



General Assembly

Amendment

January Session, 2023

LCO No. 7929



Offered by:

REP. STAFSTROM, 129th Dist.

REP. FISHBEIN, 90th Dist.

To: Subst. House Bill No. 6917

File No. 638

Cal. No. 415

"AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES."

1 Strike section 12 in its entirety and insert the following in lieu thereof:

2 "Sec. 12. Section 53a-32 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

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

49 (c) Upon notification by the probation officer of the arrest of the
50 defendant or upon an arrest by warrant as [herein] provided in this
51 section, the court shall cause the defendant to be brought before it
52 without unnecessary delay for a hearing on the violation charges. The
53 Court Support Services Division shall establish within its policies and
54 procedures a requirement that any victim of the offense, if such offense
55 constitutes domestic violence, as defined in section 46b-1, for which the
56 defendant is on probation or conditional discharge be notified of such
57 arrest for a violation of any of the conditions of probation or discharge
58 if the violation directly impacted the safety of the victim of domestic
59 violence. The Court Support Services Division shall also provide the
60 victim with notice of the first hearing date after arraignment on the
61 violation of probation or conditional discharge charges, as well as
62 information on registering for the state-wide automated victim
63 information and notification system.

64 (d) At such hearing the defendant shall be informed of the manner in
65 which such defendant is alleged to have violated the conditions of such
66 defendant's probation or conditional discharge, shall be advised by the
67 court that such defendant has the right to retain counsel and, if indigent,
68 shall be entitled to the services of the public defender, and shall have
69 the right to cross-examine witnesses and to present evidence in such
70 defendant's own behalf. Unless good cause is shown, a charge of
71 violation of any of the conditions of probation or conditional discharge
72 shall be disposed of or scheduled for a hearing not later than one
73 hundred twenty days after the defendant is arraigned on such charge.

74 [(d) If such violation is established,] (e) If a violation of the conditions
75 of the defendant's probation or conditional discharge is established, the
76 court shall permit any victim of the offense, if such offense constitutes
77 domestic violence, as defined in section 46b-1, whose safety was placed
78 at risk by such violation, and for which the defendant is on probation or
79 received a conditional discharge to appear before the court for the
80 purpose of making a statement for the record concerning the
81 defendant's violation of probation or conditional discharge. In lieu of
82 such appearance, the victim may submit a written statement to the court

83 and the court shall make such statement a part of the record. The court
 84 shall consider any statement made or submitted by such victim and,
 85 after doing so, the court may: (1) Continue the sentence of probation or
 86 conditional discharge; (2) modify or enlarge the conditions of probation
 87 or conditional discharge; (3) extend the period of probation or
 88 conditional discharge, provided the original period with any extensions
 89 shall not exceed the periods authorized by section 53a-29; or (4) revoke
 90 the sentence of probation or conditional discharge. If such sentence is
 91 revoked, the court shall require the defendant to serve the sentence
 92 imposed or impose any lesser sentence. Any such lesser sentence may
 93 include a term of imprisonment, all or a portion of which may be
 94 suspended entirely or after a period set by the court, followed by a
 95 period of probation with such conditions as the court may establish. No
 96 such revocation shall be ordered, except upon consideration of the
 97 whole record and unless such violation is established by the
 98 introduction of reliable and probative evidence and by a preponderance
 99 of the evidence. "

This act shall take effect as follows and shall amend the following sections:		
Sec. 12	October 1, 2023	53a-32