
OLR Bill Analysis

sHB 5499

AN ACT CONCERNING THE CRIMINAL JUSTICE COMMISSION AND THE DIVISION OF CRIMINAL JUSTICE.

SUMMARY

This bill allows the Criminal Justice Commission (CJC) to reprimand and suspend the chief state's attorney, rather than only being able to remove him or her, as under current law. (While the chief state's attorney is a CJC member, under existing law and the bill, when CJC is disciplining a state's attorney, the chief state's attorney is not included.)

The bill also prohibits the chief state's attorney, deputy chief state's attorneys, and state's attorneys from being an elected officer of the state or any political subdivision. The bill also prohibits assistant state's attorneys and deputy assistant state's attorneys from being an elected officer of the state.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2022

REPRIMANDS AND SUSPENSION

By law, CJC may investigate the chief state's attorney when the commission has reason to believe or has the opinion that he or she is guilty of misconduct, material neglect of duty, or incompetence in conducting his or her office. Current law requires CJC to prepare a written statement of the charges against the chief state's attorney and summon the official to appear before the commission to show why he or she should not be removed from office. The bill generally applies this process to reprimands and suspensions, whether with or without pay.

As under existing law, the chief state's attorney has the right to appear with counsel and witnesses and be fully heard. As under current law for removals, if after the hearing, CJC finds evidence warrants a

reprimand or suspension, the commission must make the order in writing.

BACKGROUND

Related Bill

sSB 307, reported favorably by the Judiciary Committee, has similar provisions allowing CJC to discipline the chief state's attorney.

Criminal Justice Commission

The state constitution (art. IV, § 27) establishes the Criminal Justice Commission and charges it with appointing a state's attorney for each judicial district and other attorneys as prescribed by law. It consists of seven members: the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly. Two of the appointed members must be Superior Court judges.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 3 (03/31/2022)