



# House of Representatives

General Assembly

**File No. 507**

February Session, 2022

Substitute House Bill No. 5499

*House of Representatives, April 14, 2022*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Section 51-278a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) The Chief State's Attorney, each deputy chief state's attorney and  
4 each state's attorney, assistant state's attorney and deputy assistant  
5 state's attorney shall, at the time of his or her appointment be an  
6 attorney-at-law and the Chief State's Attorney, each deputy chief state's  
7 attorney and each state's attorney shall have been admitted to the  
8 practice of law for at least three years.

9 (b) The Chief State's Attorney, each deputy chief state's attorney, and  
10 each state's attorney shall devote his or her full time to the duties of his  
11 or her office, shall not otherwise engage in the practice of law, [and]  
12 shall not be a partner, member or associate of a law firm, and shall not  
13 be an elected officer of this state or any political subdivision thereof.

14 (c) Each assistant state's attorney and deputy assistant state's attorney  
15 appointed to serve on a full-time basis shall devote his or her full time  
16 to the duties of his or her office, shall not engage in the private practice  
17 of law, [and] shall not be a partner, member or associate of a law firm,  
18 and shall not be an elected officer of this state. No part-time assistant  
19 state's attorney, no part-time deputy assistant state's attorney and no  
20 partner or associate of a law firm of which such attorney is a partner or  
21 associate may engage in the private practice of criminal law.

22 Sec. 2. Section 51-278b of the general statutes is repealed and the  
23 following is substituted in lieu thereof (*Effective October 1, 2022*):

24 (a) Whenever the Criminal Justice Commission has reason to believe  
25 or is of the opinion that the Chief State's Attorney is guilty of  
26 misconduct, material neglect of duty or incompetence in the conduct of  
27 his or her office, it shall make such investigation as it deems proper, and  
28 shall prepare a statement in writing of the charges against such official  
29 summoning [him] such official to appear before the commission at a  
30 date named and show cause why [he] such official should not be  
31 reprimanded or suspended, with or without pay from such official's  
32 office, or removed from office. Such official shall have the right to  
33 appear with counsel and witnesses and be fully heard. If after full  
34 hearing of all evidence, the commission finds that the evidence warrants  
35 the reprimand, suspension or removal of such official, the commission  
36 shall make a written order to that effect. [and] In the case of an order of  
37 removal of such official, the commission shall cause a copy [thereof] of  
38 such order to be given to such official and shall also file a copy [thereof]  
39 of such order with the Secretary of the State. Upon the filing of such  
40 copy with the Secretary of the State, the office held by such official shall  
41 become vacant, and the commission may thereupon proceed to fill such  
42 vacancy in the manner provided by law. For purposes of this subsection,  
43 "Criminal Justice Commission" means the members of the commission  
44 other than the Chief State's Attorney.

45 (b) No deputy chief state's attorney, state's attorney, assistant state's  
46 attorney or deputy assistant state's attorney may be removed from office

47 except by order of the Criminal Justice Commission after due notice and  
48 hearing. A recommendation for removal from office may be initiated by  
49 the Chief State's Attorney or the appropriate state's attorney.

50 (c) The Criminal Justice Commission may discipline for just cause  
51 after due notice and hearing by reprimand, demotion or suspension  
52 with or without pay from his or her office up to fifteen days, a deputy  
53 chief state's attorney or state's attorney. A recommendation for  
54 discipline may be initiated by the Chief State's Attorney. The Chief  
55 State's Attorney may discipline any assistant state's attorney or deputy  
56 assistant state's attorney who assists him or her or the appropriate state's  
57 attorney may discipline any assistant state's attorney or deputy assistant  
58 state's attorney who assists him or her, for just cause after due notice  
59 and hearing by reprimand, demotion or suspension with or without pay  
60 from his or her office up to fifteen days.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	51-278a
Sec. 2	October 1, 2022	51-278b

**JUD**      *Joint Favorable Subst.*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill gives the Criminal Justice Commission the authority to reprimand and suspend a chief state's attorney and does not result in a fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**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)