



General Assembly

January Session, 2023

Raised Bill No. 6834

LCO No. 5168



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING SERIOUS FIREARM OFFENSES BY REPEAT OFFENDERS.

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

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 Section 53a-3 of the general statutes is repealed and the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

3 Except where different meanings are expressly specified, the
4 following terms have the following meanings when used in this title:

5 (1) "Person" means a human being, and, where appropriate, a public
6 or private corporation, a limited liability company, an unincorporated
7 association, a partnership, a government or a governmental
8 instrumentality;

9 (2) "Possess" means to have physical possession or otherwise to
10 exercise dominion or control over tangible property;

11 (3) "Physical injury" means impairment of physical condition or pain;

12 (4) "Serious physical injury" means physical injury which creates a
13 substantial risk of death, or which causes serious disfigurement, serious

14 impairment of health or serious loss or impairment of the function of
15 any bodily organ;

16 (5) "Deadly physical force" means physical force which can be
17 reasonably expected to cause death or serious physical injury;

18 (6) "Deadly weapon" means any weapon, whether loaded or
19 unloaded, from which a shot may be discharged, or a switchblade knife,
20 gravity knife, billy, blackjack, bludgeon, or metal knuckles. The
21 definition of "deadly weapon" in this subdivision shall be deemed not
22 to apply to section 29-38 or 53-206;

23 (7) "Dangerous instrument" means any instrument, article or
24 substance which, under the circumstances in which it is used or
25 attempted or threatened to be used, is capable of causing death or
26 serious physical injury, and includes a "vehicle" as that term is defined
27 in this section and includes a dog that has been commanded to attack,
28 except a dog owned by a law enforcement agency of the state or any
29 political subdivision thereof or of the federal government when such
30 dog is in the performance of its duties under the direct supervision, care
31 and control of an assigned law enforcement officer;

32 (8) "Vehicle" means a "motor vehicle" as defined in section 14-1, a
33 snowmobile, any aircraft, or any vessel equipped for propulsion by
34 mechanical means or sail;

35 (9) "Peace officer" means a member of the Division of State Police
36 within the Department of Emergency Services and Public Protection or
37 an organized local police department, a chief inspector or inspector in
38 the Division of Criminal Justice, a state marshal while exercising
39 authority granted under any provision of the general statutes, a judicial
40 marshal in the performance of the duties of a judicial marshal, a
41 conservation officer or special conservation officer, as defined in section
42 26-5, a constable who performs criminal law enforcement duties, a
43 special policeman appointed under section 29-18, 29-18a, 29-18b or 29-
44 19, an adult probation officer, an official of the Department of Correction

45 authorized by the Commissioner of Correction to make arrests in a
46 correctional institution or facility, any investigator in the investigations
47 unit of the office of the State Treasurer, an inspector of motor vehicles in
48 the Department of Motor Vehicles, who is certified under the provisions
49 of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy
50 marshal, any special agent of the federal government authorized to
51 enforce the provisions of Title 21 of the United States Code, or a member
52 of a law enforcement unit of the Mashantucket Pequot Tribe or the
53 Mohegan Tribe of Indians of Connecticut created and governed by a
54 memorandum of agreement under section 47-65c who is certified as a
55 police officer by the Police Officer Standards and Training Council
56 pursuant to sections 7-294a to 7-294e, inclusive;

57 (10) "Firefighter" means any agent of a municipality whose duty it is
58 to protect life and property therein as a member of a duly constituted
59 fire department whether professional or volunteer;

60 (11) A person acts "intentionally" with respect to a result or to conduct
61 described by a statute defining an offense when his conscious objective
62 is to cause such result or to engage in such conduct;

63 (12) A person acts "knowingly" with respect to conduct or to a
64 circumstance described by a statute defining an offense when he is
65 aware that his conduct is of such nature or that such circumstance exists;

66 (13) A person acts "recklessly" with respect to a result or to a
67 circumstance described by a statute defining an offense when he is
68 aware of and consciously disregards a substantial and unjustifiable risk
69 that such result will occur or that such circumstance exists. The risk
70 must be of such nature and degree that disregarding it constitutes a
71 gross deviation from the standard of conduct that a reasonable person
72 would observe in the situation;

73 (14) A person acts with "criminal negligence" with respect to a result
74 or to a circumstance described by a statute defining an offense when he
75 fails to perceive a substantial and unjustifiable risk that such result will

76 occur or that such circumstance exists. The risk must be of such nature
77 and degree that the failure to perceive it constitutes a gross deviation
78 from the standard of care that a reasonable person would observe in the
79 situation;

80 (15) "Machine gun" means a weapon of any description, irrespective
81 of size, by whatever name known, loaded or unloaded, from which a
82 number of shots or bullets may be rapidly or automatically discharged
83 from a magazine with one continuous pull of the trigger and includes a
84 submachine gun;

85 (16) "Rifle" means a weapon designed or redesigned, made or
86 remade, and intended to be fired from the shoulder and designed or
87 redesigned and made or remade to use the energy of the explosive in a
88 fixed metallic cartridge to fire only a single projectile through a rifled
89 bore for each single pull of the trigger;

90 (17) "Shotgun" means a weapon designed or redesigned, made or
91 remade, and intended to be fired from the shoulder and designed or
92 redesigned and made or remade to use the energy of the explosive in a
93 fixed shotgun shell to fire through a smooth bore either a number of ball
94 shot or a single projectile for each single pull of the trigger;

95 (18) "Pistol" or "revolver" means any firearm having a barrel less than
96 twelve inches;

97 (19) "Firearm" means any sawed-off shotgun, machine gun, rifle,
98 shotgun, pistol, revolver or other weapon, whether loaded or unloaded
99 from which a shot may be discharged;

100 (20) "Electronic defense weapon" means a weapon which by
101 electronic impulse or current is capable of immobilizing a person
102 temporarily, including a stun gun or other conductive energy device;

103 (21) "Martial arts weapon" means a nunchaku, kama, kasari-fundo,
104 octagon sai, tonfa or chinese star;

105 (22) "Employee of an emergency medical service organization" means
106 an ambulance driver, emergency medical technician or paramedic as
107 defined in section 19a-175;

108 (23) "Railroad property" means all tangible property owned, leased
109 or operated by a railroad carrier including, but not limited to, a right-of-
110 way, track, roadbed, bridge, yard, shop, station, tunnel, viaduct, trestle,
111 depot, warehouse, terminal or any other structure or appurtenance or
112 equipment owned, leased or used in the operation of a railroad carrier
113 including a train, locomotive, engine, railroad car, signals or safety
114 device or work equipment or rolling stock; and

115 (24) "Serious firearm offense" means a violation of section 29-36, 29-
116 36a or 53-202w, possession of a stolen firearm or a firearm that is altered
117 in a manner that renders the firearm unlawful, criminal possession of a
118 firearm after having been convicted of a felony or the act of brandishing
119 or shooting a firearm while threatening another person.

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

122 (a) At any time during the period of probation or conditional
123 discharge, the court or any judge thereof may issue a warrant for the
124 arrest of a defendant for violation of any of the conditions of probation
125 or conditional discharge, or may issue a notice to appear to answer to a
126 charge of such violation, which notice shall be personally served upon
127 the defendant, except in the case of a defendant who is on probation
128 with respect to a conviction for a violation of section 21a-277, 21a-278,
129 29-35, 29-36, 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w, 53-
130 202aa, 53-206i, 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-
131 56, 53a-56a, 53a-59, 53a-60, 53a-60a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-
132 100aa, 53a-101, 53a-102, 53a-102a, 53a-122, 53a-123, 53a-134, 53a-135,
133 53a-167c, 53a-212, 53a-216, 53a-217, as amended by this act, 53a-217b or
134 53a-217c or has more than three felony convictions who is charged with
135 a serious firearm offense while on probation, in which case the court or

136 any judge thereof shall issue a warrant for the arrest of such defendant,
137 who shall be subject to detainment and a hearing pursuant to subsection
138 (d) of this section. Any such warrant shall authorize all officers named
139 therein to return the defendant to the custody of the court or to any
140 suitable detention facility designated by the court. Whenever a
141 probation officer has probable cause to believe that a person has violated
142 a condition of such person's probation, such probation officer may
143 notify any police officer that such person has, in such officer's judgment,
144 violated the conditions of such person's probation and such notice shall
145 be sufficient warrant for the police officer to arrest such person and
146 return such person to the custody of the court or to any suitable
147 detention facility designated by the court. Whenever a probation officer
148 so notifies a police officer, the probation officer shall notify the victim of
149 the offense for which such person is on probation, and any victim
150 advocate assigned to assist the victim, provided the probation officer
151 has been provided with the name and contact information for such
152 victim or victim advocate. Any probation officer may arrest any
153 defendant on probation without a warrant or may deputize any other
154 officer with power to arrest to do so by giving such other officer a
155 written statement setting forth that the defendant has, in the judgment
156 of the probation officer, violated the conditions of the defendant's
157 probation. Such written statement, delivered with the defendant by the
158 arresting officer to the official in charge of any correctional center or
159 other place of detention, shall be sufficient warrant for the detention of
160 the defendant. After making such an arrest, such probation officer shall
161 present to the detaining authorities a similar statement of the
162 circumstances of violation. Provisions regarding release on bail of
163 persons charged with a crime shall be applicable to any defendant
164 arrested under the provisions of this section. Upon such arrest and
165 detention, the probation officer shall immediately so notify the court or
166 any judge thereof.

167 (b) [When] Except as provided in subsection (d) of this section, when
168 the defendant is presented for arraignment on the charge of violation of

169 any of the conditions of probation or conditional discharge, the court
170 shall review any conditions previously imposed on the defendant and
171 may order, as a condition of the pretrial release of the defendant, that
172 the defendant comply with any or all of such conditions in addition to
173 any conditions imposed pursuant to section 54-64a, as amended by this
174 act. Unless the court, pursuant to subsection [(c)] (d) of section 54-64a,
175 as amended by this act, orders that the defendant remain under the
176 supervision of a probation officer or other designated person or
177 organization, the defendant shall be supervised by the Court Support
178 Services Division of the Judicial Branch in accordance with subsection
179 (a) of section 54-63b.

180 (c) [Upon] Except as provided in subsection (d) of this section,
181 notification by the probation officer of the arrest of the defendant or
182 upon an arrest by warrant as herein provided, the court shall cause the
183 defendant to be brought before it without unnecessary delay for a
184 hearing on the violation charges. At such hearing the defendant shall be
185 informed of the manner in which such defendant is alleged to have
186 violated the conditions of such defendant's probation or conditional
187 discharge, shall be advised by the court that such defendant has the
188 right to retain counsel and, if indigent, shall be entitled to the services of
189 the public defender, and shall have the right to cross-examine witnesses
190 and to present evidence in such defendant's own behalf. Unless good
191 cause is shown, a charge of violation of any of the conditions of
192 probation or conditional discharge shall be disposed of or scheduled for
193 a hearing not later than one hundred twenty days after the defendant is
194 arraigned on such charge.

195 [(d)] If such violation is established, the court may: (1) Continue the
196 sentence of probation or conditional discharge; (2) modify or enlarge the
197 conditions of probation or conditional discharge; (3) extend the period
198 of probation or conditional discharge, provided the original period with
199 any extensions shall not exceed the periods authorized by section
200 53a-29; or (4) revoke the sentence of probation or conditional discharge.
201 If such sentence is revoked, the court shall require the defendant to serve

202 the sentence imposed or impose any lesser sentence. Any such lesser
203 sentence may include a term of imprisonment, all or a portion of which
204 may be suspended entirely or after a period set by the court, followed
205 by a period of probation with such conditions as the court may establish.
206 No such revocation shall be ordered, except upon consideration of the
207 whole record and unless such violation is established by the
208 introduction of reliable and probative evidence and by a preponderance
209 of the evidence.

210 (d) Any probation officer who is aware of any defendant who is on
211 probation with respect to a conviction for a violation of section 21a-277,
212 21a-278, 29-35, 29-36, 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w,
213 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a,
214 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a, 53a-92, 53a-92a, 53a-94, 53a-94a,
215 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-122, 53a-123, 53a-134, 53a-135,
216 53a-167c, 53a-212, 53a-216, 53a-217, as amended by this act, 53a-217b or
217 53a-217c or has more than three felony convictions who is charged with
218 a serious firearm offense while on probation shall immediately notify
219 the court and the court or any judge thereof shall issue a warrant for the
220 arrest of such defendant. Such defendant shall be detained pending a
221 hearing which shall be conducted not later than thirty days following
222 the arrest of such defendant. The court shall cause the defendant to be
223 brought before it without unnecessary delay for a hearing on the
224 violation charges. At such hearing the defendant shall be informed of
225 the manner in which such defendant is alleged to have violated the
226 conditions of such defendant's probation or conditional discharge, shall
227 be advised by the court that such defendant has the right to retain
228 counsel and, if indigent, shall be entitled to the services of the public
229 defender, and shall have the right to cross-examine witnesses and to
230 present evidence in such defendant's own behalf. If such violation is
231 established, the court may: (1) Continue the sentence of probation or
232 conditional discharge; (2) modify or enlarge the conditions of probation
233 or conditional discharge; (3) extend the period of probation or
234 conditional discharge, provided the original period with any extensions

235 shall not exceed the periods authorized by section 53a-29; or (4) revoke
236 the sentence of probation or conditional discharge. If such sentence is
237 revoked, the court shall require the defendant to serve the sentence
238 imposed or impose any lesser sentence. Any such lesser sentence may
239 include a term of imprisonment, all or a portion of which may be
240 suspended entirely or after a period set by the court, followed by a
241 period of probation with such conditions as the court may establish. No
242 such revocation shall be ordered, except upon consideration of the
243 whole record and unless such violation is established by the
244 introduction of reliable and probative evidence and by a preponderance
245 of the evidence. If the court chooses to not revoke the sentence of
246 probation or conditional discharge and order the defendant to serve the
247 balance of the defendant's sentence, the court shall articulate on the
248 record findings why such defendant does not pose a threat to public
249 safety.

250 Sec. 3. Section 54-64a of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective October 1, 2023*):

252 (a) (1) Except as provided in subdivision (2) of this subsection and
253 subsection (b) or (c) of this section, when any arrested person is
254 presented before the Superior Court, said court shall, in bailable
255 offenses, promptly order the release of such person upon the first of the
256 following conditions of release found sufficient to reasonably ensure the
257 appearance of the arrested person in court: (A) Upon execution of a
258 written promise to appear without special conditions, (B) upon
259 execution of a written promise to appear with nonfinancial conditions,
260 (C) upon execution of a bond without surety in no greater amount than
261 necessary, or (D) upon execution of a bond with surety in no greater
262 amount than necessary, but in no event shall a judge prohibit a bond
263 from being posted by surety. In addition to or in conjunction with any
264 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
265 this subdivision the court may, when it has reason to believe that the
266 person is drug-dependent and where necessary, reasonable and
267 appropriate, order the person to submit to a urinalysis drug test and to

268 participate in a program of periodic drug testing and treatment. The
269 results of any such drug test shall not be admissible in any criminal
270 proceeding concerning such person.

271 (2) If the arrested person is charged with no offense other than a
272 misdemeanor, the court shall not impose financial conditions of release
273 on the person unless (A) the person is charged with a family violence
274 crime, as defined in section 46b-38a, or (B) the person requests such
275 financial conditions, or (C) the court makes a finding on the record that
276 there is a likely risk that (i) the arrested person will fail to appear in
277 court, as required, or (ii) the arrested person will obstruct or attempt to
278 obstruct justice, or threaten, injure or intimidate or attempt to threaten,
279 injure or intimidate a prospective witness or juror, or (iii) the arrested
280 person will engage in conduct that threatens the safety of himself or
281 herself or another person. In making a finding described in this
282 subsection, the court may consider past criminal history, including any
283 prior record of failing to appear as required in court that resulted in any
284 conviction for a violation of section 53a-172 or any conviction during the
285 previous ten years for a violation of section 53a-173 and any other
286 pending criminal cases of the person charged with a misdemeanor.

287 (3) The court may, in determining what conditions of release will
288 reasonably ensure the appearance of the arrested person in court,
289 consider the following factors: (A) The nature and circumstances of the
290 offense, (B) such person's record of previous convictions, (C) such
291 person's past record of appearance in court, (D) such person's family
292 ties, (E) such person's employment record, (F) such person's financial
293 resources, character and mental condition, (G) such person's community
294 ties, and (H) in the case of a violation of section 53a-222a, as amended
295 by this act, when the condition of release was issued for a family
296 violence crime, as defined in section 46b-38a, the heightened risk posed
297 to victims of family violence by violations of conditions of release.

298 (b) (1) [When] Except as provided in subsection (c) of this section, any
299 arrested person charged with the commission of a class A felony, a class

300 B felony, except a violation of section 53a-86 or 53a-122, a class C felony,
301 except a violation of section 53a-87, 53a-152 or 53a-153, or a class D
302 felony under sections 53a-60 to 53a-60c, inclusive, section 53a-72a, 53a-
303 95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence
304 crime, as defined in section 46b-38a, is presented before the Superior
305 Court, said court shall, in bailable offenses, promptly order the release
306 of such person upon the first of the following conditions of release found
307 sufficient to reasonably ensure the appearance of the arrested person in
308 court and that the safety of any other person will not be endangered: (A)
309 Upon such person's execution of a written promise to appear without
310 special conditions, (B) upon such person's execution of a written
311 promise to appear with nonfinancial conditions, (C) upon such person's
312 execution of a bond without surety in no greater amount than necessary,
313 or (D) upon such person's execution of a bond with surety in no greater
314 amount than necessary, but in no event shall a judge prohibit a bond
315 from being posted by surety. In addition to or in conjunction with any
316 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
317 this subdivision, the court may, when it has reason to believe that the
318 person is drug-dependent and where necessary, reasonable and
319 appropriate, order the person to submit to a urinalysis drug test and to
320 participate in a program of periodic drug testing and treatment. The
321 results of any such drug test shall not be admissible in any criminal
322 proceeding concerning such person.

323 (2) The court may, in determining what conditions of release will
324 reasonably ensure the appearance of the arrested person in court and
325 that the safety of any other person will not be endangered, consider the
326 following factors: (A) The nature and circumstances of the offense, (B)
327 such person's record of previous convictions, (C) such person's past
328 record of appearance in court after being admitted to bail, (D) such
329 person's family ties, (E) such person's employment record, (F) such
330 person's financial resources, character and mental condition, (G) such
331 person's community ties, (H) the number and seriousness of charges
332 pending against the arrested person, (I) the weight of the evidence

333 against the arrested person, (J) the arrested person's history of violence,
334 (K) whether the arrested person has previously been convicted of
335 similar offenses while released on bond, (L) the likelihood based upon
336 the expressed intention of the arrested person that such person will
337 commit another crime while released, and (M) the heightened risk
338 posed to victims of family violence by violations of conditions of release
339 and court orders of protection.

340 (3) When imposing conditions of release under this subsection, the
341 court shall state for the record any factors under subdivision (2) of this
342 subsection that it considered and the findings that it made as to the
343 danger, if any, that the arrested person might pose to the safety of any
344 other person upon the arrested person's release that caused the court to
345 impose the specific conditions of release that it imposed.

346 (c) (1) When any arrested person charged with the commission of a
347 serious firearm offense, as defined in section 53a-3, as amended by this
348 act, has (A) a previous conviction for a violation of section 29-35, 29-36,
349 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w, 53-202aa, 53-206i,
350 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-
351 59, 53a-60, 53a-60a, 53a-134, 53a-212, 53a-216, 53a-217, as amended by
352 this act, 53a-217b or 53a-217c, or (B) or two or more convictions in the
353 last five years or one conviction in the last year for a violation of section
354 21a-277, 21a-278, 53a-122 or 53a-123 is presented before the Superior
355 Court, the court shall, in bailable offenses, promptly order the release of
356 such person after establishing a bond amount found sufficient to
357 reasonably ensure the appearance of the arrested person in court and
358 that the safety of any other person will not be endangered and upon
359 such person's execution of a bond with or without surety in no greater
360 amount than necessary. The prosecutorial official shall petition for the
361 arrested person to deposit at least thirty per cent of the bond amount
362 directly with the court. There shall be a rebuttable presumption that the
363 arrested person poses a threat to public safety and that the petition
364 should be granted. Additionally, the court may, when it has reason to
365 believe that the person is drug-dependent and where necessary,

366 reasonable and appropriate, order the person to submit to a urinalysis
367 drug test and to participate in a program of periodic drug testing and
368 treatment. The results of any such drug test shall not be admissible in
369 any criminal proceeding concerning such person.

370 (2) When any arrested person charged with the commission of a
371 serious firearm offense, as defined in section 53a-3, as amended by this
372 act, other than a person described in subdivision (1) of this subsection,
373 is presented before the Superior Court, the court shall, in bailable
374 offenses, promptly order the release of such person upon the first of the
375 following conditions of release found sufficient to reasonably ensure the
376 appearance of the arrested person in court and that the safety of any
377 other person will not be endangered: (A) Upon such person's execution
378 of a written promise to appear without special conditions, (B) upon such
379 person's execution of a written promise to appear with nonfinancial
380 conditions, (C) upon such person's execution of a bond without surety
381 in no greater amount than necessary, or (D) upon such person's
382 execution of a bond with surety in no greater amount than necessary,
383 but in no event shall a judge prohibit a bond from being posted by
384 surety. The prosecutorial official may petition the court to deem such
385 person a risk for public safety. The prosecutorial official may present
386 any information developed by federal, state and local law enforcement
387 agencies in the course of a criminal investigation or enforcement action,
388 including, but not limited to, social media posts, pictures or videos
389 threatening violence, claiming responsibility for violence or suggesting
390 possession of a firearm. If the court so deems the arrested person a risk
391 to public safety, the arrested person may only be released pursuant to
392 subparagraph (C) or (D) of this subdivision and the arrested person
393 shall be required to deposit at least thirty per cent of any bond amount
394 directly with the court. Additionally, the court may, when it has reason
395 to believe that the person is drug-dependent and where necessary,
396 reasonable and appropriate, order the person to submit to a urinalysis
397 drug test and to participate in a program of periodic drug testing and
398 treatment. The results of any such drug test shall not be admissible in

399 any criminal proceeding concerning such person.

400 (3) The court may, in determining what conditions of release will
401 reasonably ensure the appearance of the arrested person in court and
402 that the safety of any other person will not be endangered, consider the
403 following factors: (A) The nature and circumstances of the offense, (B)
404 such person's record of previous convictions, (C) such person's past
405 record of appearances in court after being admitted to bail, (D) such
406 person's family ties, (E) such person's employment record, (F) such
407 person's financial resources, character and mental condition, (G) such
408 person's community ties, (H) the number and seriousness of charges
409 pending against the arrested person, (I) the weight of the evidence
410 against the arrested person, (J) the arrested person's history of violence,
411 (K) whether the arrested person has previously been convicted of
412 similar offenses while released on bond, and (L) the likelihood based
413 upon the expressed intention of the arrested person that such person
414 will commit another crime while released.

415 (4) When imposing conditions of release under this subsection, the
416 court shall state for the record any factors under subdivision (3) of this
417 subsection that it considered and the findings that it made as to the
418 danger, if any, that the arrested person might pose to the safety of any
419 other person upon the arrested person's release that caused the court to
420 impose the specific conditions of release that the court imposed.

421 [(c)] (d) If the court determines that a nonfinancial condition of
422 release should be imposed pursuant to subparagraph (B) of subdivision
423 (1) of subsection (a) or (b) of this section, the court shall order the pretrial
424 release of the person subject to the least restrictive condition or
425 combination of conditions that the court determines will reasonably
426 ensure the appearance of the arrested person in court and, with respect
427 to the release of the person pursuant to subsection (b) or (c) of this
428 section, that the safety of any other person will not be endangered,
429 which conditions may include an order that the arrested person do one
430 or more of the following: (1) Remain under the supervision of a

431 designated person or organization; (2) comply with specified
432 restrictions on such person's travel, association or place of abode; (3) not
433 engage in specified activities, including the use or possession of a
434 dangerous weapon, an intoxicant or a controlled substance; (4) provide
435 sureties of the peace pursuant to section 54-56f under supervision of a
436 designated bail commissioner or intake, assessment and referral
437 specialist employed by the Judicial Branch; (5) avoid all contact with an
438 alleged victim of the crime and with a potential witness who may testify
439 concerning the offense; (6) maintain employment or, if unemployed,
440 actively seek employment; (7) maintain or commence an educational
441 program; (8) be subject to electronic monitoring; or (9) satisfy any other
442 condition that is reasonably necessary to ensure the appearance of the
443 person in court and that the safety of any other person will not be
444 endangered. The court shall state on the record its reasons for imposing
445 any such nonfinancial condition.

446 [(d)] (e) If the arrested person is not released, the court shall order
447 him committed to the custody of the Commissioner of Correction until
448 he is released or discharged in due course of law.

449 [(e)] (f) The court may require that the person subject to electronic
450 monitoring pursuant to subsection [(c)] (d) of this section pay directly to
451 the electronic monitoring service provider a fee for the cost of such
452 electronic monitoring services. If the court finds that the person subject
453 to electronic monitoring is indigent and unable to pay the costs of
454 electronic monitoring services, the court shall waive such costs. Any
455 contract entered into by the Judicial Branch and the electronic
456 monitoring service provider shall include a provision stating that the
457 total cost for electronic monitoring services shall not exceed five dollars
458 per day. Such amount shall be indexed annually to reflect the rate of
459 inflation.

460 Sec. 4. Section 54-64f of the general statutes is repealed and the
461 following is substituted in lieu thereof (*Effective October 1, 2023*):

462 (a) Upon application by the prosecuting authority alleging that a
463 defendant has violated the conditions of the defendant's release, the
464 court may, if probable cause is found, order that the defendant appear
465 in court for an evidentiary hearing upon such allegations. An order to
466 appear shall be served upon the defendant by any law enforcement
467 officer delivering a copy to the defendant personally, or by leaving it at
468 the defendant's usual place of abode with a person of suitable age and
469 discretion then residing therein, or mailing it by registered or certified
470 mail to the last-known address of the defendant.

471 (b) [If] Except as provided in subsection (d) of this section, if the court,
472 after an evidentiary hearing at which hearsay or secondary evidence
473 shall be admissible, finds by clear and convincing evidence that the
474 defendant has violated reasonable conditions imposed on the
475 defendant's release it may impose different or additional conditions
476 upon the defendant's release. If the defendant is on release with respect
477 to an offense for which a term of imprisonment of ten or more years may
478 be imposed and the court, after an evidentiary hearing at which hearsay
479 or secondary evidence shall be admissible, finds by clear and convincing
480 evidence that the defendant has violated reasonable conditions of the
481 defendant's release and that the safety of any other person is
482 endangered while the defendant is on release, it may revoke such
483 release. The revocation of a defendant's release pursuant to this
484 subsection shall cause any bond posted in the criminal proceeding to be
485 automatically terminated and the surety to be released.

486 (c) [If] Except as provided in subsection (d) of this section, if the
487 defendant is on release with respect to an offense for which a term of
488 imprisonment of ten or more years may be imposed and the court, after
489 an evidentiary hearing at which hearsay or secondary evidence shall be
490 admissible, finds by clear and convincing evidence that the safety of any
491 other person is endangered while the defendant is on release and that
492 there is probable cause to believe that the defendant has committed a
493 federal, state or local crime while on release, there shall be a rebuttable
494 presumption that the defendant's release should be revoked.

495 [(d) The revocation of a defendant's release pursuant to this section
496 shall cause any bond posted in the criminal proceeding to be
497 automatically terminated and the surety to be released.] The revocation
498 of a defendant's release pursuant to this subsection shall cause any bond
499 posted in the criminal proceeding to be automatically terminated and
500 the surety to be released.

501 (d) If the defendant is on release with respect to an arrest for a
502 violation of section 21a-277, 21a-278, 29-35, 29-36, 29-36a, 53-202, 53-
503 202a, 53-202b, 53-202c, 53-202w, 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-
504 54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a,
505 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-100aa, 53a-101, 53a-102, 53a-102a,
506 53a-122, 53a-123, 53a-134, 53a-135, 53a-167c, 53a-212, 53a-216, 53a-217,
507 as amended by this act, 53a-217b or 53a-217c and the defendant is
508 arrested for the commission of a serious firearm offense, as defined in
509 section 53a-3, as amended by this act, a prosecutorial official shall
510 petition the court to revoke the defendant's release. After an evidentiary
511 hearing at which hearsay or secondary evidence shall be admissible, if
512 the court finds by a preponderance of the evidence that there is probable
513 cause to believe that the defendant has committed such serious firearm
514 offense, there shall be a rebuttable presumption that the safety of any
515 other person is endangered while the defendant is on release and that
516 the defendant's release should be revoked. If the defendant is
517 subsequently convicted of any offense for which the defendant was on
518 pretrial release and a serious firearm offense for which such defendant's
519 release was revoked, any bond posted in the criminal proceeding shall
520 be forfeited.

521 Sec. 5. Section 53a-217 of the general statutes is repealed and the
522 following is substituted in lieu thereof (*Effective October 1, 2023*):

523 (a) A person is guilty of criminal possession of a firearm, ammunition
524 or an electronic defense weapon when such person possesses a firearm,
525 ammunition or an electronic defense weapon and (1) has been convicted
526 of (A) a felony committed prior to, on or after October 1, 2013, (B) a

527 misdemeanor violation of section 21a-279 on or after October 1, 2015, or
528 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
529 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
530 after October 1, 2013, and during the preceding twenty years, (2) has
531 been convicted as delinquent for the commission of a serious juvenile
532 offense, as defined in section 46b-120, (3) has been discharged from
533 custody within the preceding twenty years after having been found not
534 guilty of a crime by reason of mental disease or defect pursuant to
535 section 53a-13, (4) knows that such person is subject to (A) a restraining
536 or protective order of a court of this state that has been issued against
537 such person, after notice has been provided to such person, in a case
538 involving the use, attempted use or threatened use of physical force
539 against another person, or (B) a foreign order of protection, as defined
540 in section 46b-15a, that has been issued against such person in a case
541 involving the use, attempted use or threatened use of physical force
542 against another person, (5) (A) has been confined on or after October 1,
543 2013, in a hospital for persons with psychiatric disabilities, as defined in
544 section 17a-495, within the preceding sixty months by order of a probate
545 court, or with respect to any person who holds a valid permit or
546 certificate that was issued or renewed under the provisions of section
547 29-28 or 29-36f in effect prior to October 1, 2013, such person has been
548 confined in such hospital within the preceding twelve months, or (B)
549 has been voluntarily admitted on or after October 1, 2013, to a hospital
550 for persons with psychiatric disabilities, as defined in section 17a-495,
551 within the preceding six months for care and treatment of a psychiatric
552 disability, unless the person (i) was voluntarily admitted solely for being
553 an alcohol-dependent person or a drug-dependent person as those
554 terms are defined in section 17a-680, or (ii) is a police officer who was
555 voluntarily admitted and had his or her firearm, ammunition or
556 electronic defense weapon used in the performance of the police officer's
557 official duties returned in accordance with section 7-291d, (6) knows that
558 such person is subject to a firearms seizure order issued prior to June 1,
559 2022, pursuant to section 29-38c after notice and an opportunity to be
560 heard has been provided to such person, or a risk protection order or

561 risk protection investigation order issued on or after June 1, 2022,
562 pursuant to section 29-38c, or (7) is prohibited from shipping,
563 transporting, possessing or receiving a firearm pursuant to 18 USC
564 922(g)(4). For the purposes of this section, "convicted" means having a
565 judgment of conviction entered by a court of competent jurisdiction,
566 "ammunition" means a loaded cartridge, consisting of a primed case,
567 propellant or projectile, designed for use in any firearm, and a motor
568 vehicle violation for which a sentence to a term of imprisonment of more
569 than one year may be imposed shall be deemed an unclassified felony.

570 (b) Criminal possession of a firearm, ammunition or an electronic
571 defense weapon is a class C felony, for which two years and one day of
572 the sentence imposed may not be suspended or reduced by the court,
573 and five thousand dollars of the fine imposed may not be remitted or
574 reduced by the court unless the court states on the record its reasons for
575 remitting or reducing such fine.

576 Sec. 6. Subsection (b) of section 54-125a of the general statutes is
577 repealed and the following is substituted in lieu thereof (*Effective October*
578 *1, 2023*):

579 (b) (1) No person convicted of any of the following offenses, which
580 was committed on or after July 1, 1981, shall be eligible for parole under
581 subsection (a) of this section: (A) Capital felony, as provided under the
582 provisions of section 53a-54b in effect prior to April 25, 2012, (B) murder
583 with special circumstances, as provided under the provisions of section
584 53a-54b in effect on or after April 25, 2012, (C) felony murder, as
585 provided in section 53a-54c, (D) arson murder, as provided in section
586 53a-54d, (E) murder, as provided in section 53a-54a, or (F) aggravated
587 sexual assault in the first degree, as provided in section 53a-70a. (2) A
588 person convicted of (A) a violation of section 53a-100aa, [or] 53a-102 or
589 53a-217, as amended by this act, or (B) an offense, other than an offense
590 specified in subdivision (1) of this subsection, where the underlying
591 facts and circumstances of the offense involve the use, attempted use or
592 threatened use of physical force against another person shall be

593 ineligible for parole under subsection (a) of this section until such
594 person has served not less than eighty-five per cent of the definite
595 sentence imposed.

596 Sec. 7. Section 54-127 of the general statutes is repealed and the
597 following is substituted in lieu thereof (*Effective October 1, 2023*):

598 [The] (a) Except as provided in subsection (b) of this section, the
599 request of the Commissioner of Correction or any officer of the
600 Department of Correction so designated by the commissioner, or of the
601 Board of Pardons and Paroles or its chairman shall be sufficient warrant
602 to authorize any officer of the Department of Correction or any officer
603 authorized by law to serve criminal process within this state, to return
604 any [convict or inmate] parolee on parole into actual custody; and any
605 such officer, police officer, constable or state marshal shall arrest and
606 hold any parolee or [inmate] when so requested, without any written
607 warrant.

608 (b) If any parolee is on parole with respect to a conviction for a
609 violation of section 21a-277, 21a-278, 29-35, 29-36, 29-36a, 53-202, 53-
610 202a, 53-202b, 53-202c, 53-202w, 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-
611 54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a,
612 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-100aa, 53a-101, 53a-102, 53a-102a,
613 53a-122, 53a-123, 53a-134, 53a-135, 53a-167c, 53a-212, 53a-216, 53a-217,
614 as amended by this act, 53a-217b or 53a-217c and is arrested while on
615 parole for the commission of a serious firearm offense, as defined in
616 section 53a-3, as amended by this act, the Commissioner of Correction
617 or any officer of the Department of Correction so designated by the
618 commissioner, or of the Board of Pardons and Paroles or its chairman
619 shall require any officer of the Department of Correction or any officer
620 authorized by law to serve criminal process within this state, to return
621 such parolee into actual custody, and any such officer, police officer,
622 constable or state marshal shall arrest and hold such parolee when so
623 requested, without any written warrant.

624 Sec. 8. (NEW) (*Effective from passage*) (a) For the purposes of this
625 section, "firearm-related crime docket" means a docket in a geographical
626 area separate and apart from other criminal matters for the hearing of
627 firearm-related matters.

628 (b) Not later than December 31, 2023, the Chief Court Administrator
629 shall establish a firearm-related crime docket to serve the geographical
630 area courts in Fairfield, Hartford, New Haven and Waterbury. The Chief
631 Court Administrator shall establish policies and procedures to
632 implement such firearm-related crime docket.

633 Sec. 9. (NEW) (*Effective October 1, 2023*) Notwithstanding any
634 provision of the general statutes, any peace officer who is a sworn
635 member of a law enforcement agency or any prosecutorial official who
636 is aware of any person released on parole or serving probation who
637 poses a threat to public safety, shall file an emergency petition with the
638 supervisory staff of the probation or parole office, as applicable, and a
639 copy of such petition with the office of the Chief State's Attorney. Such
640 petition shall cite risk factors pointing to the person released on parole
641 or serving probation as a threat to public safety and may present any
642 information developed by federal, state and local law enforcement
643 agencies in the course of a criminal investigation or enforcement action,
644 including, but not limited to, social media posts, pictures or videos
645 threatening violence, claiming responsibility for violence or suggesting
646 possession of a firearm. Not later than forty-eight hours after receiving
647 such petition, the supervisory staff of the probation or parole office, as
648 applicable, shall (1) remand such person on parole or seek a warrant for
649 such person serving probation for a violation of such probation, as
650 applicable, or (2) provide the rationale for not taking an action described
651 in subdivision (1) of this section.

652 Sec. 10. Subsection (a) of section 53a-222 of the general statutes is
653 repealed and the following is substituted in lieu thereof (*Effective October*
654 *1, 2023*):

655 (a) A person is guilty of violation of conditions of release in the first
 656 degree when, while charged with the commission of a felony, such
 657 person is released pursuant to subsection (b) of section 54-63c,
 658 subsection (c) of section 54-63d or subsection [(c)] (d) of section 54-64a,
 659 as amended by this act, and intentionally violates one or more of the
 660 imposed conditions of release.

661 Sec. 11. Subsection (a) of section 53a-222a of the general statutes is
 662 repealed and the following is substituted in lieu thereof (*Effective October*
 663 *1, 2023*):

664 (a) A person is guilty of violation of conditions of release in the
 665 second degree when, while charged with the commission of a
 666 misdemeanor or motor vehicle violation for which a sentence to a term
 667 of imprisonment may be imposed, such person is released pursuant to
 668 subsection (b) of section 54-63c, subsection (c) of section 54-63d or
 669 subsection [(c)] (d) of section 54-64a, as amended by this act, and
 670 intentionally violates one or more of the imposed conditions of release.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	53a-3
Sec. 2	<i>October 1, 2023</i>	53a-32
Sec. 3	<i>October 1, 2023</i>	54-64a
Sec. 4	<i>October 1, 2023</i>	54-64f
Sec. 5	<i>October 1, 2023</i>	53a-217
Sec. 6	<i>October 1, 2023</i>	54-125a(b)
Sec. 7	<i>October 1, 2023</i>	54-127
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>October 1, 2023</i>	New section
Sec. 10	<i>October 1, 2023</i>	53a-222(a)
Sec. 11	<i>October 1, 2023</i>	53a-222a(a)

Statement of Purpose:

To increase accountability for serious repeat offenders and those who commit serious firearm offenses at the pretrial bail stage, probationary stage and parole stage and to establish firearm-related crime dockets.

[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.]