



General Assembly

Amendment

January Session, 2023

LCO No. 9580



Offered by:

SEN. SAMPSON, 16th Dist.

SEN. BERTHEL, 32nd Dist.

To: Subst. House Bill No. 6667

File No. 841

Cal. No. 572

"AN ACT ADDRESSING GUN VIOLENCE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 53a-3 of the general statutes is repealed and the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

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

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

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

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

14 (4) "Serious physical injury" means physical injury which creates a
15 substantial risk of death, or which causes serious disfigurement, serious
16 impairment of health or serious loss or impairment of the function of
17 any bodily organ;

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

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

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

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

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

46 19, an adult probation officer, an official of the Department of Correction
47 authorized by the Commissioner of Correction to make arrests in a
48 correctional institution or facility, any investigator in the investigations
49 unit of the office of the State Treasurer, an inspector of motor vehicles in
50 the Department of Motor Vehicles, who is certified under the provisions
51 of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy
52 marshal, any special agent of the federal government authorized to
53 enforce the provisions of Title 21 of the United States Code, or a member
54 of a law enforcement unit of the Mashantucket Pequot Tribe or the
55 Mohegan Tribe of Indians of Connecticut created and governed by a
56 memorandum of agreement under section 47-65c who is certified as a
57 police officer by the Police Officer Standards and Training Council
58 pursuant to sections 7-294a to 7-294e, inclusive;

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

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

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

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

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

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

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

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

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

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

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

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

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

107 (22) "Employee of an emergency medical service organization" means

108 an ambulance driver, emergency medical technician or paramedic as
109 defined in section 19a-175;

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

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

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

124 (a) At any time during the period of probation or conditional
125 discharge, the court or any judge thereof may issue a warrant for the
126 arrest of a defendant for violation of any of the conditions of probation
127 or conditional discharge, or may issue a notice to appear to answer to a
128 charge of such violation, which notice shall be personally served upon
129 the defendant, except in the case of a defendant who is on probation
130 with respect to a conviction for a violation of section 21a-277, 21a-278,
131 29-35, 29-36, 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w, 53-
132 202aa, 53-206i, 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-
133 56, 53a-56a, 53a-59, 53a-60, 53a-60a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-
134 100aa, 53a-101, 53a-102, 53a-102a, 53a-122, 53a-123, 53a-134, 53a-135,
135 53a-167c, 53a-212, 53a-216, 53a-217, as amended by this act, 53a-217b or
136 53a-217c or has more than three felony convictions who is charged with
137 a serious firearm offense while on probation, in which case the court or
138 any judge thereof shall issue a warrant for the arrest of such defendant,
139 who shall be subject to detainment and a hearing pursuant to subsection

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

169 (b) [When] Except as provided in subsection (d) of this section, when
170 the defendant is presented for arraignment on the charge of violation of
171 any of the conditions of probation or conditional discharge, the court
172 shall review any conditions previously imposed on the defendant and
173 may order, as a condition of the pretrial release of the defendant, that

174 the defendant comply with any or all of such conditions in addition to
175 any conditions imposed pursuant to section 54-64a, as amended by this
176 act. Unless the court, pursuant to subsection [(c)] (d) of section 54-64a,
177 as amended by this act, orders that the defendant remain under the
178 supervision of a probation officer or other designated person or
179 organization, the defendant shall be supervised by the Court Support
180 Services Division of the Judicial Branch in accordance with subsection
181 (a) of section 54-63b.

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

197 [(d)] If such violation is established, the court may: (1) Continue the
198 sentence of probation or conditional discharge; (2) modify or enlarge the
199 conditions of probation or conditional discharge; (3) extend the period
200 of probation or conditional discharge, provided the original period with
201 any extensions shall not exceed the periods authorized by section
202 53a-29; or (4) revoke the sentence of probation or conditional discharge.
203 If such sentence is revoked, the court shall require the defendant to serve
204 the sentence imposed or impose any lesser sentence. Any such lesser
205 sentence may include a term of imprisonment, all or a portion of which
206 may be suspended entirely or after a period set by the court, followed
207 by a period of probation with such conditions as the court may establish.

208 No such revocation shall be ordered, except upon consideration of the
209 whole record and unless such violation is established by the
210 introduction of reliable and probative evidence and by a preponderance
211 of the evidence.

212 (d) Any probation officer who is aware of any defendant who is on
213 probation with respect to a conviction for a violation of section 21a-277,
214 21a-278, 29-35, 29-36, 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w,
215 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a,
216 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a, 53a-92, 53a-92a, 53a-94, 53a-94a,
217 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-122, 53a-123, 53a-134, 53a-135,
218 53a-167c, 53a-212, 53a-216, 53a-217, as amended by this act, 53a-217b or
219 53a-217c or has more than three felony convictions who is charged with
220 a serious firearm offense while on probation shall immediately notify
221 the court and the court or any judge thereof shall issue a warrant for the
222 arrest of such defendant. Such defendant shall be detained pending a
223 hearing which shall be conducted not later than thirty days following
224 the arrest of such defendant. The court shall cause the defendant to be
225 brought before it without unnecessary delay for a hearing on the
226 violation charges. At such hearing the defendant shall be informed of
227 the manner in which such defendant is alleged to have violated the
228 conditions of such defendant's probation or conditional discharge, shall
229 be advised by the court that such defendant has the right to retain
230 counsel and, if indigent, shall be entitled to the services of the public
231 defender, and shall have the right to cross-examine witnesses and to
232 present evidence in such defendant's own behalf. If such violation is
233 established, the court may: (1) Continue the sentence of probation or
234 conditional discharge; (2) modify or enlarge the conditions of probation
235 or conditional discharge; (3) extend the period of probation or
236 conditional discharge, provided the original period with any extensions
237 shall not exceed the periods authorized by section 53a-29; or (4) revoke
238 the sentence of probation or conditional discharge. If such sentence is
239 revoked, the court shall require the defendant to serve the sentence
240 imposed or impose any lesser sentence. Any such lesser sentence may
241 include a term of imprisonment, all or a portion of which may be

242 suspended entirely or after a period set by the court, followed by a
243 period of probation with such conditions as the court may establish. No
244 such revocation shall be ordered, except upon consideration of the
245 whole record and unless such violation is established by the
246 introduction of reliable and probative evidence and by a preponderance
247 of the evidence. If the court chooses to not revoke the sentence of
248 probation or conditional discharge and order the defendant to serve the
249 balance of the defendant's sentence, the court shall articulate on the
250 record findings why such defendant does not pose a threat to public
251 safety.

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

254 (a) (1) Except as provided in subdivision (2) of this subsection and
255 subsection (b) or (c) of this section, when any arrested person is
256 presented before the Superior Court, said court shall, in bailable
257 offenses, promptly order the release of such person upon the first of the
258 following conditions of release found sufficient to reasonably ensure the
259 appearance of the arrested person in court: (A) Upon execution of a
260 written promise to appear without special conditions, (B) upon
261 execution of a written promise to appear with nonfinancial conditions,
262 (C) upon execution of a bond without surety in no greater amount than
263 necessary, or (D) upon execution of a bond with surety in no greater
264 amount than necessary, but in no event shall a judge prohibit a bond
265 from being posted by surety. In addition to or in conjunction with any
266 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
267 this subdivision the court may, when it has reason to believe that the
268 person is drug-dependent and where necessary, reasonable and
269 appropriate, order the person to submit to a urinalysis drug test and to
270 participate in a program of periodic drug testing and treatment. The
271 results of any such drug test shall not be admissible in any criminal
272 proceeding concerning such person.

273 (2) If the arrested person is charged with no offense other than a
274 misdemeanor, the court shall not impose financial conditions of release

275 on the person unless (A) the person is charged with a family violence
276 crime, as defined in section 46b-38a, or (B) the person requests such
277 financial conditions, or (C) the court makes a finding on the record that
278 there is a likely risk that (i) the arrested person will fail to appear in
279 court, as required, or (ii) the arrested person will obstruct or attempt to
280 obstruct justice, or threaten, injure or intimidate or attempt to threaten,
281 injure or intimidate a prospective witness or juror, or (iii) the arrested
282 person will engage in conduct that threatens the safety of himself or
283 herself or another person. In making a finding described in this
284 subsection, the court may consider past criminal history, including any
285 prior record of failing to appear as required in court that resulted in any
286 conviction for a violation of section 53a-172 or any conviction during the
287 previous ten years for a violation of section 53a-173 and any other
288 pending criminal cases of the person charged with a misdemeanor.

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

300 (b) (1) [When] Except as provided in subsection (c) of this section, any
301 arrested person charged with the commission of a class A felony, a class
302 B felony, except a violation of section 53a-86 or 53a-122, a class C felony,
303 except a violation of section 53a-87, 53a-152 or 53a-153, or a class D
304 felony under sections 53a-60 to 53a-60c, inclusive, section 53a-72a, 53a-
305 95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence
306 crime, as defined in section 46b-38a, is presented before the Superior
307 Court, said court shall, in bailable offenses, promptly order the release
308 of such person upon the first of the following conditions of release found

309 sufficient to reasonably ensure the appearance of the arrested person in
310 court and that the safety of any other person will not be endangered: (A)
311 Upon such person's execution of a written promise to appear without
312 special conditions, (B) upon such person's execution of a written
313 promise to appear with nonfinancial conditions, (C) upon such person's
314 execution of a bond without surety in no greater amount than necessary,
315 or (D) upon such person's execution of a bond with surety in no greater
316 amount than necessary, but in no event shall a judge prohibit a bond
317 from being posted by surety. In addition to or in conjunction with any
318 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
319 this subdivision, the court may, when it has reason to believe that the
320 person is drug-dependent and where necessary, reasonable and
321 appropriate, order the person to submit to a urinalysis drug test and to
322 participate in a program of periodic drug testing and treatment. The
323 results of any such drug test shall not be admissible in any criminal
324 proceeding concerning such person.

325 (2) The court may, in determining what conditions of release will
326 reasonably ensure the appearance of the arrested person in court and
327 that the safety of any other person will not be endangered, consider the
328 following factors: (A) The nature and circumstances of the offense, (B)
329 such person's record of previous convictions, (C) such person's past
330 record of appearance in court after being admitted to bail, (D) such
331 person's family ties, (E) such person's employment record, (F) such
332 person's financial resources, character and mental condition, (G) such
333 person's community ties, (H) the number and seriousness of charges
334 pending against the arrested person, (I) the weight of the evidence
335 against the arrested person, (J) the arrested person's history of violence,
336 (K) whether the arrested person has previously been convicted of
337 similar offenses while released on bond, (L) the likelihood based upon
338 the expressed intention of the arrested person that such person will
339 commit another crime while released, and (M) the heightened risk
340 posed to victims of family violence by violations of conditions of release
341 and court orders of protection.

342 (3) When imposing conditions of release under this subsection, the

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

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

372 (2) When any arrested person charged with the commission of a
373 serious firearm offense, as defined in section 53a-3, as amended by this
374 act, other than a person described in subdivision (1) of this subsection,
375 is presented before the Superior Court, the court shall, in bailable
376 offenses, promptly order the release of such person upon the first of the

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

402 (3) The court may, in determining what conditions of release will
403 reasonably ensure the appearance of the arrested person in court and
404 that the safety of any other person will not be endangered, consider the
405 following factors: (A) The nature and circumstances of the offense, (B)
406 such person's record of previous convictions, (C) such person's past
407 record of appearances in court after being admitted to bail, (D) such
408 person's family ties, (E) such person's employment record, (F) such
409 person's financial resources, character and mental condition, (G) such
410 person's community ties, (H) the number and seriousness of charges

411 pending against the arrested person, (I) the weight of the evidence
412 against the arrested person, (J) the arrested person's history of violence,
413 (K) whether the arrested person has previously been convicted of
414 similar offenses while released on bond, and (L) the likelihood based
415 upon the expressed intention of the arrested person that such person
416 will commit another crime while released.

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

423 ~~[(c)]~~ (d) If the court determines that a nonfinancial condition of
424 release should be imposed pursuant to subparagraph (B) of subdivision
425 (1) of subsection (a) or (b) of this section, the court shall order the pretrial
426 release of the person subject to the least restrictive condition or
427 combination of conditions that the court determines will reasonably
428 ensure the appearance of the arrested person in court and, with respect
429 to the release of the person pursuant to subsection (b) or (c) of this
430 section, that the safety of any other person will not be endangered,
431 which conditions may include an order that the arrested person do one
432 or more of the following: (1) Remain under the supervision of a
433 designated person or organization; (2) comply with specified
434 restrictions on such person's travel, association or place of abode; (3) not
435 engage in specified activities, including the use or possession of a
436 dangerous weapon, an intoxicant or a controlled substance; (4) provide
437 sureties of the peace pursuant to section 54-56f under supervision of a
438 designated bail commissioner or intake, assessment and referral
439 specialist employed by the Judicial Branch; (5) avoid all contact with an
440 alleged victim of the crime and with a potential witness who may testify
441 concerning the offense; (6) maintain employment or, if unemployed,
442 actively seek employment; (7) maintain or commence an educational
443 program; (8) be subject to electronic monitoring; or (9) satisfy any other
444 condition that is reasonably necessary to ensure the appearance of the

445 person in court and that the safety of any other person will not be
446 endangered. The court shall state on the record its reasons for imposing
447 any such nonfinancial condition.

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

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

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

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

473 (b) [If] Except as provided in subsection (d) of this section, if the court,
474 after an evidentiary hearing at which hearsay or secondary evidence
475 shall be admissible, finds by clear and convincing evidence that the
476 defendant has violated reasonable conditions imposed on the

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

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

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

503 (d) If the defendant is on release with respect to an arrest for a
504 violation of section 21a-277, 21a-278, 29-35, 29-36, 29-36a, 53-202, 53-
505 202a, 53-202b, 53-202c, 53-202w, 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-
506 54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a,
507 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-100aa, 53a-101, 53a-102, 53a-102a,
508 53a-122, 53a-123, 53a-134, 53a-135, 53a-167c, 53a-212, 53a-216, 53a-217,
509 as amended by this act, 53a-217b or 53a-217c and the defendant is

510 arrested for the commission of a serious firearm offense, as defined in
511 section 53a-3, as amended by this act, a prosecutorial official shall
512 petition the court to revoke the defendant's release. After an evidentiary
513 hearing at which hearsay or secondary evidence shall be admissible, if
514 the court finds by a preponderance of the evidence that there is probable
515 cause to believe that the defendant has committed such serious firearm
516 offense, there shall be a rebuttable presumption that the safety of any
517 other person is endangered while the defendant is on release and that
518 the defendant's release should be revoked. If the defendant is
519 subsequently convicted of any offense for which the defendant was on
520 pretrial release and a serious firearm offense for which such defendant's
521 release was revoked, any bond posted in the criminal proceeding shall
522 be forfeited.

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

525 (a) A person is guilty of criminal possession of a firearm, ammunition
526 or an electronic defense weapon when such person possesses a firearm,
527 ammunition or an electronic defense weapon and (1) has been convicted
528 of (A) a felony committed prior to, on or after October 1, 2013, (B) a
529 misdemeanor violation of section 21a-279 on or after October 1, 2015, or
530 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
531 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
532 after October 1, 2013, and during the preceding twenty years, (2) has
533 been convicted as delinquent for the commission of a serious juvenile
534 offense, as defined in section 46b-120, (3) has been discharged from
535 custody within the preceding twenty years after having been found not
536 guilty of a crime by reason of mental disease or defect pursuant to
537 section 53a-13, (4) knows that such person is subject to (A) a restraining
538 or protective order of a court of this state that has been issued against
539 such person, after notice has been provided to such person, in a case
540 involving the use, attempted use or threatened use of physical force
541 against another person, or (B) a foreign order of protection, as defined
542 in section 46b-15a, that has been issued against such person in a case
543 involving the use, attempted use or threatened use of physical force

544 against another person, (5) (A) has been confined on or after October 1,
545 2013, in a hospital for persons with psychiatric disabilities, as defined in
546 section 17a-495, within the preceding sixty months by order of a probate
547 court, or with respect to any person who holds a valid permit or
548 certificate that was issued or renewed under the provisions of section
549 29-28 or 29-36f in effect prior to October 1, 2013, such person has been
550 confined in such hospital within the preceding twelve months, or (B)
551 has been voluntarily admitted on or after October 1, 2013, to a hospital
552 for persons with psychiatric disabilities, as defined in section 17a-495,
553 within the preceding six months for care and treatment of a psychiatric
554 disability, unless the person (i) was voluntarily admitted solely for being
555 an alcohol-dependent person or a drug-dependent person as those
556 terms are defined in section 17a-680, or (ii) is a police officer who was
557 voluntarily admitted and had his or her firearm, ammunition or
558 electronic defense weapon used in the performance of the police officer's
559 official duties returned in accordance with section 7-291d, (6) knows that
560 such person is subject to a firearms seizure order issued prior to June 1,
561 2022, pursuant to section 29-38c after notice and an opportunity to be
562 heard has been provided to such person, or a risk protection order or
563 risk protection investigation order issued on or after June 1, 2022,
564 pursuant to section 29-38c, or (7) is prohibited from shipping,
565 transporting, possessing or receiving a firearm pursuant to 18 USC
566 922(g)(4). For the purposes of this section, "convicted" means having a
567 judgment of conviction entered by a court of competent jurisdiction,
568 "ammunition" means a loaded cartridge, consisting of a primed case,
569 propellant or projectile, designed for use in any firearm, and a motor
570 vehicle violation for which a sentence to a term of imprisonment of more
571 than one year may be imposed shall be deemed an unclassified felony.

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

578 Sec. 6. Subsection (b) of section 54-125a of the general statutes is
579 repealed and the following is substituted in lieu thereof (*Effective October*
580 *1, 2023*):

581 (b) (1) No person convicted of any of the following offenses, which
582 was committed on or after July 1, 1981, shall be eligible for parole under
583 subsection (a) of this section: (A) Capital felony, as provided under the
584 provisions of section 53a-54b in effect prior to April 25, 2012, (B) murder
585 with special circumstances, as provided under the provisions of section
586 53a-54b in effect on or after April 25, 2012, (C) felony murder, as
587 provided in section 53a-54c, (D) arson murder, as provided in section
588 53a-54d, (E) murder, as provided in section 53a-54a, or (F) aggravated
589 sexual assault in the first degree, as provided in section 53a-70a. (2) A
590 person convicted of (A) a violation of section 53a-100aa, [or] 53a-102 or
591 53a-217, as amended by this act, or (B) an offense, other than an offense
592 specified in subdivision (1) of this subsection, where the underlying
593 facts and circumstances of the offense involve the use, attempted use or
594 threatened use of physical force against another person shall be
595 ineligible for parole under subsection (a) of this section until such
596 person has served not less than eighty-five per cent of the definite
597 sentence imposed.

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

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

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

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

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

635 Sec. 9. (NEW) (*Effective October 1, 2023*) Notwithstanding any
636 provision of the general statutes, any peace officer who is a sworn
637 member of a law enforcement agency or any prosecutorial official who
638 is aware of any person released on parole or serving probation who
639 poses a threat to public safety, shall file an emergency petition with the
640 supervisory staff of the probation or parole office, as applicable, and a
641 copy of such petition with the office of the Chief State's Attorney. Such
642 petition shall cite risk factors pointing to the person released on parole

643 or serving probation as a threat to public safety and may present any
644 information developed by federal, state and local law enforcement
645 agencies in the course of a criminal investigation or enforcement action,
646 including, but not limited to, social media posts, pictures or videos
647 threatening violence, claiming responsibility for violence or suggesting
648 possession of a firearm. Not later than forty-eight hours after receiving
649 such petition, the supervisory staff of the probation or parole office, as
650 applicable, shall (1) remand such person on parole or seek a warrant for
651 such person serving probation for a violation of such probation, as
652 applicable, or (2) provide the rationale for not taking an action described
653 in subdivision (1) of this section.

654 Sec. 10. Subsection (a) of section 53a-222 of the general statutes is
655 repealed and the following is substituted in lieu thereof (*Effective October*
656 *1, 2023*):

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

663 Sec. 11. Subsection (a) of section 53a-222a of the general statutes is
664 repealed and the following is substituted in lieu thereof (*Effective October*
665 *1, 2023*):

666 (a) A person is guilty of violation of conditions of release in the
667 second degree when, while charged with the commission of a
668 misdemeanor or motor vehicle violation for which a sentence to a term
669 of imprisonment may be imposed, such person is released pursuant to
670 subsection (b) of section 54-63c, subsection (c) of section 54-63d or
671 subsection [(c)] (d) of section 54-64a, as amended by this act, and
672 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)