



General Assembly

February Session, 2024

Raised Bill No. 5505

LCO No. 3052



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING SELF-DEFENSE, DEFENSE OF A THIRD PERSON AND ASSISTING IN OR EFFECTING AN ARREST AS AFFIRMATIVE DEFENSES.

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

1 Section 1. (NEW) (*Effective October 1, 2024*) In any case where a
2 defendant has a claim to the affirmative defense of the justified use of
3 physical force in (1) defense of such person pursuant to subsection (a) of
4 section 53a-19 of the general statutes, (2) defense of a third person
5 pursuant to subsection (a) of section 53a-19 of the general statutes, or (3)
6 assisting in or effecting an arrest of a person or preventing the escape of
7 an arrested person pursuant to subsection (e) or (g) of section 53a-22 of
8 the general statutes, such defendant may request a hearing on a motion
9 to dismiss such case or individual charge, as applicable, in advance of
10 trial. A judge of the Superior Court shall hear such motion not later than
11 forty-five days following such request by the defendant. If the
12 defendant establishes by a preponderance of the evidence that such
13 defendant qualifies for the affirmative defense, the judge shall dismiss
14 the case or charge, as applicable.

15 Sec. 2. Subsection (b) of section 54-63b of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective October*
17 *1, 2024*):

18 (b) The Court Support Services Division shall establish written
19 uniform weighted release criteria based upon the premise that the least
20 restrictive condition or conditions of release necessary to ensure the
21 appearance in court of the defendant and sufficient to reasonably ensure
22 the safety of any other person will not be endangered is the pretrial
23 release alternative of choice. Such criteria shall be based on, but not be
24 limited to, the following considerations: (1) The nature and
25 circumstances of the offense insofar as they are relevant to the risk of
26 nonappearance; (2) the defendant's record of previous convictions; (3)
27 the defendant's past record of appearance in court after being admitted
28 to bail; (4) the defendant's family ties; (5) the defendant's employment
29 record; (6) the defendant's financial resources, character and mental
30 condition; [and] (7) the defendant's community ties, and (8) any
31 affirmative defense available to such defendant.

32 Sec. 3. Subsection (b) of section 54-64a of the 2024 supplement to the
33 general statutes is repealed and the following is substituted in lieu
34 thereof (*Effective October 1, 2024*):

35 (b) (1) Except as provided in subsection (c) of this section, any
36 arrested person charged with the commission of a class A felony, a class
37 B felony, except a violation of section 53a-86 or 53a-122, a class C felony,
38 except a violation of section 53a-87, 53a-152 or 53a-153, or a class D
39 felony under sections 53a-60 to 53a-60c, inclusive, section 53a-72a, 53a-
40 95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence
41 crime, as defined in section 46b-38a, is presented before the Superior
42 Court, said court shall, in bailable offenses, promptly order the release
43 of such person upon the first of the following conditions of release found
44 sufficient to reasonably ensure the appearance of the arrested person in
45 court and that the safety of any other person will not be endangered: (A)
46 Upon such person's execution of a written promise to appear without
47 special conditions, (B) upon such person's execution of a written

48 promise to appear with nonfinancial conditions, (C) upon such person's
49 execution of a bond without surety in no greater amount than necessary,
50 or (D) upon such person's execution of a bond with surety in no greater
51 amount than necessary, but in no event shall a judge prohibit a bond
52 from being posted by surety. In addition to or in conjunction with any
53 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
54 this subdivision, the court may, when it has reason to believe that the
55 person is drug-dependent and where necessary, reasonable and
56 appropriate, order the person to submit to a urinalysis drug test and to
57 participate in a program of periodic drug testing and treatment. The
58 results of any such drug test shall not be admissible in any criminal
59 proceeding concerning such person.

60 (2) The court may, in determining what conditions of release will
61 reasonably ensure the appearance of the arrested person in court and
62 that the safety of any other person will not be endangered, consider the
63 following factors: (A) The nature and circumstances of the offense, (B)
64 such person's record of previous convictions, (C) such person's past
65 record of appearance in court after being admitted to bail, (D) such
66 person's family ties, (E) such person's employment record, (F) such
67 person's financial resources, character and mental condition, (G) such
68 person's community ties, (H) the number and seriousness of charges
69 pending against the arrested person, (I) the weight of the evidence
70 against the arrested person, (J) the arrested person's history of violence,
71 (K) whether the arrested person has previously been convicted of
72 similar offenses while released on bond, (L) the likelihood based upon
73 the expressed intention of the arrested person that such person will
74 commit another crime while released, [and] (M) the heightened risk
75 posed to victims of family violence by violations of conditions of release
76 and court orders of protection, and (N) any affirmative defense available
77 to such arrested person.

78 (3) When imposing conditions of release under this subsection, the
79 court shall state for the record any factors under subdivision (2) of this
80 subsection that it considered and the findings that it made as to the
81 danger, if any, that the arrested person might pose to the safety of any

82 other person upon the arrested person's release that caused the court to
83 impose the specific conditions of release that it imposed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>October 1, 2024</i>	54-63b(b)
Sec. 3	<i>October 1, 2024</i>	54-64a(b)

JUD *Joint Favorable*