



General Assembly

Amendment

May Special Session, 2016

LCO No. 6527



Offered by:

REP. KLARIDES, 114th Dist.
REP. CANDELORA, 86th Dist.
REP. HOYDICK, 120th Dist.
REP. MINER, 66th Dist.
REP. O'NEILL, 69th Dist.

To: Senate Bill No. 505

File No.

Cal. No.

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 Strike section 28 in its entirety and insert the following in lieu
2 thereof:

3 "Sec. 28. Section 54-64a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2016*):

5 (a) (1) Except as provided in [subsection (b)] subsections (b) and (c)
6 of this section, when any arrested person is presented before the
7 Superior Court, said court shall, in bailable offenses, promptly order
8 the release of such person upon the first of the following conditions of
9 release found sufficient to reasonably ensure the appearance of the
10 arrested person in court: (A) Upon [his] such person's execution of a
11 written promise to appear without special conditions, (B) upon [his]
12 such person's execution of a written promise to appear with

13 nonfinancial conditions, (C) upon [his] such person's execution of a
14 bond without surety in no greater amount than necessary, or (D) upon
15 [his] such person's execution of a bond with surety in no greater
16 amount than necessary. In addition to or in conjunction with any of the
17 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
18 subdivision, the court may, when it has reason to believe that the
19 person is drug-dependent and where necessary, reasonable and
20 appropriate, order the person to submit to a urinalysis drug test and to
21 participate in a program of periodic drug testing and treatment. The
22 results of any such drug test shall not be admissible in any criminal
23 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.

32 (b) (1) When any arrested person charged with the commission of
33 (A) a class A felony, (B) a class B felony, except a violation of section
34 53a-86 or 53a-122, (C) a class C felony, except a violation of section 53a-
35 87, 53a-152 or 53a-153, [or] (D) a class D felony under sections 53a-60 to
36 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114,
37 53a-136 or 53a-216, or [a] (E) any family violence crime, as defined in
38 section 46b-38a, is presented before the Superior Court, said court
39 shall, in bailable offenses, promptly order the release of such person
40 upon the first of the following conditions of release found sufficient to
41 reasonably ensure the appearance of the arrested person in court and
42 that the safety of any other person will not be endangered: [(A)] (i)
43 Upon such person's execution of a written promise to appear without
44 special conditions, [(B)] (ii) upon such person's execution of a written
45 promise to appear with nonfinancial conditions, [(C)] (iii) upon such
46 person's execution of a bond without surety in no greater amount than

47 necessary, [(D)] or (iv) upon such person's execution of a bond with
48 surety in no greater amount than necessary. In addition to or in
49 conjunction with any of the conditions enumerated in [subparagraphs
50 (A) to (D), inclusive, of] this subdivision, the court may, when it has
51 reason to believe that the person is drug-dependent and where
52 necessary, reasonable and appropriate, order the person to submit to a
53 urinalysis drug test and to participate in a program of periodic drug
54 testing and treatment. The results of any such drug test shall not be
55 admissible in any criminal proceeding concerning such person.

56 (2) The court may, in determining what conditions of release will
57 reasonably ensure the appearance of the arrested person in court and
58 that the safety of any other person will not be endangered, consider the
59 following factors: (A) The nature and circumstances of the offense, (B)
60 such person's record of previous convictions, (C) such person's past
61 record of appearance in court after being admitted to bail, (D) such
62 person's family ties, (E) such person's employment record, (F) such
63 person's financial resources, character and mental condition, (G) such
64 person's community ties, (H) the number and seriousness of charges
65 pending against the arrested person, (I) the weight of the evidence
66 against the arrested person, (J) the arrested person's history of
67 violence, (K) whether the arrested person has previously been
68 convicted of similar offenses while released on bond, and (L) the
69 likelihood based upon the expressed intention of the arrested person
70 that such person will commit another crime while released.

71 (3) When imposing conditions of release under this subsection, the
72 court shall state [for] on the record any factors under subdivision (2) of
73 this subsection that it considered and the findings that it made as to
74 the danger, if any, that the arrested person might pose to the safety of
75 any other person upon the arrested person's release that caused the
76 court to impose the specific conditions of release that it imposed.

77 (c) Except in the case of an arrested person charged with failure to
78 appear pursuant to section 53a-173, a family violence crime, as defined
79 in section 46b-38a, or a violation of subsection (b) of section 21a-279, or

80 if the court makes a finding on the record that the arrested person
81 would pose a risk to the safety of another person upon release, when
82 any arrested person, charged with no crime other than a misdemeanor,
83 is presented before the Superior Court, said court shall promptly order
84 the release of such person upon the first of the following conditions of
85 release found sufficient to reasonably ensure the appearance of the
86 arrested person in court: (1) Upon such person's execution of a written
87 promise to appear without special conditions, (2) upon such person's
88 execution of a written promise to appear with nonfinancial conditions,
89 or (3) upon such person's execution of a bond without surety in no
90 greater amount than necessary. In addition to or in conjunction with
91 any of the conditions enumerated in subdivisions (1) to (3), inclusive,
92 of this subsection, the court may, when it has reason to believe that the
93 person is drug-dependent and where necessary, reasonable and
94 appropriate, order the person to submit to a urinalysis drug test and to
95 participate in a program of periodic drug testing and treatment. The
96 results of any such drug test shall not be admissible in any criminal
97 proceeding concerning such person.

98 [(c)] (d) If the court determines that a nonfinancial condition of
99 release should be imposed pursuant to [subparagraph (B) of
100 subdivision (1) of] subsection (a), [or (b)] (b) or (c) of this section, the
101 court shall order the pretrial release of the person subject to the least
102 restrictive condition or combination of conditions that the court
103 determines will reasonably ensure the appearance of the arrested
104 person in court and, with respect to the release of the person pursuant
105 to subsection (b) of this section, that the safety of any other person will
106 not be endangered, which conditions may include an order that the
107 arrested person do one or more of the following: (1) Remain under the
108 supervision of a designated person or organization; (2) comply with
109 specified restrictions on such person's travel, association or place of
110 abode; (3) not engage in specified activities, including the use or
111 possession of a dangerous weapon, an intoxicant or a controlled
112 substance; (4) provide sureties of the peace pursuant to section 54-56f
113 under supervision of a designated bail commissioner or intake,

114 assessment and referral specialist employed by the Judicial Branch; (5)
115 avoid all contact with an alleged victim of the crime and with a
116 potential witness who may testify concerning the offense; (6) maintain
117 employment or, if unemployed, actively seek employment; (7)
118 maintain or commence an educational program; (8) be subject to
119 electronic monitoring; or (9) satisfy any other condition that is
120 reasonably necessary to ensure the appearance of the person in court
121 and that the safety of any other person will not be endangered. The
122 court shall state on the record its reasons for imposing any such
123 nonfinancial condition.

124 [(d)] (e) If the arrested person is not released, the court shall order
125 [him] such person committed to the custody of the Commissioner of
126 Correction until [he] such person is released or discharged in due
127 course of law.

128 [(e)] (f) The court may require that the person subject to electronic
129 monitoring pursuant to subsection [(c)] (d) of this section pay directly
130 to the electronic monitoring service provider a fee for the cost of such
131 electronic monitoring services. If the court finds that the person subject
132 to electronic monitoring is indigent and unable to pay the costs of
133 electronic monitoring services, the court shall waive such costs. Any
134 contract entered into by the Judicial Branch and the electronic
135 monitoring service provider shall include a provision stating that the
136 total cost for electronic monitoring services shall not exceed five
137 dollars per day. Such amount shall be indexed annually to reflect the
138 rate of inflation."