



# Senate

General Assembly

**File No. 510**

January Session, 2023

Substitute Senate Bill No. 1070

*Senate, April 12, 2023*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PROSECUTORIAL ACCOUNTABILITY.***

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

1 Section 1. Section 51-286j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) The Division of Criminal Justice, in consultation with the Judicial  
4 Branch, the Department of Correction and the Criminal Justice  
5 Information System Governing Board, established under section 54-142,  
6 shall collect for the purposes of section 4-68ff disaggregated, case level  
7 data by docket number pertaining to defendants who are eighteen years  
8 of age or older at the time of the commission of an alleged offense under  
9 each of the categories described in subdivisions (1) to (13), inclusive, of  
10 this subsection, as follows:

11 (1) Arrests, including data on citations, summonses, custody arrests,  
12 warrants and on-site arrests;

13 (2) Arraignments of individuals in custody;

14 (3) Continuances;

15 (4) Diversionary programs, including data on program applications,  
16 program diversions, successful completions by defendants of such  
17 programs, failures by defendants to complete such programs and  
18 people in diversion on the first of the month;

19 (5) Contact between victims and prosecutorial officials, including  
20 data on cases involving victims;

21 (6) Dispositions, including data on pending cases and cases disposed  
22 of;

23 (7) Nonjudicial sanctions, including data on nonjudicial sanctions  
24 applied, successful completion of nonjudicial sanctions, failure of  
25 nonjudicial sanctions and persons on nonjudicial sanction status on the  
26 first of the month;

27 (8) Plea agreements, including data on total plea agreements,  
28 agreements involving probation, agreements involving prison, other  
29 agreements and prosecutor's last best offer;

30 (9) Cases going to trial, including data on cases added per month,  
31 pending trial cases, plea offers accepted by the court per month, plea  
32 offers rejected by the court per month, disposition by trial, disposition  
33 involving probation, disposition involving prison and other  
34 dispositions;

35 (10) Demographics, including data on race, sex, ethnicity and age;

36 (11) Court fees or fines, including those imposed by the court at the  
37 disposition of the defendant's case and any outstanding balance the  
38 defendant may have on such fees or fines;

39 (12) Restitution amounts ordered pursuant to subsection (c) of section  
40 53a-28, including any amount collected by the court and any amount  
41 paid to a victim; and

42 (13) The zip code of the defendant's primary residence.

43 (b) No information collected under this section that personally  
44 identifies a victim may be disclosed under section 4-68ff.

45 (c) The Criminal Justice Commission shall require each state's  
46 attorney to appear before the commission annually for testimony and  
47 comment on the data collected pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	51-286j

**JUD**      *Joint Favorable Subst.*

*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**

This bill would require each state's attorney to appear annually before the commission for testimony and comment related to the data collected by the Division of Criminal Justice. This is not anticipated to have a fiscal impact on the state as this obligation should be able to be performed by current staff.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 1070*****AN ACT CONCERNING PROSECUTORIAL ACCOUNTABILITY.*****SUMMARY**

By law, the Division of Criminal Justice (DCJ), in consultation with the judicial branch, Department of Correction, and Criminal Justice Information System Governing Board, must collect disaggregated, case-level data by docket number on adult defendants (i.e., age 18 or older when committing the alleged offense) and annually give it to the Office of Policy and Management.

This bill requires the Criminal Justice Commission to require each state's attorney to appear before it annually to testify and comment on the data collected.

EFFECTIVE DATE: October 1, 2023

**BACKGROUND*****Data on Adult Defendants***

State law requires DCJ to collect data under the following categories:

1. arrests, including data on citations, summonses, custody arrests, warrants, and on-site arrests;
2. arraignments of individuals in custody;
3. continuances;
4. diversionary programs, including data on (a) program applications, diversions, and participants' successful completions and failures and (b) people in diversion programs on the first of each month;

5. contact between victims and prosecutorial officials, including data on cases involving victims;
6. dispositions, including data on pending cases and disposed cases;
7. nonjudicial sanctions, including data on (a) sanctions applied, successfully completed, and failed and (b) people on nonjudicial sanction status on the first day of each month;
8. plea agreements, including data on the total number of plea agreements, agreements involving probation or prison, other agreements, and prosecutor's last best offer;
9. cases going to trial, including data on cases added per month, pending trial cases, plea offers accepted and rejected by the court per month, disposition by trial, disposition involving probation or prison, and other dispositions;
10. demographic data, including race, sex, ethnicity, and age;
11. court fees or fines, including those imposed by the court at the disposition of the defendant's case and any outstanding balance the defendant may owe;
12. restitution amounts ordered at sentencing, including any amount (a) collected by the court and (b) paid to a victim; and
13. defendant's primary residence zip code.

Information that personally identifies a victim cannot be disclosed.

### ***Criminal Justice Commission***

The state constitution 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 (Ct. Const., art. IV, § 27). It consists of seven members: the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly.

Two appointed members must be Superior Court judges (CGS § 51-275a).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 11 (03/28/2023)