrested person. A copy of the entire
94 form shall be provided to counsel for the arrested person at
95 arraignment. Any nonfinancial conditions of release imposed pursuant
96 to this subsection shall remain in effect until the arrested person is
97 presented before the Superior Court pursuant to subsection (a) of
98 section 54-1g. On such date, the court shall conduct a hearing pursuant
99 to section 46b-38c at which the defendant is entitled to be heard with
100 respect to the issuance of a protective order.

101 [(c)] (d) When cash bail in excess of ten thousand dollars is received
102 for a detained person accused of a felony, where the underlying facts
103 and circumstances of the felony involve the use, attempted use or
104 threatened use of physical force against another person, the police
105 officer shall prepare a report that contains (1) the name, address and
106 taxpayer identification number of the accused person, (2) the name,
107 address and taxpayer identification number of each person offering the
108 cash bail, other than a person licensed as a professional bondsman
109 under chapter 533 or a surety bail bond agent under chapter 700f, (3)
110 the amount of cash received, and (4) the date the cash was received.
111 Not later than fifteen days after receipt of such cash bail, the police
112 officer shall file the report with the Department of Revenue Services
113 and mail a copy of the report to the state's attorney for the judicial
114 district in which the alleged offense was committed and to each person
115 offering the cash bail.

116 [(d)] (e) No police officer or probation officer serving a violation of
117 probation warrant shall set the terms and conditions of a person's
118 release, set a bond for a person or release a person from custody under
119 this section unless the police officer or probation officer has first
120 checked the National Crime Information Center (NCIC) computerized
121 index of criminal justice information to determine if such person is
122 listed in such index.

123 [(e)] (f) If the arrested person has not posted bail, the police officer
124 or probation officer serving a violation of probation warrant shall
125 immediately notify a bail commissioner or an intake, assessment and
126 referral specialist.

127 [(f)] (g) The chief, acting chief, superintendent of police, the
128 Commissioner of Emergency Services and Public Protection, any
129 captain or lieutenant of any local police department or the Division of
130 State Police within the Department of Emergency Services and Public
131 Protection or any person lawfully exercising the powers of any such
132 officer may take a written promise to appear or a bond with or without
133 surety from an arrested person as provided in subsection (a) of this
134 section, or as fixed by the court or any judge thereof, may administer
135 such oaths as are necessary in the taking of promises or bonds and
136 shall file any report required under subsection [(c)] (d) of this section.

137 Sec. 502. Subsection (c) of section 46b-38b of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective*
139 *October 1, 2015*):

140 (c) No peace officer shall be held liable in any civil action regarding
141 personal injury or injury to property brought by any party to a family
142 violence incident for an arrest based on probable cause or for any
143 conditions of release imposed pursuant to subsection [(b)] (c) of section
144 54-63c, as amended by this act.

145 Sec. 503. Section 53a-222 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective October 1, 2015*):

147 (a) A person is guilty of violation of conditions of release in the first
 148 degree when, while charged with the commission of a felony, such
 149 person is released pursuant to subsection [(b)] (c) of section 54-63c, as
 150 amended by this act, subsection (c) of section 54-63d or subsection (c)
 151 of section 54-64a, and intentionally violates one or more of the
 152 imposed conditions of release.

153 (b) Violation of conditions of release in the first degree is a class D
 154 felony.

155 Sec. 504. Section 53a-222a of the general statutes is repealed and the
 156 following is substituted in lieu thereof (*Effective October 1, 2015*):

157 (a) A person is guilty of violation of conditions of release in the
 158 second degree when, while charged with the commission of a
 159 misdemeanor or motor vehicle violation for which a sentence to a term
 160 of imprisonment may be imposed, such person is released pursuant to
 161 subsection [(b)] (c) of section 54-63c, as amended by this act, subsection
 162 (c) of section 54-63d or subsection (c) of section 54-64a and
 163 intentionally violates one or more of the imposed conditions of release.

164 (b) Violation of conditions of release in the second degree is a class
 165 A misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015</i>	54-63c
Sec. 502	<i>October 1, 2015</i>	46b-38b(c)
Sec. 503	<i>October 1, 2015</i>	53a-222
Sec. 504	<i>October 1, 2015</i>	53a-222a