



General Assembly

February Session, 2016

***Raised Bill No. 324***

LCO No. 2094



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING A TEMPORARY HOLDING PERIOD FOR CERTAIN FAMILY VIOLENCE ARRESTEES.***

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

1 Section 1. Section 54-63c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

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

36 (b) Any person charged with the commission of a family violence  
37 crime, as defined in section 46b-38a, or a violation of an order issued  
38 pursuant to section 46b-15 or subsection (e) of section 46b-38c, shall be  
39 held without bond for a period of eight hours or until such person is  
40 presented to the Superior Court pursuant to section 54-1g, whichever  
41 is earlier, if a police officer finds at the time of arrest or at any time  
42 prior to the release of such person, any of the following factors: (1) The  
43 use or threatened use of a deadly weapon by the arrested person or a  
44 pattern of prior conduct involving the use or threatened use of a  
45 deadly weapon against the alleged victim or a minor child of the  
46 arrested person or alleged victim, (2) a threat by the arrested person to  
47 seriously injure or kill the alleged victim or a minor child of the  
48 arrested person or alleged victim, (3) a threat by the arrested person to

49 commit suicide, or (4) that the arrested person inflicted a serious  
50 physical injury upon the alleged victim or a minor child of the arrested  
51 person or alleged victim.

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

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

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

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

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

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

136        Sec. 2. Subsection (c) of section 46b-38b of the general statutes is  
137 repealed and the following is substituted in lieu thereof (*Effective*  
138 *October 1, 2016*):

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

144        Sec. 3. Section 53a-222 of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

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

154 Sec. 4. Section 53a-222a of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	54-63c
Sec. 2	<i>October 1, 2016</i>	46b-38b(c)
Sec. 3	<i>October 1, 2016</i>	53a-222
Sec. 4	<i>October 1, 2016</i>	53a-222a

**Statement of Purpose:**

To allow for a temporary holding period for certain persons arrested for a family violence crime.

*[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.]*