



# Senate

General Assembly

**File No. 660**

January Session, 2015

Senate Bill No. 1031

*Senate, April 15, 2015*

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

## **AN ACT CONCERNING BAIL AMOUNTS SET BY JUDGES.**

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

1 Section 1. Subsection (a) of section 54-64a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (a) (1) Except as provided in subsection (b) of this section, when any  
5 arrested person is presented before the Superior Court, said court  
6 shall, in bailable offenses, promptly order the release of such person  
7 upon the first of the following conditions of release found sufficient to  
8 reasonably ensure the appearance of the arrested person in court: (A)  
9 Upon his execution of a written promise to appear without special  
10 conditions, (B) upon his execution of a written promise to appear with  
11 nonfinancial conditions, (C) upon his execution of a bond without  
12 surety in no greater amount than necessary, (D) upon his execution of  
13 a bond with surety in no greater amount than necessary, provided in  
14 the case of a person charged with no crime other than a misdemeanor,  
15 such amount shall not exceed five thousand dollars, unless the court

16 finds good cause to set such amount higher. In addition to or in  
 17 conjunction with any of the conditions enumerated in subparagraphs  
 18 (A) to (D), inclusive, of this subdivision the court may, when it has  
 19 reason to believe that the person is drug-dependent and where  
 20 necessary, reasonable and appropriate, order the person to submit to a  
 21 urinalysis drug test and to participate in a program of periodic drug  
 22 testing and treatment. The results of any such drug test shall not be  
 23 admissible in any criminal proceeding concerning such person.

24 (2) The court may, in determining what conditions of release will  
 25 reasonably ensure the appearance of the arrested person in court,  
 26 consider the following factors: (A) The nature and circumstances of the  
 27 offense, (B) such person's record of previous convictions, (C) such  
 28 person's past record of appearance in court after being admitted to  
 29 bail, (D) such person's family ties, (E) such person's employment  
 30 record, (F) such person's financial resources, character and mental  
 31 condition, and (G) such person's community ties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	54-64a(a)

**JUD**      *Joint Favorable*

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.

---

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill sets a maximum bail amount for misdemeanors not involving family violence and does not result in a fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 1031*****AN ACT CONCERNING BAIL AMOUNTS SET BY JUDGES.*****SUMMARY:**

This bill limits at \$5,000 the bail bond amount the court can require from a defendant charged only with a misdemeanor, unless the court finds good cause for a higher amount. The bond limit does not apply if the misdemeanor involves family violence (for example, 3<sup>rd</sup> degree assault is a class A misdemeanor).

EFFECTIVE DATE: October 1, 2015

**BACKGROUND*****Release on Bail***

The Connecticut Constitution gives someone accused of a crime the right to be released on bail on sufficient security except in capital (death penalty) cases where the proof is evident or the presumption great (Conn. Const. Art. 1, § 8(a)).

The law requires the court to release an arrestee on whichever one of the following conditions will reasonably ensure the person's appearance in court: (1) a written promise to appear, with or without nonfinancial conditions, or (2) execution of a bond, with or without a surety, in an amount no greater than necessary.

In deciding which condition to impose, the court must consider the offense's nature and circumstances and the person's prior convictions, record of appearing in court while on bail, family ties, employment record, financial resources, character, mental condition, and community ties. For family violence crimes, class A felonies, most class B and C felonies, and some class D felonies, the court must also consider the safety of others, the number and seriousness of the

charges, the weight of evidence against the defendant, his or her history of violence, his or her prior convictions of similar offenses while on bond, and the likelihood based on his or her express intention of committing another crime while released.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 26 Nay 13 (03/27/2015)