



General Assembly

Amendment

January Session, 2019

LCO No. 10651



Offered by:
SEN. WINFIELD, 10th 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 6 in its entirety and insert the following in lieu thereof:

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3 repealed.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

4 After the last section, add the following and renumber sections and
5 internal references accordingly:

6 "Sec. 501. Section 7-22 of the general statutes is repealed and the
7 following is substituted in lieu thereof (*Effective October 1, 2019*):

8 Whenever complaint in writing is made to the [state's attorney for
9 any judicial district] Attorney General that the town clerk of any town
10 in such judicial district is guilty of misconduct, wilful and material
11 neglect of duty or incompetence in the conduct of such town clerk's
12 office, [such state's attorney] the Attorney General shall make such
13 investigation of the charges as [such state's attorney] the Attorney

14 General deems proper and shall, if [such state's attorney] the Attorney
15 General is of the opinion that the evidence obtained warrants such
16 action, prepare a statement in writing of the charges against such town
17 clerk, together with a citation in the name of the state, commanding
18 such town clerk to appear before a judge of the Superior Court at a
19 date named in the citation and show cause, if any, why such town
20 clerk should not be removed from office as provided in this section.
21 [Such state's attorney] The Attorney General shall cause a copy of such
22 statement and citation to be served by some proper officer upon the
23 defendant town clerk at least ten days before the date of appearance
24 named in such citation, and the original statement and citation, with
25 the return of the officer thereon, shall be returned to the clerk of the
26 superior court for the judicial district within which such town is
27 situated. To carry into effect the proceedings authorized by this
28 section, the [state's attorney of any judicial district] Attorney General
29 shall have power to summon witnesses, require the production of
30 necessary books, papers and other documents and administer oaths to
31 witnesses; and upon the date named in such citation for the
32 appearance of such town clerk, or upon any adjourned date fixed by
33 the judge before whom such proceedings are pending, the [state's
34 attorney] Attorney General shall appear and conduct the hearing on
35 behalf of the state. If, after a full hearing of all the evidence offered by
36 the [state's attorney] Attorney General and by and on behalf of the
37 defendant, such judge is of the opinion that the evidence presented
38 warrants the removal of such town clerk from office, the judge shall
39 cause to be prepared a written order to that effect, which order shall be
40 signed by the judge and lodged with the clerk of the superior court for
41 the judicial district in which such defendant resides. Such clerk of the
42 superior court shall cause a certified copy of such order to be served
43 forthwith upon such town clerk, and upon such service the office held
44 by such town clerk shall become vacant and the vacancy thereby
45 created shall be filled at once in the manner provided in section 9-220.
46 Any witnesses summoned and any officer making service under the
47 provisions of this section shall be allowed and paid by the state the
48 same fees as are allowed by law in criminal prosecutions.

49 Sec. 502. Section 7-81 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2019*):

51 Whenever complaint in writing is made to the [state's attorney for
52 any judicial district] Attorney General that the town treasurer of any
53 town in such judicial district is guilty of misconduct, wilful and
54 material neglect of duty or incompetence in the conduct of such town
55 treasurer's office, [such state's attorney] the Attorney General shall
56 make such investigation of the charges as [such state's attorney] the
57 Attorney General deems proper, and shall, if [such state's attorney] the
58 Attorney General is of the opinion that the evidence obtained warrants
59 such action, prepare a statement in writing of the charges against such
60 town treasurer, together with a citation in the name of the state,
61 commanding such town treasurer to appear before a judge of the
62 Superior Court at a date named in the citation and show cause, if any,
63 why such town treasurer should not be removed from office as
64 provided in this section. [Such state's attorney] The Attorney General
65 shall cause a copy of such statement and citation to be served, by some
66 proper officer, upon the defendant town treasurer at least ten days
67 before the date of appearance named in such citation, and the original
68 statement and citation, with the return of the officer thereon, shall be
69 returned to the clerk of the superior court for the judicial district
70 within which such town is situated. To carry into effect the
71 proceedings authorized by this section, the [state's attorney of any
72 judicial district] Attorney General shall have power to summon
73 witnesses, require the production of necessary books, papers and other
74 documents and administer oaths to witnesses; and, upon the date
75 named in such citation for the appearance of such town treasurer, or
76 upon any adjourned date fixed by the judge before whom such
77 proceedings are pending, [such state's attorney] the Attorney General
78 shall appear and conduct the hearing on behalf of the state. If, after a
79 full hearing of all the evidence offered by the [state's attorney]
80 Attorney General and by and on behalf of such defendant, such judge
81 is of the opinion that the evidence presented warrants the removal of
82 such town treasurer from office, the judge shall cause to be prepared a

83 written order to that effect, which order shall be signed by the judge
84 and lodged with the clerk of the superior court for the judicial district
85 in which such defendant resides. Such clerk of the superior court shall
86 cause a certified copy of such order to be served forthwith upon such
87 town treasurer, and upon such service the office held by such town
88 treasurer shall become vacant and the vacancy thereby created shall be
89 filled at once in the manner provided in section 9-220. Any witnesses
90 summoned and any officer making service under the provisions of this
91 section shall be allowed and paid by the state the same fees as are
92 allowed by law in criminal prosecutions.

93 Sec. 503. Subsection (d) of section 1 of substitute senate bill 1098 of
94 the current session, as amended by Senate Amendment Schedule "A",
95 is repealed and the following is substituted in lieu thereof (*Effective*
96 *October 1, 2019*):

97 (d) For the purposes of this section, "benefit" means any plea
98 bargain, bail consideration, reduction or modification of sentence or
99 any other leniency, immunity, financial payment, reward or
100 amelioration of current or future conditions of incarceration offered or
101 provided in connection with, or in exchange for, testimony that is
102 offered or provided by a jailhouse witness; and "jailhouse witness"
103 means a person who [is incarcerated at the time that he or she offers or
104 provides testimony concerning statements made by a person suspected
105 as the perpetrator of an offense or a defendant] offers or provides
106 testimony concerning statements made to such person by another
107 person with whom he or she was incarcerated, or an incarcerated
108 person who offers or provides testimony concerning statements made
109 to such person by another person who is suspected of or charged with
110 committing a criminal offense.

111 Sec. 504. Section 2 of substitute senate bill 1098 of the current
112 session, as amended by Senate Amendment Schedule "A", is repealed
113 and the following is substituted in lieu thereof (*Effective October 1,*
114 *2019*):

115 (a) In any criminal prosecution of a defendant for a violation of
116 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-70, 53a-70a or 53a-70c of
117 the general statutes, upon a motion of the defendant before the start of
118 a trial on any such offense, the court shall conduct a hearing at which
119 hearsay or secondary evidence shall be admissible to determine
120 whether any jailhouse witness's testimony is reliable and admissible.
121 The court shall make [such] a prima facie determination concerning
122 the reliability of [the witness] such testimony after evaluation of the
123 evidence submitted at the hearing and the information or material
124 disclosed pursuant to subdivisions (1) to (5), inclusive, of subsection
125 (a) of section 1 of [this act] substitute senate bill 1098 of the current
126 session, and may consider the following factors:

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

129 (2) The specificity of the testimony;

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

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

134 (5) The circumstances under which the jailhouse witness initially
135 provided information supporting such testimony to a sworn member
136 of a municipal police department, a sworn member of the Division of
137 State Police within the Department of Emergency Services and Public
138 Protection or a prosecutorial official, including whether the jailhouse
139 witness was responding to a leading question.

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

144 (c) For the purposes of this section, "jailhouse witness" means

145 jailhouse witness, as defined in section 1 of [this act] substitute senate
 146 bill 1098 of the current session."

This act shall take effect as follows and shall amend the following sections:		
Sec. 6	<i>October 1, 2019</i>	Repealer section
Sec. 501	<i>October 1, 2019</i>	7-22
Sec. 502	<i>October 1, 2019</i>	7-81
Sec. 503	<i>October 1, 2019</i>	SB 1098 (current session), Sec. 1(d)
Sec. 504	<i>October 1, 2019</i>	SB 1098 (current session), Sec. 2