



# Senate

General Assembly

**File No. 514**

January Session, 2023

Senate Bill No. 1134

*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 bill ought to pass.

## **AN ACT CONCERNING THE RECRUITMENT OF LAW SCHOOL STUDENTS FOR APPRENTICE PROSECUTOR POSITIONS.**

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

1 Section 1. Subdivision (1) of subsection (b) of section 51-278 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (b) (1) (A) The Criminal Justice Commission shall appoint (i) two  
5 deputy chief state's attorneys as assistant administrative heads of the  
6 Division of Criminal Justice, one of whom shall be deputy chief state's  
7 attorney for operations and one of whom shall be deputy chief state's  
8 attorney for personnel, finance and administration, who shall assist the  
9 Chief State's Attorney in his duties, and (ii) one deputy chief state's  
10 attorney who shall be appointed by the commission, as provided in  
11 subdivision (8) of this subsection, to serve as Inspector General in  
12 accordance with section 51-277e, who shall receive his or her  
13 prosecutorial powers as a designee of the Chief State's Attorney. The  
14 term of office of a deputy chief state's attorney shall be four years from

15 July first in the year of appointment and until the appointment and  
16 qualification of a successor unless sooner removed by the Criminal  
17 Justice Commission. The Criminal Justice Commission shall designate  
18 one deputy chief state's attorney appointed under subparagraph (A)(i)  
19 of this subsection who shall, in the absence or disqualification of the  
20 Chief State's Attorney, exercise the powers and duties of the Chief  
21 State's Attorney until such Chief State's Attorney resumes his duties. For  
22 the purposes of this subparagraph, the Criminal Justice Commission  
23 means the members of the commission other than the Chief State's  
24 Attorney. (B) The Criminal Justice Commission shall appoint a state's  
25 attorney for each judicial district, who shall act therein as attorney on  
26 behalf of the state. The Criminal Justice Commission shall also appoint,  
27 from candidates recommended by the appropriate state's attorney and  
28 deemed qualified by the commission, as many assistant state's attorneys  
29 and deputy assistant state's attorneys on a full-time or part-time basis  
30 for each judicial district as the criminal business of the court, in the  
31 opinion of the Chief State's Attorney, may require, and the commission  
32 shall also appoint, from candidates recommended by the Chief State's  
33 Attorney and deemed qualified by the commission, as many assistant  
34 state's attorneys and deputy assistant state's attorneys as are necessary,  
35 in the opinion of the Chief State's Attorney, to assist the Chief State's  
36 Attorney. Notwithstanding the provisions of subsection (a) of section  
37 51-278a, the commission may interview and appoint to the position of  
38 apprentice prosecutor any student of an accredited law school who is in  
39 the second semester of such student's third year of studies and who is a  
40 certified legal intern pursuant to the rules of the Superior Court. Any  
41 person so appointed shall advance to the position of deputy assistant  
42 state's attorney upon such person gaining admission to the Connecticut  
43 bar within one year of the date of such person's graduation from such  
44 law school. Assistant state's attorneys and deputy assistant state's  
45 attorneys, respectively, shall assist the state's attorneys for the judicial  
46 districts and the Chief State's Attorney in all criminal matters and, in the  
47 absence from the district or disability of the state's attorney or at his  
48 request, shall have and exercise all the powers and perform all the duties  
49 of state's attorney. At least three such assistant state's attorneys or

50 deputy assistant state's attorneys shall be designated by the Chief State's  
 51 Attorney to handle all prosecutions in the state of housing matters  
 52 deemed to be criminal. Any assistant or deputy assistant state's attorney  
 53 so designated should have a commitment to the maintenance of decent,  
 54 safe and sanitary housing and, to the extent practicable, shall handle  
 55 housing matters on a full-time basis. At least one assistant state's  
 56 attorney shall be designated by the Chief State's Attorney to handle all  
 57 prosecutions in the state of environmental matters deemed to be  
 58 criminal. Any assistant state's attorney so designated should have a  
 59 commitment to protecting the environment and, to the extent  
 60 practicable, shall handle environmental matters on a full-time basis. (C)  
 61 The Chief State's Attorney may promote any assistant state's attorney,  
 62 or deputy assistant state's attorney who assists him, and the appropriate  
 63 state's attorney may promote any assistant state's attorney or deputy  
 64 assistant state's attorney who assists such state's attorney in the judicial  
 65 district. The Chief State's Attorney shall notify the Criminal Justice  
 66 Commission of any such promotion.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	51-278(b)(1)

**JUD**      *Joint Favorable*

*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.*

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Criminal Justice, Div.	GF - Cost	420,368	430,877
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	180,001	184,501

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill allows the Division of Criminal Justice to employ law students as apprentice prosecutors until such students pass the bar, for up to one year. The annualized cost of hiring one apprentice prosecutor is roughly \$120,000, however the division anticipates that they will hire five apprentice prosecutors which would be an estimated cost of \$600,000 in FY 24 and \$615,000 in FY 25 for wages and fringe costs.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the actual number of apprentice prosecutors the division chooses to employ.

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

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**OLR Bill Analysis****SB 1134*****AN ACT CONCERNING THE RECRUITMENT OF LAW SCHOOL STUDENTS FOR APPRENTICE PROSECUTOR POSITIONS.*****SUMMARY**

This bill allows the Criminal Justice Commission to interview and appoint as an “apprentice prosecutor” any third-year, second-semester student from an accredited law school who is a certified legal intern. (It does not define an apprentice prosecutor’s scope of duties.)

Under the bill, a student the commission appoints as an apprentice prosecutor advances to the position of deputy assistant state’s attorney once admitted to the Connecticut bar within one year after graduating law school. This creates an exception to existing law by guaranteeing appointment upon bar passage (CGS § 51-278a(a)).

EFFECTIVE DATE: Upon passage

**BACKGROUND*****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

Yea 37    Nay 0    (03/27/2023)