



General Assembly

January Session, 2019

Governor's Bill No. 880

LCO No. 4526



Referred to Committee on JUDICIARY

Introduced by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

***AN ACT INCREASING FAIRNESS AND TRANSPARENCY IN THE
CRIMINAL JUSTICE SYSTEM.***

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) Not later than July 1,
2 2020, and annually thereafter, the Office of Policy and Management
3 shall make a presentation to the Criminal Justice Commission,
4 established under section 51-275a of the general statutes, on
5 prosecutorial data relating to the previous calendar year, and make
6 such presentation publicly available on the Internet web site of the
7 Office of Policy and Management. The Office of Policy and
8 Management shall include in any such presentation made on or after
9 July 1, 2021, data described in subsection (b) of this section.

10 (b) Not later than February 1, 2021, and annually thereafter, the
11 Division of Criminal Justice, in consultation with the Judicial Branch,
12 the Department of Correction and the Criminal Justice Information

13 System Governing Board, established under section 54-142 of the
14 general statutes, shall provide to the Office of Policy and Management
15 data collected under section 2 of this act for the previous calendar year.

16 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) The Division of Criminal
17 Justice, in consultation with the Judicial Branch, the Department of
18 Correction and the Criminal Justice Information System Governing
19 Board, established under section 54-142 of the general statutes, shall
20 collect data for purposes of section 1 of this act under each of the
21 categories described in subdivisions (1) to (4), inclusive, of this
22 subsection, as follows:

23 (1) Disaggregated data as it relates to each defendant in criminal
24 cases as follows:

25 (A) Demographic data, including, but not limited to, the defendant's
26 race or ethnicity and gender;

27 (B) The age of the defendant, and if the defendant is under eighteen
28 years of age, whether the defendant's case was (i) on the regular
29 criminal docket of the Superior Court, or (ii) under the jurisdiction of
30 the juvenile court;

31 (C) The zip code of the defendant's primary residence;

32 (D) The primary language of the defendant, if known; and

33 (E) Whether there is a court finding that the defendant is indigent
34 pursuant to section 51-297 of the general statutes.

35 (2) Disaggregated data as it relates to each defendant for each
36 alleged offense and any court proceedings associated with such
37 alleged offense as follows:

38 (A) Each charge brought against the defendant, whether the case
39 involves a (i) misdemeanor offense, (ii) felony offense, or (iii) both, and
40 in the case of a drug-related charge, the drug type and amount
41 associated with each such charge;

42 (B) The date of any alleged offense and the municipality in which
43 such alleged offense occurred;

44 (C) The date (i) the defendant was taken into custody by a law
45 enforcement agency or is issued a notice to appear on a criminal
46 charge, and (ii) of the arraignment for each such charge;

47 (D) The attorney assignment date and attorney withdrawal date, if
48 applicable;

49 (E) The date of each court appearance by the defendant before
50 disposition of the defendant's case; and

51 (F) The date the defendant's case was disposed of by the court.

52 (3) Disaggregated data as it relates to each defendant for each
53 alleged offense related to bail or bond and other pretrial release
54 determinations, including, but not limited to, the following:

55 (A) Pretrial release determinations made at an arraignment hearing,
56 including all monetary and nonmonetary conditions of release and any
57 modifications to such conditions of release;

58 (B) Cash bail or bond payment, including whether the defendant
59 utilized a professional bondsman licensed under chapter 533 of the
60 general statutes, or a surety bail bond agent, licensed under chapter
61 700f of the general statutes, to post a surety bond;

62 (C) The date the defendant was released on bail or bond or under
63 some other condition of pretrial release;

64 (D) Any bail or bond or other condition of pretrial release
65 revocation due to a new offense, a failure to appear or a violation of
66 the terms of bail or bond or other conditions of pretrial release;

67 (E) A state's attorney recommendations, if any, concerning the
68 setting or revocation of bail or bond or other pretrial release
69 conditions, if any; and

70 (F) Any reason pretrial release was not granted, if applicable.

71 (4) Disaggregated data as it relates to the sentencing of each
72 defendant including, but not limited to, the following:

73 (A) The offense for which the defendant was sentenced, the statute
74 under which the defendant was sentenced and the class of the offense
75 for which the defendant was sentenced, the length of any term of
76 imprisonment to which the defendant was sentenced and any period
77 of probation, special parole or community supervision;

78 (B) The amount of time served in custody by the defendant related
79 to the criminal case that is credited at the time of disposition of the case
80 to reduce the actual length of time the defendant will serve as part of
81 the term of imprisonment that is ordered by the court at disposition;

82 (C) Whether the defendant was offered or required to attend a
83 diversionary program and which such programs were offered or
84 required;

85 (D) The total amount of court fees or fines imposed by the court at
86 the disposition of the defendant's case and any outstanding balance the
87 defendant may have on such fees or fines;

88 (E) Any restitution amount ordered pursuant to subsection (c) of
89 section 53a-28 of the general statutes, including any amount collected
90 by the court and any amount paid to a victim; and

91 (F) Any offers of a plea deal and whether a plea deal was entered
92 into and accepted by the court.

93 (b) For purposes of subsection (a) of this section, the Division of
94 Criminal Justice shall assign a unique identifier to each piece of data
95 that associates that data to a single unidentified defendant. No
96 information collected under this section that personally identifies a
97 victim may be disclosed. No provision of this section shall permit a
98 person access to any juvenile records maintained under seal by the
99 court, unless otherwise provided by law, and no information from any

100 such record that personally identifies a juvenile defendant may be
101 disclosed.

102 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Chief Public Defender
103 shall, within available appropriations, establish a pilot program to
104 provide representation to persons at parole revocation hearings. Not
105 later than January 1, 2021, and annually thereafter, the Chief Public
106 Defender shall submit a report to the Secretary of the Office of Policy
107 and Management on cases served as part of such program during the
108 prior calendar year. Such report shall aggregate information,
109 including, but not limited to, the number of public defenders funded
110 through the pilot program, the number of preliminary hearings and
111 final parole revocation hearings served by such public defenders and
112 the associated outcomes of such hearings.

113 (b) Not later than January 1, 2021, and annually thereafter, the
114 Board of Pardons and Paroles shall report to the Secretary of the Office
115 of Policy and Management and make available on its Internet web site
116 the following information:

117 (1) Outcomes of preliminary hearings, including whether (A)
118 probable cause of a parole violation was found and that the alleged
119 violation was serious enough to warrant revocation of parole, (B)
120 probable cause of a parole violation was found, but the alleged
121 violation was not serious enough to warrant revocation, and (C) no
122 probable cause of a parole violation was found;

123 (2) The number of (A) individuals remanded to the custody of the
124 Department of Correction for criminal and technical violations, and (B)
125 individuals held in custody beyond a preliminary hearing pending a
126 final parole revocation hearing; and

127 (3) Outcomes of final parole revocation hearings, including whether
128 there was a recommendation to (A) reinstate parole, or (B) revoke
129 parole.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section

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.]