



General Assembly

February Session, 2016

Raised Bill No. 5634

LCO No. 3209



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE COSTS OF EXTRADITING FUGITIVES.

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

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) There is established
2 an account to be known as the "criminal justice bail bonds extradition
3 account" which shall be a separate, nonlapsing account within the
4 Insurance Fund, established under section 38a-52a of the general
5 statutes. Said account shall contain any moneys required pursuant to
6 subsection (c) of this section and sections 53a-172 and 53a-173 of the
7 general statutes, as amended by this act, to be deposited in the account.
8 Moneys in the account shall be expended or distributed by the
9 Division of Criminal Justice for efforts to return fugitives who have
10 failed to appear on surety or professional bail bonds to this state for
11 prosecution.

12 (b) The Division of Criminal Justice, in consultation with surety bail
13 bond agents licensed under chapter 700f of the general statutes, and
14 professional bondsmen licensed under chapter 533 of the general
15 statutes, shall develop a schedule of allowable costs associated with
16 such efforts to return fugitives that are eligible for expenditures or

17 reimbursement from said account. Said division may access funds
18 from said account for the purpose of such expenditures and
19 reimbursements in a manner determined by said division.

20 (c) (1) Each surety bail bond agent licensed under chapter 700f of the
21 general statutes, and each professional bondsman licensed under
22 chapter 533 of the general statutes, as of October first, shall annually
23 on or before November thirtieth, pay to the Insurance Commissioner a
24 fee of two hundred dollars for deposit into said account established
25 under subsection (a) of this section.

26 (2) The commissioner shall suspend the license of any surety bail
27 bond agent who fails to pay the fee assessed in accordance with
28 subdivision (1) of this subsection. The commissioner shall reinstate the
29 license of any such surety bail bond agent who pays such fee, provided
30 such agent is in compliance with provisions of chapter 700f of the
31 general statutes.

32 (3) (A) Not later than October fifteenth, the Commissioner of
33 Emergency Services and Public Protection shall provide a list of each
34 professional bondsman licensed under chapter 533 of the general
35 statutes on October first to the Insurance Commissioner.

36 (B) Not later than December fifteenth, the Insurance Commissioner
37 shall submit a list to the Commissioner of Emergency Services and
38 Public Protection that includes any such professional bondsman who
39 failed to pay the fee assessed in accordance with subdivision (1) of this
40 subsection.

41 Sec. 2. Subsection (d) of section 51-277 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2016*):

44 (d) (1) The Chief State's Attorney and each deputy chief state's
45 attorney may sign any warrants, informations, applications for grand
46 jury investigations and applications for extradition, provided in the

47 case of a warrant of arrest for a person accused of a felony, the state's
48 attorney for the judicial district issuing such warrant of arrest or said
49 attorney's designee shall impose geographical limitations on
50 extradition for purposes of such arrest, prior to the signing of such
51 warrant.

52 (2) The Chief State's Attorney may, with the prior consent of the
53 state's attorney for the judicial district, appear in court to represent the
54 state.

55 (3) The Chief State's Attorney may represent the state in lieu of a
56 state's attorney for a judicial district in any investigation, criminal
57 action or proceeding if the Chief State's Attorney finds by clear and
58 convincing evidence, misconduct, conflict of interest or malfeasance of
59 a state's attorney, provided, upon request of such state's attorney, the
60 Criminal Justice Commission, pursuant to regulations adopted in
61 accordance with chapter 54, and after notice and hearing and good
62 cause shown, may designate such state's attorney to represent the state
63 in such investigation, criminal action or proceeding. In any case where
64 the Chief State's Attorney indicates his intent to represent the state in
65 lieu of a state's attorney under this subdivision, and such state's
66 attorney objects to such representation, upon the request of such state's
67 attorney the Chief State's Attorney and the state's attorney shall each
68 prepare a written statement of their claims relative to such
69 representation. Both statements shall be submitted to the commission
70 to be considered by it at such hearing and shall become a permanent
71 record which may be reviewed by the commission and used at the
72 time of reappointment of the Chief State's Attorney or such state's
73 attorney.

74 Sec. 3. (NEW) (*Effective October 1, 2016*) The Department of
75 Emergency Services and Public Protection and any municipal police
76 department authorized to make an arrest in accordance with a warrant
77 for the arrest of a person accused of a felony signed pursuant to
78 subsection (d) of section 51-277 of the general statutes, as amended by

79 this act, shall, not later than two weeks after receiving any such
80 warrant, enter such warrant, including the geographical limitations on
81 extradition into any appropriate database.

82 Sec. 4. (NEW) (*Effective October 1, 2016*) In the case of any person
83 convicted of an offense for which funds from the criminal justice bail
84 bonds extradition account established under subsection (a) of section 1
85 of this act for efforts to extradite such person to this state, the court
86 may order such person to reimburse said account for any such funds.

87 Sec. 5. Section 53a-172 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2016*):

89 (a) A person is guilty of failure to appear in the first degree when (1)
90 while charged with the commission of a felony and while out on bail
91 or released under other procedure of law, such person wilfully fails to
92 appear when legally called according to the terms of such person's bail
93 bond or promise to appear, or (2) while on probation for conviction of
94 a felony, such person wilfully fails to appear when legally called for
95 any court hearing relating to a violation of such probation.

96 (b) Failure to appear in the first degree is a class D felony.

97 (c) Upon motion of the prosecuting official, the court may order any
98 person convicted under this section to pay a fee to the criminal justice
99 bail bonds extradition account established under section 1 of this act in
100 an amount not to exceed fifty dollars.

101 Sec. 6. Section 53a-173 of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective October 1, 2016*):

103 (a) A person is guilty of failure to appear in the second degree when
104 (1) while charged with the commission of a misdemeanor or a motor
105 vehicle violation for which a sentence to a term of imprisonment may
106 be imposed and while out on bail or released under other procedure of
107 law, such person wilfully fails to appear when legally called according

108 to the terms of such person's bail bond or promise to appear, or (2)
109 while on probation for conviction of a misdemeanor or motor vehicle
110 violation, such person wilfully fails to appear when legally called for
111 any court hearing relating to a violation of such probation.

112 (b) Failure to appear in the second degree is a class A misdemeanor.

113 (c) Upon motion of the prosecuting official, the court may order any
114 person convicted under this section to pay a fee to the criminal justice
115 bail bonds extradition account established under section 1 of this act in
116 an amount not to exceed fifty dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	51-277(d)
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>October 1, 2016</i>	53a-172
Sec. 6	<i>October 1, 2016</i>	53a-173

Statement of Purpose:

To create a new account funded by the bail bonds industry and fees paid by persons convicted of failure to appear for the purpose of funding efforts by the Division of Criminal Justice to extradite fugitives who have absconded on bail bonds back to this state for prosecution.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]