

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING POST-CONVICTION BAIL.

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

1 Section 54-63f of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 A person who has been convicted of any
5 offense, EXCEPT A VIOLATION OF SECTION 53a-54a,
6 53a-54b, 53a-54c OR 53a-54d, and is either
7 awaiting sentence or has given oral or written
8 notice of his intention to appeal or file a
9 petition for certification or a writ of certiorari
10 may be released pending final disposition of the
11 case, unless the court finds custody to be
12 necessary to provide reasonable assurance of his
13 appearance in court, upon the first of the
14 following conditions of release found sufficient
15 by the court to provide such assurance: (1) Upon
16 his execution of a written promise to appear, (2)
17 upon his execution of a bond without surety in no
18 greater amount than necessary, (3) upon his
19 execution of a bond with surety in no greater
20 amount than necessary, (4) upon his deposit, with
21 the clerk of the court having jurisdiction of the
22 offense with which such person stands convicted or
23 any assistant clerk of such court who is bonded in

24 the same manner as the clerk or any person or
25 officer authorized to accept bail, a sum of money
26 equal to the amount called for by the bond
27 required by the court, or (5) upon his pledge of
28 real property, the equity of which is equal to the
29 amount called for by the bond required by the
30 court, provided the person pledging such property
31 is the owner of such property. When cash bail is
32 offered, such bond shall be executed and the money
33 shall be received in lieu of a surety or sureties
34 upon such bond. Such cash bail shall be retained
35 by the clerk of such court until a final order of
36 the court disposing of the same is passed,
37 provided, if such bond is forfeited, the clerk of
38 such court shall pay the money to the payee named
39 therein, according to the terms and conditions of
40 the bond.

41 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5637

STATE IMPACT	Minimal, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: Since it is anticipated that the number of cases in which the bill's prohibitions apply would be few in number, the potential increase in the length of time incarcerated would result in a minimal impact that can be absorbed within the resources of criminal justice agencies.

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OLR BILL ANALYSIS

HB 5637

AN ACT CONCERNING POST-CONVICTION BAIL

SUMMARY: This bill prohibits a person who has been convicted of murder, a capital felony, felony murder, or arson murder from being released on bail while awaiting sentencing or appealing his conviction. Current law allows a court to release a person who has been convicted of any offense on a bond or promise to appear unless the court finds that custody is necessary to assure that the person appears in court.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Related Case Law**

Post-conviction bail is a matter within the court's discretion, but it is a power to be exercised with great caution, with consideration of the nature and circumstances of the case, and rarely used when the crime is serious (State v. Menillo, 159 Conn. 264 (1970)).

Crimes Excluded From Post-Conviction Bail

Murder is intentionally causing the death of another person and is punishable by 25 years to life in prison. Capital felonies are murders that fit specific categories such as murdering law enforcement officials or firemen, murder for hire, murdering certain victims such as a kidnapped person, or drug-related deaths. Capital felonies are punishable by life imprisonment without the possibility of release. A person commits felony murder when, during the commission of certain felonies such as robbery, burglary, or sexual assault, or while fleeing the scene, he causes the death of another person. Felony murder is a class A felony punishable by imprisonment of 25 years to life. A person commits arson murder when in the course of committing arson he causes the death of another person. Arson murder is an unclassified felony punishable by life imprisonment without eligibility for parole.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0