



General Assembly

February Session, 2022

***Raised Bill No. 5470***

LCO No. 3309



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING A CRIME VICTIM'S PARTICIPATORY RIGHTS  
IN A VIOLATION OF PROBATION OR CONDITIONAL DISCHARGE  
HEARING.***

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

1 Section 1. Section 53a-32 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) At any time during the period of probation or conditional  
4 discharge, the court or any judge thereof may issue a warrant for the  
5 arrest of a defendant for violation of any of the conditions of probation  
6 or conditional discharge, or may issue a notice to appear to answer to a  
7 charge of such violation, which notice shall be personally served upon  
8 the defendant. Any such warrant shall authorize all officers named  
9 therein to return the defendant to the custody of the court or to any  
10 suitable detention facility designated by the court. Whenever a  
11 probation officer has probable cause to believe that a person has violated  
12 a condition of such person's probation, such probation officer may  
13 notify any police officer that such person has, in such officer's judgment,  
14 violated the conditions of such person's probation and such notice shall

15 be sufficient warrant for the police officer to arrest such person and  
16 return such person to the custody of the court or to any suitable  
17 detention facility designated by the court. Whenever a probation officer  
18 so notifies a police officer, the probation officer shall notify the victim of  
19 the offense for which such person is on probation, and any victim  
20 advocate assigned to assist the victim, provided the probation officer  
21 has been provided with the name and contact information for such  
22 victim or victim advocate. Any probation officer may arrest any  
23 defendant on probation without a warrant or may deputize any other  
24 officer with power to arrest to do so by giving such other officer a  
25 written statement setting forth that the defendant has, in the judgment  
26 of the probation officer, violated the conditions of the defendant's  
27 probation. Such written statement, delivered with the defendant by the  
28 arresting officer to the official in charge of any correctional center or  
29 other place of detention, shall be sufficient warrant for the detention of  
30 the defendant. After making such an arrest, such probation officer shall  
31 present to the detaining authorities a similar statement of the  
32 circumstances of violation. Provisions regarding release on bail of  
33 persons charged with a crime shall be applicable to any defendant  
34 arrested under the provisions of this section. Upon such arrest and  
35 detention, the probation officer shall immediately so notify the court or  
36 any judge thereof.

37 (b) When the defendant is presented for arraignment on the charge  
38 of violation of any of the conditions of probation or conditional  
39 discharge, the court shall review any conditions previously imposed on  
40 the defendant and may order, as a condition of the pretrial release of the  
41 defendant, that the defendant comply with any or all of such conditions  
42 in addition to any conditions imposed pursuant to section 54-64a.  
43 Unless the court, pursuant to subsection (c) of section 54-64a, orders that  
44 the defendant remain under the supervision of a probation officer or  
45 other designated person or organization, the defendant shall be  
46 supervised by the Court Support Services Division of the Judicial  
47 Branch in accordance with subsection (a) of section 54-63b.

48 (c) Upon notification by the probation officer of the arrest of the

49 defendant or upon an arrest by warrant as [herein] provided in this  
50 section, the court shall cause the defendant to be brought before it  
51 without unnecessary delay for a hearing on the violation charges. The  
52 Court Support Services Division shall establish within its policies and  
53 procedures a requirement that any victim of the offense for which the  
54 defendant is on probation be notified of such arrest for a violation of any  
55 of the conditions of probation. The Court Support Services Division  
56 shall also provide the victim with notice of the first hearing date after  
57 arraignment on the violation of probation charges, as well as  
58 information on registering for the state-wide automated victim  
59 information and notification system.

60 (d) The court shall permit such victim to appear before the court for  
61 the purpose of making a statement for the record concerning the  
62 defendant's alleged violation of probation or conditional discharge. In  
63 lieu of such appearance, the victim may submit a written statement to  
64 the court and the court shall make such statement a part of the record.  
65 At such hearing the defendant shall be informed of the manner in which  
66 such defendant is alleged to have violated the conditions of such  
67 defendant's probation or conditional discharge, shall be advised by the  
68 court that such defendant has the right to retain counsel and, if indigent,  
69 shall be entitled to the services of the public defender, and shall have  
70 the right to cross-examine witnesses and to present evidence in such  
71 defendant's own behalf. Prior to making a determination as to whether  
72 the defendant has violated the conditions of probation or conditional  
73 discharge, the court shall consider any statement made or submitted by  
74 such victim. Unless good cause is shown, a charge of violation of any of  
75 the conditions of probation or conditional discharge shall be disposed  
76 of or scheduled for a hearing not later than one hundred twenty days  
77 after the defendant is arraigned on such charge.

78 [(d)] (e) If such violation is established, the court may: (1) Continue  
79 the sentence of probation or conditional discharge; (2) modify or enlarge  
80 the conditions of probation or conditional discharge; (3) extend the  
81 period of probation or conditional discharge, provided the original  
82 period with any extensions shall not exceed the periods authorized by

83 section 53a-29; or (4) revoke the sentence of probation or conditional  
84 discharge. If such sentence is revoked, the court shall require the  
85 defendant to serve the sentence imposed or impose any lesser sentence.  
86 Any such lesser sentence may include a term of imprisonment, all or a  
87 portion of which may be suspended entirely or after a period set by the  
88 court, followed by a period of probation with such conditions as the  
89 court may establish. No such revocation shall be ordered, except upon  
90 consideration of the whole record and unless such violation is  
91 established by the introduction of reliable and probative evidence and  
92 by a preponderance of the evidence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	53a-32

**Statement of Purpose:**

To ensure that a crime victim has participatory rights in any hearing concerning a violation of probation or conditional discharge involving the person who committed the criminal act.

*[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.]*