



General Assembly

Amendment

January Session, 2023

LCO No. 8044



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 Section 53a-32 of the general statutes is repealed and the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 January 1, 2024*):

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 be notified of such arrest for a violation of any
57 of the conditions of probation if the violation directly impacted the
58 safety of the victim of domestic violence. The Court Support Services
59 Division shall also provide the victim with notice of the first hearing
60 date after arraignment on the violation of probation charges, as well as
61 information on registering for the state-wide automated victim
62 information and notification system.

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

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

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