



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16 repealed and the following is substituted in lieu thereof (*Effective October*  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)

***Statement of Purpose:***

To permit a defendant to request that a case or charge be dismissed due to an affirmative defense of self-defense, defense of a third person or assisting in or effecting the arrest of a person, and add to the list of factors a court considers when determining conditions of pretrial release of a defendant or arrested person whether such person has any available affirmative defenses.

*[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.]*