

House of Representatives, March 30, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VIOLATIONS OF CONDITIONS OF RELEASE AND THE DISCLOSURE OF INFORMATION BY THE OFFICE OF THE BAIL COMMISSION.

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

1 Section 1. (NEW) (a) A person is guilty of  
2 violation of conditions of release in the first  
3 degree when, while charged with the commission of  
4 a felony, he is released pursuant to subsection  
5 (b) of section 54-63d of the general statutes, as  
6 amended by section 4 of this act, or subsection  
7 (c) of section 54-64a of the general statutes, on  
8 the condition that he (1) avoid all contact with  
9 the alleged victim or (2) not use or possess a  
10 dangerous weapon, and he violates that condition.

11 (b) Violation of conditions of release in the  
12 first degree is a class C felony.

13 Sec. 2. (NEW) (a) A person is guilty of  
14 violation of conditions of release in the second  
15 degree when, while charged with the commission of  
16 a misdemeanor or a motor vehicle violation for  
17 which a sentence to a term of imprisonment may be  
18 imposed, he is released pursuant to subsection (b)  
19 of section 54-63d of the general statutes, as  
20 amended by section 4 of this act, or subsection  
21 (c) of section 54-64a of the general statutes, on

22 the condition that he (1) avoid all contact with  
23 the alleged victim or (2) not use or possess a  
24 dangerous weapon, and he violates that condition.

25 (b) Violation of conditions of release in the  
26 second degree is a class A misdemeanor.

27 Sec. 3. Section 53a-40b of the general  
28 statutes is repealed and the following is  
29 substituted in lieu thereof:

30 A person convicted of an offense committed  
31 while released pursuant to sections 54-63a to  
32 54-63g, inclusive, AS AMENDED BY THIS ACT, or  
33 sections 54-64a to 54-64c, inclusive, OTHER THAN A  
34 VIOLATION OF SECTION 1 OR 2 OF THIS ACT, may be  
35 sentenced, in addition to the sentence prescribed  
36 for the offense to (1) a term of imprisonment of  
37 not more than ten years if the offense is a  
38 felony, or (2) a term of imprisonment of not more  
39 than one year if the offense is a misdemeanor.

40 Sec. 4. Section 54-63d of the general  
41 statutes, as amended by public act 97-53, is  
42 repealed and the following is substituted in lieu  
43 thereof:

44 (a) Upon notification by a police officer  
45 pursuant to section 54-63c that an arrested person  
46 has not posted bail, a bail commissioner shall  
47 promptly conduct an interview and investigation as  
48 specified in subdivisions (1) and (2) of  
49 subsection (a) of section 54-63b and, based upon  
50 criteria established pursuant to subdivision (2)  
51 of subsection (c) of section 54-63b, he shall  
52 promptly order release of such person on the first  
53 of the following conditions of release found  
54 sufficient to provide reasonable assurance of his  
55 appearance in court: (1) Upon his execution of a  
56 written promise to appear without special  
57 conditions; (2) upon his execution of a written  
58 promise to appear with any of the nonfinancial  
59 conditions as specified in subsection (b) of this  
60 section; (3) upon his execution of a bond without  
61 surety in no greater amount than necessary; (4)  
62 upon his execution of a bond with surety in no  
63 greater amount than necessary. If the person is  
64 unable to meet the conditions of release ordered  
65 by the bail commissioner, he shall so inform the  
66 court in a report prepared pursuant to subdivision  
67 (4) of subsection (a) of section 54-63b.

68 (b) In addition to or in conjunction with any  
69 of the conditions enumerated in subdivisions (1)

70 to (4), inclusive, of subsection (a) of this  
71 section, the bail commissioner may impose  
72 nonfinancial conditions of release, which may  
73 require that the arrested person do any of the  
74 following: (1) Remain under the supervision of a  
75 designated person or organization; (2) comply with  
76 specified restrictions on his travel, association  
77 or place of abode; (3) not engage in specified  
78 activities, including the use or possession of a  
79 dangerous weapon, an intoxicant or controlled  
80 substance; (4) avoid all contact with an alleged  
81 victim of the crime and with a potential witness  
82 who may testify concerning the offense; or (5)  
83 satisfy any other condition that is reasonably  
84 necessary to assure the appearance of the person  
85 in court. Any of the conditions imposed under  
86 subsection (a) of this section and this subsection  
87 by the bail commissioner shall be effective until  
88 the appearance of such person in court.

89 (c) The police department shall promptly  
90 comply with the order of release of the bail  
91 commissioner, except that if the department  
92 objects to the order or any of its conditions, the  
93 department shall promptly so advise a state's  
94 attorney or assistant state's attorney, the bail  
95 commissioner and the arrested person. The state's  
96 attorney or assistant state's attorney may  
97 authorize the police department to delay release,  
98 until a hearing can be had before the court then  
99 sitting for the geographical area which includes  
100 the municipality in which the arrested person is  
101 being detained or, if the court is not then  
102 sitting, until the next sitting of said court.

103 (d) Except as provided in subsections (e) and  
104 (f) of this section, all information provided to  
105 the Office of the Bail Commission shall be for the  
106 sole purpose of determining and recommending the  
107 conditions of release, and shall otherwise be  
108 confidential and retained in the files of the  
109 Office of the Bail Commission, and not be subject  
110 to subpoena or other court process for use in any  
111 other proceeding or for any other purpose.

112 (e) The Chief Bail Commissioner shall  
113 establish written procedures for the release of  
114 information contained in reports and files of the  
115 Office of the Bail Commission, such procedures to  
116 be approved by the executive committee of the  
117 judges of the Superior Court. Such procedures

118 shall allow access to (1) nonidentifying  
119 information by qualified persons for purposes of  
120 research related to the administration of criminal  
121 justice; (2) all information provided to the  
122 Office of the Bail Commission by probation  
123 officers for the purposes of compiling presentence  
124 reports; and (3) all information provided to the  
125 Office of the Bail Commission concerning any  
126 person convicted of a crime and held in custody by  
127 the Department of Correction.

128 (f) Any files and reports held by the Office  
129 of the Bail Commission may be disclosed to (1) the  
130 Office of Adult Probation for the purposes of  
131 conducting investigations required under sections  
132 54-76d and 54-91a and of supervising persons  
133 placed on probation, (2) THE FAMILY DIVISION OF  
134 THE SUPERIOR COURT FOR THE PURPOSE OF PREPARING  
135 WRITTEN OR ORAL REPORTS REQUIRED UNDER SUBSECTIONS  
136 (c) AND (d) OF SECTION 46b-38c, AS AMENDED, AND  
137 (3) AGENCIES AND ORGANIZATIONS UNDER CONTRACT WITH  
138 THE OFFICE OF ALTERNATIVE SANCTIONS FOR THE  
139 PURPOSE OF MONITORING ARRESTED PERSONS REFERRED  
140 UNDER SUBSECTION (b) OF THIS SECTION OR SUBSECTION  
141 (c) OF SECTION 54-64a.

142 JUD COMMITTEE VOTE: YEA 35 NAY 0 JFS



**OLR BILL ANALYSIS**

sHB 5316

**AN ACT CONCERNING VIOLATIONS OF CONDITIONS OF RELEASE  
AND THE DISCLOSURE OF INFORMATION BY THE OFFICE OF THE  
BAIL COMMISSION**

**SUMMARY:** This bill makes it a crime to contact an alleged crime victim or to use or possess a dangerous weapon when pretrial release conditions prohibit such contact, use, or possession.

The bill also authorizes the Bail Commission to disclose its files and reports to the Superior Court's Family Division to enable it to prepare written and oral reports required in connection with family violence cases. It also authorizes the commission to disclose its files and reports to agencies and organizations under contract with the Office of Alternative Sanctions to monitor people released on bail by the court.

EFFECTIVE DATE: October 1, 1998

**FURTHER EXPLANATION****Violating Pretrial Release Conditions**

The bill makes it a class C felony for a person to violate either of the following conditions of his pretrial release on a felony charge: (1) avoiding all contact with the alleged victim or (2) not using or possessing a dangerous weapon. A class C felony is punishable by a prison term of up to 10 years in prison, a fine of up to \$10,000, or both.

The bill makes it a class A misdemeanor for a person to violate either of the two conditions of pretrial release for a misdemeanor or motor vehicle violation charge that carries a possible prison term. A class A misdemeanor is punishable by a prison term of up to one year, or a fine of up to \$2,000, or both.

**BACKGROUND****Hearing on Violation of Condition of Release**

By law, the court, on the application of a prosecutor and on a finding of probable cause, may order the defendant to appear for an evidentiary hearing concerning an alleged violation of a condition of release. An order to appear must be served on the defendant in person, by registered or certified mail or by leaving it with a suitable person residing at the defendant's residence. If, after the hearing, the court finds that the person has violated a condition of release, it may impose new or additional ones (CGS Sec. 54-64f).

If the person is accused of a crime punishable by at least 10 years imprisonment, the court may revoke the release if it finds by clear and convincing evidence that he violated a condition and endangered someone's safety. It is a rebuttable presumption that his release should be revoked if (1) the defendant is charged with a crime punishable by at least 10 years imprisonment, (2) the court finds by clear and convincing evidence that someone's safety has been endangered by his release, and (3) there is probable cause to believe that he has committed a crime while released. The Practice Book authorizes the court to impose new or additional conditions of release or revoke the release of anyone who violates a condition of release (CGS Secs. 54-64f(b) and (c)).

### **Enhanced Penalties**

The act allows the court to sentence anyone convicted of an offense committed while on release to an extra sentence in addition to the regular penalty for the offense. This additional term can be up to 10 years for a felony and up to one year for a misdemeanor (CGS Sec. 54-64f(b)).

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 35      Nay 0