



General Assembly

January Session, 2025

Raised Bill No. 7121

LCO No. 4827



Referred to Committee on VETERANS' AND MILITARY AFFAIRS

Introduced by:
(VA)

AN ACT EXCLUDING VETERANS' FEDERAL SERVICE-CONNECTED DISABILITY BENEFITS FOR PURPOSES OF ELIGIBILITY FOR ASSISTANCE FROM A PUBLIC DEFENDER.

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

1 Section 1. Section 51-297 of the general statutes, as amended by
2 section 201 of public act 23-204, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2025*):

4 (a) A public defender, assistant public defender or deputy assistant
5 public defender shall make such investigation of the financial status of
6 each person he has been appointed to represent or who has requested
7 representation based on indigency, as he deems necessary. He shall
8 cause the person to complete a written statement under oath or
9 affirmation setting forth his liabilities and assets, income and sources
10 thereof, and such other information which the commission shall
11 designate and require on forms furnished for such purpose.

12 (b) Any person who intentionally falsifies a written statement in
13 order to obtain appointment of a public defender, assistant public

14 defender or deputy assistant public defender shall be guilty of a class A
15 misdemeanor.

16 (c) If a public defender, assistant public defender or deputy assistant
17 public defender is appointed to provide assistance to any person and he
18 subsequently determines that the person is ineligible for assistance, the
19 public defender, assistant public defender or deputy assistant public
20 defender shall promptly inform the person in writing and make a
21 motion to withdraw his appearance if filed, or his appointment if made
22 by the court, as soon as it is practical to do so without prejudice to the
23 case, giving the defendant a reasonable time to secure private counsel.
24 If the withdrawal is granted by the court, the person shall reimburse the
25 commission for any assistance which has been provided for which the
26 person is ineligible.

27 (d) Reimbursement to the commission shall be made in accordance
28 with a schedule of reasonable charges for public defender services
29 which shall be provided by the commission.

30 (e) The Chief Public Defender or anyone serving under him may
31 institute an investigation into the financial status of each defendant at
32 such times as the circumstances shall warrant. In connection therewith,
33 he shall have the authority to require a defendant or the parents,
34 guardians or other persons responsible for the support of a minor
35 defendant, child or youth, or those persons holding property in trust or
36 otherwise for a defendant, child or youth, to execute and deliver such
37 written authorizations as may be necessary to provide the Chief Public
38 Defender, or anyone serving under him, with access to records of public
39 or private sources, otherwise confidential, or any other information,
40 which may be relevant to the making of a decision as to eligibility under
41 this chapter. The Chief Public Defender, the Deputy Chief Public
42 Defender, and each public defender, assistant public defender and
43 deputy assistant public defender or designee, are authorized to obtain
44 information from any office of the state or any subdivision or agency
45 thereof on request and without payment of any fees.

46 (f) (1) As used in this chapter, "indigent defendant" means (A) a
47 person who is formally charged with the commission of a crime
48 punishable by imprisonment and who does not have the financial ability
49 at the time of his request for representation to secure competent legal
50 representation and to provide other necessary expenses of legal
51 representation; (B) a child who has a right to counsel under the
52 provisions of subsection (a) of section 46b-135 and who does not have
53 the financial ability at the time of his request for representation to secure
54 competent legal representation and to provide other necessary expenses
55 of legal representation; or (C) any person who has a right to counsel
56 under section 46b-136 and who does not have the financial ability at the
57 time of his request for representation to secure competent legal
58 representation and to provide other necessary expenses of legal
59 representation.

60 (2) An assessment determining whether a person has the financial
61 ability to secure competent legal representation and to provide other
62 necessary expenses of legal representation or qualifies as an indigent
63 defendant pursuant to subdivision (1) of this subsection shall be based
64 upon guidelines established by the commission. The commission shall
65 annually establish such guidelines providing that a person whose
66 income, which shall exclude all service-connected disability benefits
67 administered by the United States Department of Veterans Affairs and
68 otherwise be calculated as described in such guidelines, is two hundred
69 fifty per cent or less of the federal poverty level may qualify as an
70 indigent defendant. The commission shall make such guidelines
71 available to the public on the Division of Public Defender Service's
72 Internet web site.

73 (g) If the Chief Public Defender or anyone serving under the Chief
74 Public Defender determines that an individual is not eligible to receive
75 the services of a public defender under this chapter, the individual may
76 appeal the decision to the court before which the individual's case is
77 pending.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2025</i>	51-297
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Statement of Purpose:

To exclude all service-connected disability benefits administered by the United States Department of Veterans Affairs from consideration when determining eligibility for assistance from a public defender based on indigency.

[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.]