



General Assembly

February Session, 2022

Raised Bill No. 5499

LCO No. 3623



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***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 Section 51-278a of the general statutes is repealed and the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 or any political
19 subdivision thereof. No part-time assistant state's attorney, no part-time
20 deputy assistant state's attorney and no partner or associate of a law firm
21 of which such attorney is a partner or associate may engage in the
22 private practice of criminal law.

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 Section 51-278b of the general statutes is repealed and the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

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

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

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

51 (c) The Criminal Justice Commission may discipline for just cause
52 after due notice and hearing by reprimand, demotion or suspension
53 with or without pay from his or her office up to fifteen days, a deputy
54 chief state's attorney or state's attorney. A recommendation for
55 discipline may be initiated by the Chief State's Attorney. The Chief
56 State's Attorney may discipline any assistant state's attorney or deputy
57 assistant state's attorney who assists him or her or the appropriate state's
58 attorney may discipline any assistant state's attorney or deputy assistant
59 state's attorney who assists him or her, for just cause after due notice
60 and hearing by reprimand, demotion or suspension with or without pay
61 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 |

Statement of Purpose:

To expand the commission's powers to allow for discipline of the Chief State's Attorney upon a finding of misconduct and to preclude prosecutorial officials from holding elected office.

[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.]