



Substitute House Bill No. 7044

Public Act No. 17-145

AN ACT CONCERNING PRETRIAL JUSTICE REFORM.

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

Section 1. Subsection (a) of section 54-64a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) (1) Except as provided in subdivision (2) of this subsection and subsection (b) of this section, when any arrested person is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court: (A) Upon [his] execution of a written promise to appear without special conditions, (B) upon [his] execution of a written promise to appear with nonfinancial conditions, (C) upon [his] execution of a bond without surety in no greater amount than necessary, (D) upon [his] execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to

Substitute House Bill No. 7044

submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) If the arrested person is charged with no offense other than a misdemeanor, the court shall not impose financial conditions of release on the person unless (A) the person is charged with a family violence crime, as defined in section 46b-38a, or (B) the person requests such financial conditions, or (C) the court makes a finding on the record that there is a likely risk that (i) the arrested person will fail to appear in court, as required, or (ii) the arrested person will obstruct or attempt to obstruct justice, or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, or (iii) the arrested person will engage in conduct that threatens the safety of himself or herself or another person. In making a finding described in this subsection, the court may consider past criminal history, including any prior record of failing to appear as required in court that resulted in any conviction for a violation of section 53a-172 or any conviction during the previous ten years for a violation of section 53a-173 and any other pending criminal cases of the person charged with a misdemeanor.

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

Sec. 2. Section 54-53a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

Substitute House Bill No. 7044

(a) No person who has not made bail may be detained in a [community correctional center] correctional facility pursuant to the issuance of a bench warrant of arrest or for arraignment, sentencing or trial for an offense not punishable by death, for longer than forty-five days, unless at the expiration of the [forty-five days he] forty-five-day period the person is presented to the court having cognizance of the offense. On each such presentment, the court may reduce, modify or discharge the bail, or may for cause shown remand the person to the custody of the Commissioner of Correction. On the expiration of each successive forty-five-day period, the person may again by motion be presented to the court for such purpose.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who has not made bail and is detained in a [community correctional center] correctional facility pursuant to the issuance of a bench warrant of arrest or for arraignment, sentencing or trial for an offense classified as a class D or E felony, [or as a misdemeanor,] except a person charged with a crime in another state and detained pursuant to chapter 964 or a person detained for violation of [his] parole pending a parole revocation hearing, shall be presented to the court having cognizance of the offense [within] not later than thirty days [of] after the date of [his] the person's detention, unless such presentment is waived by the person. On such presentment, the court may reduce, modify or discharge the bail or may for cause shown remand the person to the custody of the Commissioner of Correction. On the expiration of each successive thirty-day period, the person shall again be presented to the court for such purpose.

(c) (1) Notwithstanding the provisions of subsection (a) or (b) of this section, any person who has not made bail and is detained in a correctional facility for no offense other than a misdemeanor, except a person charged with a crime in another state and detained pursuant to chapter 964 or a person detained for violation of parole pending a

Substitute House Bill No. 7044

parole revocation hearing, shall be presented to the court having cognizance of the offense not later than fourteen days after the date of the person's arraignment, unless such presentment is waived by the person.

(2) If such person is detained for a misdemeanor that is not a family violence crime, as defined in section 46b-38a, on such presentment the court shall remove the financial conditions on the release of the person unless the court makes a finding on the record, pursuant to the provisions of subdivision (2) of subsection (a) of section 54-64a, as amended by this act.

(3) If such person is detained for a misdemeanor that is a family violence crime, as defined in section 46b-38a, on such presentment the court shall remove the financial conditions on the release of the person unless the court makes a finding on the record pursuant to the provisions of subdivision (2) of subsection (a) of section 54-64a, as amended by this act, that, without such conditions, there is a likely risk that (A) the person will fail to appear in court, as required, (B) the person will obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective juror or witness, or (C) the person will engage in conduct that threatens the safety of another person.

[(c)] (d) Notwithstanding the provisions of [subsections (a) and (b) of] this section, any person who has not made bail may be heard by the court upon a motion for modification of the bail at any time.

Sec. 3. (*Effective from passage*) The Under Secretary for Criminal Justice Policy and Planning of the Office of Policy and Management, in consultation with the Connecticut Sentencing Commission, the board of directors of the Bail Association of Connecticut and surety bail bond agents licensed under chapter 700f of the general statutes and tenured property bail agents who are not members of said association, shall

Substitute House Bill No. 7044

study the feasibility of establishing a program that provides assistance to indigent criminal defendants who are being detained on a pretrial basis in connection with allegations of having committed minor criminal offenses. Such study shall include, but not be limited to, exploration of possible funding sources for the establishment of such a program. On or before January 1, 2018, the Under Secretary for Criminal Justice Policy and Planning of the Office of Policy and Management shall report on the results of the study, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

Approved June 27, 2017