



General Assembly

**Amendment**

January Session, 2019

LCO No. 10697



Offered by:  
SEN. WINFIELD, 10<sup>th</sup> Dist.

To: Subst. Senate Bill No. 996

File No. 841

Cal. No. 442

**"AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES  
CONCERNING THE CRIMINAL JUSTICE SYSTEM."**

1 Strike section 4 in its entirety and insert the following in lieu thereof:

2 "Sec. 4. Subsection (b) of section 53a-60a of the general statutes is  
3 repealed and the following is substituted in lieu thereof (*Effective*  
4 *October 1, 2019*):

5 (b) Assault in the second degree with a firearm is (1) a class D felony  
6 or, (2) if the offense resulted in serious physical injury, a class C felony,  
7 for which in either case under subdivision (1) or subdivision (2) of this  
8 subsection, one year of the sentence imposed may not be suspended or  
9 reduced by the court."

10 Strike section 6 in its entirety and insert the following in lieu thereof:

11 "Sec. 6. Sections 13a-69 and 13b-305 of the general statutes are  
12 repealed. (*Effective October 1, 2019*)"

13 After the last section, add the following and renumber sections and

14 internal references accordingly:

15 "Sec. 501. Subsection (d) of section 1 of substitute senate bill 1098 of  
16 the current session, as amended by Senate Amendment Schedule "A",  
17 is repealed and the following is substituted in lieu thereof (*Effective*  
18 *October 1, 2019*):

19 (d) For the purposes of this section, "benefit" means any plea  
20 bargain, bail consideration, reduction or modification of sentence or  
21 any other leniency, immunity, financial payment, reward or  
22 amelioration of current or future conditions of incarceration offered or  
23 provided in connection with, or in exchange for, testimony that is  
24 offered or provided by a jailhouse witness; and "jailhouse witness"  
25 means a person who [is incarcerated at the time that he or she offers or  
26 provides testimony concerning statements made by a person suspected  
27 as the perpetrator of an offense or a defendant] offers or provides  
28 testimony concerning statements made to such person by another  
29 person with whom he or she was incarcerated, or an incarcerated  
30 person who offers or provides testimony concerning statements made  
31 to such person by another person who is suspected of or charged with  
32 committing a criminal offense.

33 Sec. 502. Section 2 of substitute senate bill 1098 of the current  
34 session, as amended by Senate Amendment Schedule "A", is repealed  
35 and the following is substituted in lieu thereof (*Effective October 1,*  
36 *2019*):

37 (a) In any criminal prosecution of a defendant for a violation of  
38 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-70, 53a-70a or 53a-70c of  
39 the general statutes, upon a motion of the defendant before the start of  
40 a trial on any such offense, the court shall conduct a hearing at which  
41 hearsay or secondary evidence shall be admissible to determine  
42 whether any jailhouse witness's testimony is reliable and admissible.  
43 The court shall make [such] a prima facie determination concerning  
44 the reliability of [the witness] such testimony after evaluation of the  
45 evidence submitted at the hearing and the information or material

46 disclosed pursuant to subdivisions (1) to (5), inclusive, of subsection  
47 (a) of section 1 of [this act] substitute senate bill 1098 of the current  
48 session, and may consider the following factors:

49 (1) The extent to which the jailhouse witness's testimony is  
50 confirmed by other evidence;

51 (2) The specificity of the testimony;

52 (3) The extent to which the testimony contains details known only  
53 by the perpetrator of the alleged offense;

54 (4) The extent to which the details of the testimony could be  
55 obtained from a source other than the defendant; and

56 (5) The circumstances under which the jailhouse witness initially  
57 provided information supporting such testimony to a sworn member  
58 of a municipal police department, a sworn member of the Division of  
59 State Police within the Department of Emergency Services and Public  
60 Protection or a prosecutorial official, including whether the jailhouse  
61 witness was responding to a leading question.

62 (b) If the prosecutorial official fails to [show by a preponderance of  
63 the evidence] make a prima facie showing that the jailhouse witness's  
64 testimony is reliable, the court shall not allow the testimony to be  
65 admitted.

66 (c) For the purposes of this section, "jailhouse witness" means  
67 jailhouse witness, as defined in section 1 of [this act] substitute senate  
68 bill 1098 of the current session."

This act shall take effect as follows and shall amend the following sections:		
Sec. 4	October 1, 2019	53a-60a(b)
Sec. 6	October 1, 2019	Repealer section
Sec. 501	October 1, 2019	SB 1098 (current session), Sec. 1(d)

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Sec. 502	<i>October 1, 2019</i>	SB 1098 (current session), Sec. 2
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