



General Assembly

January Session, 2017

Governor's Bill No. 7044

LCO No. 3774



* 0 3 7 7 4 *

Referred to Committee on JUDICIARY

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

AN ACT CONCERNING PRETRIAL JUSTICE REFORM.

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

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 Section 54-53a of the general statutes is repealed and the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

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

14 (b) Notwithstanding the provisions of subsection (a) of this section,
15 any person who has not made bail and is detained in a community
16 correctional center pursuant to the issuance of a bench warrant of
17 arrest or for arraignment, sentencing or trial for an offense classified as
18 a class D or E felony or as a misdemeanor, or an unclassified felony
19 offense with a maximum term of imprisonment of not more than five
20 years, except a person charged with a crime in another state and
21 detained pursuant to chapter 964 or a person detained for violation of
22 [his] such person's parole pending a parole revocation hearing, shall be
23 presented to the court having cognizance of the offense [within thirty
24 days of the date of his] not later than fourteen days after the first day
25 of such person's detention. On such presentment, the court [may
26 reduce, modify or discharge the bail or may for cause shown remand
27 the person to the custody of the Commissioner of Correction] shall
28 make a redetermination of bail and a finding on the record of the
29 person's ability to pay pursuant to section 54-64a, as amended by this
30 act. On the expiration of each successive [thirty-day] fourteen-day
31 period, the person shall again be presented to the court for such
32 purpose.

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

36 Sec. 2. Section 54-64a of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2017*):

38 (a) (1) Except as provided in [subsection (b)] subsections (b) and (c)
39 of this section, when any arrested person is presented before the
40 Superior Court, said court shall, in bailable offenses, promptly order
41 the release of such person upon the first of the [following] exclusive
42 conditions of release [found] enumerated in subparagraphs (A) to (D),
43 inclusive, of this subdivision, and subsection (d) of this section, that
44 the court finds sufficient to reasonably ensure the appearance of the
45 arrested person in court. Such exclusive conditions are upon such

46 person's execution of a: (A) [Upon his execution of a written] Written
47 promise to appear without special conditions; [] (B) [upon his
48 execution of a] written promise to appear with nonfinancial conditions;
49 [] (C) [upon his execution of a] bond without surety in no greater
50 amount than necessary; [] or (D) [upon his execution of a bond with
51 surety] bond in no greater amount than necessary [. In addition to or in
52 conjunction with any of the conditions enumerated in subparagraphs
53 (A) to (D), inclusive, of this subdivision the court may, when it has
54 reason to believe that the person is drug-dependent and where
55 necessary, reasonable and appropriate, order the person to submit to a
56 urinalysis drug test and to participate in a program of periodic drug
57 testing and treatment. The results of any such drug test shall not be
58 admissible in any criminal proceeding concerning such person] with:
59 (i) Surety; or (ii) a cash bail amount deposited pursuant to subdivision
60 (4) of this subsection.

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

69 (3) (A) The court shall, in ordering the release of an arrested person
70 pursuant to subparagraph (C) or (D) of subdivision (1) of this
71 subsection, make a finding on the record of such arrested person's
72 ability to pay the amount of bond the court set. The court shall make
73 an investigation of the financial status of such arrested person's ability
74 to pay, as the court deems necessary. The court shall cause the arrested
75 person to complete a written statement under oath or affirmation
76 setting forth such person's liabilities and assets, income and sources of
77 such income, and such other information which the judicial branch
78 shall designate and require on forms furnished for such purpose.

79 (B) Any person who intentionally falsifies a written statement
80 pursuant to this subdivision shall be guilty of a class A misdemeanor.

81 (4) (A) The court shall, upon issuing an order of release of an
82 arrested person pursuant to subparagraph (D) of subdivision (1) of this
83 subsection, provide such arrested person the option of release upon
84 execution of a bond with surety or upon deposit with the court of cash
85 bail in an amount equal to ten per cent of the amount of the bond set,
86 which may be deposited on behalf of the arrested person by any
87 person other than a professional bondsman licensed under chapter 533
88 or a surety bail bond agent licensed under chapter 700f, unless the
89 court determines release upon such deposit is not appropriate based
90 on the court's review of factors under subdivision (2) of this
91 subsection. If a court makes such a determination, the court shall state
92 on the record any such factor the court considered to be the reason for
93 such determination. Under no circumstances shall a court order an
94 arrested person to deposit with the court cash bail in an amount
95 greater than ten per cent.

96 (B) The court shall place the cash bail deposited pursuant to this
97 subdivision into an interest-bearing account specifically established for
98 the purpose of this subdivision. If the arrested person appears for each
99 court date, the cash bail shall be returned to the person who deposited
100 the cash bail with the court pursuant to this subdivision. If the arrested
101 person fails to appear for any court date, such cash bail shall be
102 forfeited.

103 (b) (1) When any arrested person charged with the commission of a
104 (A) class A felony, [a] (B) class B felony, except a violation of section
105 53a-86 or 53a-122, [a] (C) class C felony, except a violation of section
106 53a-87, 53a-152 or 53a-153, [or a] (D) class D felony under sections 53a-
107 60 to 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-
108 114, 53a-136 or 53a-216, or [a] (E) family violence crime, as defined in
109 section 46b-38a, is presented before the Superior Court, said court
110 shall, in bailable offenses, promptly order the release of such person

111 upon the first of the [following] exclusive conditions of release [found]
112 enumerated in this subsection and subsection (d) of this section, that
113 the court finds sufficient to reasonably ensure the appearance of the
114 arrested person in court and that the safety of any other person will
115 not be endangered. [(A) Upon] Such exclusive conditions are upon
116 such person's execution of a: [written] (i) Written promise to appear
117 without special conditions; [(B) upon such person's execution of a] (ii)
118 written promise to appear with nonfinancial conditions; [(C) upon
119 such person's execution of a] (iii) bond without surety in no greater
120 amount than necessary; [(D) upon such person's execution of a] or (iv)
121 bond with surety in no greater amount than necessary. [In addition to
122 or in conjunction with any of the conditions enumerated in
123 subparagraphs (A) to (D), inclusive, of this subdivision, the court may,
124 when it has reason to believe that the person is drug-dependent and
125 where necessary, reasonable and appropriate, order the person to
126 submit to a urinalysis drug test and to participate in a program of
127 periodic drug testing and treatment. The results of any such drug test
128 shall not be admissible in any criminal proceeding concerning such
129 person.]

130 (2) The court may, in determining what conditions of release will
131 reasonably ensure the appearance of the arrested person in court and
132 that the safety of any other person will not be endangered, consider the
133 following factors: (A) The nature and circumstances of the offense, (B)
134 such person's record of previous convictions, (C) such person's past
135 record of appearance in court after being admitted to bail, (D) such
136 person's family ties, (E) such person's employment record, (F) such
137 person's financial resources, character and mental condition, (G) such
138 person's community ties, (H) the number and seriousness of charges
139 pending against the arrested person, (I) the weight of the evidence
140 against the arrested person, (J) the arrested person's history of
141 violence, (K) whether the arrested person has previously been
142 convicted of similar offenses while released on bond, and (L) the
143 likelihood based upon the expressed intention of the arrested person

144 that such person will commit another crime while released.

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

151 (c) Except in the case of an arrested person charged with failure to
152 appear pursuant to section 53a-173, or a family violence crime, as
153 defined in section 46b-38a, or if the court makes a finding on the record
154 that the arrested person would pose a risk to the safety of another
155 person upon release, when any arrested person, charged with no crime
156 other than a misdemeanor, is presented before the Superior Court, said
157 court shall promptly order the release of such person upon the first of
158 the exclusive conditions of release enumerated in subdivisions (1) to
159 (3), inclusive, of this subsection, that the court finds sufficient to
160 reasonably ensure the appearance of the arrested person in court. Such
161 exclusive conditions are upon such person's execution of a: (1) Written
162 promise to appear without special conditions; (2) written promise to
163 appear with nonfinancial conditions; or (3) bond without surety in no
164 greater amount than necessary.

165 ~~[(c)]~~ (d) (1) If the court determines that a nonfinancial condition of
166 release should be imposed pursuant to [subparagraph (B) of
167 subdivision (1) of subsection (a) or (b) of] this section, the court shall
168 order the pretrial release of the person subject to the least restrictive
169 condition or combination of conditions that the court determines will
170 reasonably ensure the appearance of the arrested person in court and,
171 with respect to the release of the person pursuant to subsection (b) of
172 this section, that the safety of any other person will not be endangered,
173 which conditions may include an order that the arrested person do one
174 or more of the following: [(1)] (A) Remain under the supervision of a
175 designated person or organization; [(2)] (B) comply with specified

176 restrictions on such person's travel, association or place of abode; [(3)]
177 (C) not engage in specified activities, including the use or possession of
178 a dangerous weapon, an intoxicant or a controlled substance; [(4)] (D)
179 provide sureties of the peace pursuant to section 54-56f under
180 supervision of a designated bail commissioner or intake, assessment
181 and referral specialist employed by the Judicial Branch; [(5)] (E) avoid
182 all contact with an alleged victim of the crime and with a potential
183 witness who may testify concerning the offense; [(6)] (F) maintain
184 employment or, if unemployed, actively seek employment; [(7)] (G)
185 maintain or commence an educational program; [(8)] (H) be subject to
186 electronic monitoring; or [(9)] (I) satisfy any other condition that is
187 reasonably necessary to ensure the appearance of the person in court
188 and that the safety of any other person will not be endangered. The
189 court shall state on the record its reasons for imposing any such
190 nonfinancial condition.

191 (2) In addition to or in conjunction with any of the exclusive
192 conditions of release enumerated in subsections (a) to (c), inclusive, of
193 this section and subdivision (1) of this subsection, the court may, when
194 it has reason to believe that the person is drug-dependent and where
195 necessary, reasonable and appropriate, order the person to submit to a
196 urinalysis drug test and to participate in a program of periodic drug
197 testing and treatment. The results of any such drug test shall not be
198 admissible in any criminal proceeding concerning such person.

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

203 [(e)] (f) The court may require that the person subject to electronic
204 monitoring pursuant to subsection [(c)] (d) of this section pay directly
205 to the electronic monitoring service provider a fee for the cost of such
206 electronic monitoring services. If the court finds that the person subject
207 to electronic monitoring is indigent and unable to pay the costs of

208 electronic monitoring services, the court shall waive such costs. Any
209 contract entered into by the Judicial Branch and the electronic
210 monitoring service provider shall include a provision stating that the
211 total cost for electronic monitoring services shall not exceed five
212 dollars per day. Such amount shall be indexed annually to reflect the
213 rate of inflation.

214 Sec. 3. (*Effective from passage*) The Court Support Services Division of
215 the Judicial Department shall study the feasibility of and mechanisms
216 for holding cash bail in an interest-bearing account and using such
217 interest and any forfeited cash bail for the delivery of legal services to
218 the poor. Not later than January 1, 2018, the division shall, in
219 accordance with the provisions of section 11-4a of the general statutes,
220 report on such study, including any recommendations for legislation,
221 to the joint standing committee of the General Assembly having
222 cognizance of matters relating to the judiciary and to the Office of
223 Policy and Management.

224 Sec. 4. (NEW) (*Effective October 1, 2017*) Not later than January 1,
225 2018, the Court Support Services Division shall develop a pretrial
226 release eligibility notice containing written explanatory text of the
227 process of release following an arrest set forth in chapter 960 of the
228 general statutes. The division, in conjunction with the Judicial
229 Department, the Department of Correction, the Division of State Police
230 and municipal police departments, shall ensure that such notice is
231 provided to an arrested person at any time such person is presented
232 with conditions for such person's release. The division shall update
233 such notice as deemed necessary by the division.

234 Sec. 5. Subsection (b) of section 53a-32 of the general statutes is
235 repealed and the following is substituted in lieu thereof (*Effective*
236 *October 1, 2017*):

237 (b) When the defendant is presented for arraignment on the charge
238 of violation of any of the conditions of probation or conditional

239 discharge, the court shall review any conditions previously imposed
240 on the defendant and may order, as a condition of the pretrial release
241 of the defendant, that the defendant comply with any or all of such
242 conditions in addition to any conditions imposed pursuant to section
243 54-64a, as amended by this act. Unless the court, pursuant to
244 subsection [(c)] (d) of section 54-64a, as amended by this act, orders
245 that the defendant remain under the supervision of a probation officer
246 or other designated person or organization, the defendant shall be
247 supervised by the Court Support Services Division of the Judicial
248 Branch in accordance with subsection (a) of section 54-63b.

249 Sec. 6. Section 53a-222 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective October 1, 2017*):

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

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

259 Sec. 7. Section 53a-222a of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective October 1, 2017*):

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

268 (b) Violation of conditions of release in the second degree is a class

269 A misdemeanor.

270 Sec. 8. Section 3-125 of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective January 1, 2018*):

272 The Attorney General shall appoint a deputy, who shall be sworn to
273 the faithful discharge of his duties and shall perform all the duties of
274 the Attorney General in case of his sickness or absence. He shall
275 appoint such other assistants as he deems necessary, subject to the
276 approval of the Governor. The Attorney General may also appoint not
277 more than four associate attorneys general who will serve at the
278 pleasure of the Attorney General and will be exempt from the
279 classified service. The Attorney General shall have general supervision
280 over all legal matters in which the state is an interested party, except
281 those legal matters over which prosecuting officers have direction. He
282 shall appear for the state, the Governor, the Lieutenant Governor, the
283 Secretary, the Treasurer and the Comptroller, and for all heads of
284 departments and state boards, commissioners, agents, inspectors,
285 committees, auditors, chemists, directors, harbor masters, and
286 institutions and for the State Librarian in all suits and other civil
287 proceedings, except upon criminal recognizances, [and bail bonds,] in
288 which the state is a party or is interested, or in which the official acts
289 and doings of said officers are called in question, and for all members
290 of the state House of Representatives and the state Senate in all suits
291 and other civil proceedings brought against them involving their
292 official acts and doings in the discharge of their duties as legislators, in
293 any court or other tribunal, as the duties of his office require; and all
294 such suits shall be conducted by him or under his direction. When any
295 measure affecting the State Treasury is pending before any committee
296 of the General Assembly, such committee shall give him reasonable
297 notice of the pendency of such measure, and he shall appear and take
298 such action as he deems to be for the best interests of the state, and he
299 shall represent the public interest in the protection of any gifts, legacies
300 or devises intended for public or charitable purposes. All legal services
301 required by such officers and boards in matters relating to their official

302 duties shall be performed by the Attorney General or under his
303 direction. All writs, summonses or other processes served upon such
304 officers and legislators shall, forthwith, be transmitted by them to the
305 Attorney General. All suits or other proceedings by such officers shall
306 be brought by the Attorney General or under his direction. He shall,
307 when required by either house of the General Assembly or when
308 requested by the president pro tempore of the Senate, the speaker of
309 the House of Representatives, or the majority leader or the minority
310 leader of the Senate or House of Representatives, give his opinion
311 upon questions of law submitted to him by either of said houses or any
312 of said leaders. He shall advise or give his opinion to the head of any
313 executive department or any state board or commission upon any
314 question of law submitted to him. He may procure such assistance as
315 he may require. Whenever a trustee, under the provisions of any
316 charitable trust described in section 45a-514, is required by statute to
317 give a bond for the performance of his duties as trustee, the Attorney
318 General may cause a petition to be lodged with the probate court of the
319 district in which such trust property is situated, or where any of the
320 trustees reside, for the fixing, accepting and approving of a bond to the
321 state, conditioned for the proper discharge of the duties of such trust,
322 which bond shall be filed in the office of such probate court. The
323 Attorney General shall prepare a topical and chronological cross-index
324 of all legal opinions issued by the office of the Attorney General and
325 shall, from time to time, update the same. The Attorney General shall
326 also be responsible for the collection, in the name of the state, and by
327 suit when necessary, of all forfeited bail bonds payable to the state.

328 Sec. 9. Section 51-279b of the general statutes is repealed and the
329 following is substituted in lieu thereof (*Effective January 1, 2018*):

330 [(a)] The Chief State's Attorney shall establish a racketeering and
331 continuing criminal activities unit within the Division of Criminal
332 Justice. Such unit shall be available for the investigation and
333 prosecution of criminal matters including, but not limited to, the illegal
334 purchase and sale of controlled substances, criminal activity by gangs,

335 fraud, corruption, illegal gambling and the recruitment of persons to
336 carry out such illegal activities.

337 [(b) The Chief State's Attorney shall establish a bond forfeiture unit
338 within the Division of Criminal Justice. Such unit shall be responsible
339 for the collection, in the name of the state, and by suit when necessary,
340 of all forfeited bonds payable to the state. Such unit may compromise
341 and settle forfeited bonds for less than the amount thereof without
342 regard to the expiration of any stay of forfeiture.

343 (c) The Chief State's Attorney shall develop uniform standards for
344 the compromise and settlement of forfeited bonds. Such standards
345 shall be applied on a state-wide basis.]

346 Sec. 10. Section 54-65a of the general statutes is repealed and the
347 following is substituted in lieu thereof (*Effective January 1, 2018*):

348 (a) (1) Whenever an arrested person is released upon the execution
349 of a bond with surety in an amount of five hundred dollars or more
350 and such bond is ordered forfeited because the principal failed to
351 appear in court as conditioned in such bond, the court shall, at the time
352 of ordering the bond forfeited: (A) Issue a rearrest warrant or a capias
353 directing a proper officer to take the defendant into custody, (B)
354 provide written notice to the surety on the bond that the principal has
355 failed to appear in court as conditioned in such bond, except that if the
356 surety on the bond is an insurer, as defined in section 38a-660, as
357 amended by this act, the court shall provide such notice to such insurer
358 and not to the surety bail bond agent, as defined in section 38a-660, as
359 amended by this act, and (C) order a stay of execution upon the
360 forfeiture for [six months] forty-five days. The court may, in its
361 discretion and for good cause shown, extend such stay of execution. A
362 stay of execution shall not prevent the issuance of a rearrest warrant or
363 a capias.

364 (2) When the principal whose bond has been forfeited is returned to
365 custody pursuant to the rearrest warrant or a capias [within six

366 months] not later than forty-five days after the date such bond was
367 ordered forfeited or, if a stay of execution was extended, within the
368 time period inclusive of such extension of the date such bond was
369 ordered forfeited, the bond shall be automatically terminated and the
370 surety released and the court shall order new conditions of release for
371 the defendant in accordance with section 54-64a, as amended by this
372 act.

373 (3) When the principal whose bond has been forfeited returns to
374 court voluntarily [within] not later than five business days after the
375 date such bond was ordered forfeited, the court may, in its discretion,
376 and after finding that the defendant's failure to appear was not wilful,
377 vacate the forfeiture order and reinstate the bond.

378 (4) When the principal whose bond has been forfeited does not
379 return to custody not later than forty-five days after the date such
380 bond was ordered forfeited or, if a stay of execution was extended,
381 within the time period inclusive of such extension of the date such
382 bond was ordered forfeited, the bond shall be paid in full not later than
383 thirty days after the date the payment has become due.

384 (b) Whenever an arrested person, whose bond has been forfeited, is
385 returned to the jurisdiction of the court [within] not later than one year
386 after the date such bond was ordered forfeited, the surety on such
387 bond shall be entitled to a rebate of [that portion] up to one-half of the
388 forfeited amount as may be fixed by the court or as may be established
389 by a schedule adopted by rule of the judges of the court.

390 Sec. 11. Subsection (b) of section 54-66 of the general statutes is
391 repealed and the following is substituted in lieu thereof (*Effective*
392 *January 1, 2018*):

393 (b) (1) Whenever an accused person is released upon the deposit by
394 a person on behalf of the accused person of a sum of money equal to
395 the amount called for by such bond or upon the pledge by a person on
396 behalf of the accused person of real property, the equity of which is

397 equal to the amount called for by such bond, and such bond is ordered
398 forfeited because the accused person failed to appear in court as
399 conditioned in such bond, the court shall, at the time of ordering the
400 bond forfeited: (A) Issue a rearrest warrant or a capias directing a
401 proper officer to take the accused person into custody, (B) provide
402 written notice to the person who offered cash bail or pledged real
403 property on behalf of the accused person that the accused person has
404 failed to appear in court as conditioned in such bond, and (C) order a
405 stay of execution upon the forfeiture for ~~[six months]~~ forty-five days.
406 The court may, in its discretion and for good cause shown, extend such
407 stay of execution. A stay of execution shall not prevent the issuance of
408 a rearrest warrant or a capias.

409 (2) When the accused person whose bond has been forfeited is
410 returned to custody pursuant to the rearrest warrant or a capias
411 ~~[within six months of]~~ not later than forty-five days after the date such
412 bond was ordered forfeited or, if a stay of execution was extended,
413 within the time period inclusive of such extension of the date such
414 bond was ordered forfeited, the bond shall be automatically
415 terminated and the person who offered cash bail or pledged real
416 property on behalf of the accused person shall be released from such
417 obligation and the court shall order new conditions of release for the
418 accused person in accordance with section 54-64a, as amended by this
419 act.

420 (3) When the accused person whose bond has been forfeited returns
421 to court voluntarily ~~[within]~~ not later than five business days ~~[of]~~ after
422 the date such bond was ordered forfeited, the court may, in its
423 discretion, and after finding that the accused person's failure to appear
424 was not wilful, vacate the forfeiture order and reinstate the bond.

425 Sec. 12. Section 29-147a of the general statutes is repealed and the
426 following is substituted in lieu thereof (*Effective January 1, 2018*):

427 The Commissioner of Emergency Services and Public Protection

428 [may suspend] shall revoke any license issued under the provisions of
429 this chapter of any professional bondsman when he finds that such
430 surety has failed to pay a forfeited bond [. Such license shall remain so
431 suspended and shall not be reinstated nor shall any such license be
432 issued to such surety until such person pays such forfeited bond] in
433 full not later than thirty days after the date payment has become due.

434 Sec. 13. Subsection (b) of section 29-152b of the general statutes is
435 repealed and the following is substituted in lieu thereof (*Effective*
436 *January 1, 2018*):

437 (b) If a bail bond executed by a professional bondsman is forfeited
438 and such forfeiture has remained unpaid for at least [sixty] thirty days
439 after the date payment has become due, no such bondsman shall
440 execute a bail bond in this state until the full amount of the forfeited
441 bail bond is paid to the Office of the [Chief State's] Attorney General in
442 accordance with procedures set forth by said office.

443 Sec. 14. Subsection (e) of section 38a-660 of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective*
445 *January 1, 2018*):

446 (e) Any person desiring to act within this state as a surety bail bond
447 agent shall make a written application to the commissioner for a
448 license in such form and having such supporting documents as the
449 commissioner prescribes. Each application shall be signed by the
450 applicant and shall be accompanied by a nonrefundable filing fee as
451 specified in section 38a-11. The applicant shall also submit with the
452 application a complete set of the applicant's fingerprints, certified by
453 an authorized law enforcement officer, and two recent credential-sized
454 full-face photographs of the applicant. At the time of application, each
455 applicant for a license shall forward a copy of the applicant's complete
456 application and supporting documents to the [Asset Forfeiture Bureau
457 of the] Office of the Chief State's Attorney.

458 Sec. 15. Subsection (a) of section 38a-660 of the general statutes is

459 repealed and the following is substituted in lieu thereof (*Effective*
460 *January 1, 2018*):

461 (a) The commissioner may suspend or revoke the license of a surety
462 bail bond agent, or may impose a fine in lieu of or in addition to such
463 suspension or revocation in accordance with section 38a-774 for any
464 violation of section 38a-660, as amended by this act, and sections 38a-
465 660b to 38a-660k, inclusive, as amended by this act. The commissioner
466 shall revoke the license of a surety bail bond agent for failure to pay a
467 forfeited bond in full not later than thirty days after the date payment
468 has become due.

469 Sec. 16. Subsection (b) of section 38a-660j of the general statutes is
470 repealed and the following is substituted in lieu thereof (*Effective*
471 *January 1, 2018*):

472 (b) If a bail bond executed by a surety bail bond agent is forfeited
473 and such forfeiture has remained unpaid for at least [sixty] thirty days
474 after the date payment has become due, no such surety bail bond agent
475 or insurer that appointed such agent shall execute a bail bond in this
476 state until the full amount of the forfeited bail bond is paid to the
477 Office of the [Chief State's] Attorney General in accordance with
478 procedures set forth by said office.

479 Sec. 17. Subsection (a) of section 38a-660k of the general statutes is
480 repealed and the following is substituted in lieu thereof (*Effective*
481 *January 1, 2018*):

482 (a) Each insurer and each surety bail bond agent that executes bail
483 bonds in this state shall maintain and transmit the following records,
484 based on such insurer's or such agent's Connecticut bail bond business,
485 to the Insurance Department upon request and, with respect to a
486 surety bail bond agent, shall report the information separately for each
487 insurer represented, except that subdivisions (1), (12) and (13) of this
488 subsection shall apply only to insurers:

- 489 (1) Commissions paid;
- 490 (2) The number of, and the total dollar amount of, bail bonds
491 executed;
- 492 (3) The number of, and the total dollar amount of, bail bonds
493 ordered forfeited;
- 494 (4) The number of, and the total dollar amount of, forfeitures
495 discharged, remitted or otherwise recovered prior to payment for any
496 reason;
- 497 (5) The number of, and the total dollar amount of, forfeitures
498 discharged, remitted or otherwise recovered prior to payment due to
499 the apprehension of the principal on the bail bond by the surety bail
500 bond agent;
- 501 (6) The number of, and the total dollar amount of, forfeited bail
502 bonds that have not been reinstated pursuant to section 54-65a, as
503 amended by this act;
- 504 (7) The number of, and the total dollar amount of, forfeitures paid
505 and subsequently recovered by the Office of the [Chief State's]
506 Attorney General by discharge, remission or otherwise;
- 507 (8) A list of every outstanding or unpaid forfeiture, estreatment and
508 judgment, with the case number and the name of the court in which
509 such forfeiture, estreatment or judgment is recorded and the name of
510 each agency or firm that employs the surety bail bond agent;
- 511 (9) The number of, and the total dollar amount of, bail bonds for
512 which collateral security or other indemnity was received;
- 513 (10) The actual value of collateral security or other indemnity
514 converted, excluding the cost of converting the collateral security or
515 other indemnity;

- 516 (11) The cost of converting collateral security or other indemnity;
- 517 (12) The underwriting gain or loss;
- 518 (13) The net investment gain or loss allocated to the flow of funds
519 associated with Connecticut business; and
- 520 (14) Such additional information as the Insurance Department may
521 require to: (A) Evaluate the reasonableness of rates or ensure that such
522 rates are not excessive, inadequate or unfairly discriminatory; (B)
523 evaluate the financial condition or trade practices of surety bail bond
524 agents and insurers executing bail bonds; and (C) evaluate the
525 performance of the surety bail bond agents and insurers executing bail
526 bonds in accordance with appropriate criminal justice system goals
527 and standards.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2017</i> | 54-53a |
| Sec. 2 | <i>October 1, 2017</i> | 54-64a |
| Sec. 3 | <i>from passage</i> | New section |
| Sec. 4 | <i>October 1, 2017</i> | New section |
| Sec. 5 | <i>October 1, 2017</i> | 53a-32(b) |
| Sec. 6 | <i>October 1, 2017</i> | 53a-222 |
| Sec. 7 | <i>October 1, 2017</i> | 53a-222a |
| Sec. 8 | <i>January 1, 2018</i> | 3-125 |
| Sec. 9 | <i>January 1, 2018</i> | 51-279b |
| Sec. 10 | <i>January 1, 2018</i> | 54-65a |
| Sec. 11 | <i>January 1, 2018</i> | 54-66(b) |
| Sec. 12 | <i>January 1, 2018</i> | 29-147a |
| Sec. 13 | <i>January 1, 2018</i> | 29-152b(b) |
| Sec. 14 | <i>January 1, 2018</i> | 38a-660(e) |
| Sec. 15 | <i>January 1, 2018</i> | 38a-660l(a) |
| Sec. 16 | <i>January 1, 2018</i> | 38a-660j(b) |
| Sec. 17 | <i>January 1, 2018</i> | 38a-660k(a) |

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]