



General Assembly

**Substitute Bill No. 7314**

January Session, 2019



**AN ACT CONCERNING A CRIME VICTIM'S PARTICIPATORY RIGHTS  
IN A VIOLATION OF PROBATION OR CONDITIONAL DISCHARGE  
HEARING.**

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

1 Section 1. Section 53a-32 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) At any time during the period of probation or conditional  
4 discharge, the court or any judge thereof may issue a warrant for the  
5 arrest of a defendant for violation of any of the conditions of probation  
6 or conditional discharge, or may issue a notice to appear to answer to a  
7 charge of such violation, which notice shall be personally served upon  
8 the defendant. Any such warrant shall authorize all officers named  
9 therein to return the defendant to the custody of the court or to any  
10 suitable detention facility designated by the court. Whenever a  
11 probation officer has probable cause to believe that a person has  
12 violated a condition of such person's probation, such probation officer  
13 may notify any police officer that such person has, in such officer's  
14 judgment, violated the conditions of such person's probation and such  
15 notice shall be sufficient warrant for the police officer to arrest such  
16 person and return such person to the custody of the court or to any  
17 suitable detention facility designated by the court. Whenever a  
18 probation officer so notifies a police officer, the probation officer shall

19 notify the victim of the offense for which such person is on probation,  
20 and any victim advocate assigned to assist the victim, provided the  
21 probation officer has been provided with the name and contact  
22 information for such victim or victim advocate. Any probation officer  
23 may arrest any defendant on probation without a warrant or may  
24 deputize any other officer with power to arrest to do so by giving such  
25 other officer a written statement setting forth that the defendant has, in  
26 the judgment of the probation officer, violated the conditions of the  
27 defendant's probation. Such written statement, delivered with the  
28 defendant by the arresting officer to the official in charge of any  
29 correctional center or other place of detention, shall be sufficient  
30 warrant for the detention of the defendant. After making such an  
31 arrest, such probation officer shall present to the detaining authorities  
32 a similar statement of the circumstances of violation. Provisions  
33 regarding release on bail of persons charged with a crime shall be  
34 applicable to any defendant arrested under the provisions of this  
35 section. Upon such arrest and detention, the probation officer shall  
36 immediately so notify the court or any judge thereof.

37 (b) When the defendant is presented for arraignment on the charge  
38 of violation of any of the conditions of probation or conditional  
39 discharge, the court shall review any conditions previously imposed  
40 on the defendant and may order, as a condition of the pretrial release  
41 of the defendant, that the defendant comply with any or all of such  
42 conditions in addition to any conditions imposed pursuant to section  
43 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a,  
44 orders that the defendant remain under the supervision of a probation  
45 officer or other designated person or organization, the defendant shall  
46 be supervised by the Court Support Services Division of the Judicial  
47 Branch in accordance with subsection (a) of section 54-63b.

48 (c) Upon notification by the probation officer of the arrest of the  
49 defendant or upon an arrest by warrant as [herein] provided in this  
50 section, the court shall cause the defendant to be brought before it  
51 without unnecessary delay for a hearing on the violation charges. The

52 Court Support Services Division shall establish within its policies and  
53 procedures a requirement that any victim of the offense for which the  
54 defendant is on probation be notified of such arrest for a violation of  
55 any of the conditions of probation. The Court Support Services  
56 Division shall also provide the victim with notice of the first hearing  
57 date after arraignment on the violation of probation charges, as well as  
58 information on registering for the state-wide automated victim  
59 information and notification system.

60 (d) The court shall permit such victim to appear before the court for  
61 the purpose of making a statement for the record concerning the  
62 defendant's alleged violation of probation or conditional discharge. In  
63 lieu of such appearance, the victim may submit a written statement to  
64 the court and the court shall make such statement a part of the record.  
65 At such hearing the defendant shall be informed of the manner in  
66 which such defendant is alleged to have violated the conditions of  
67 such defendant's probation or conditional discharge, shall be advised  
68 by the court that such defendant has the right to retain counsel and, if  
69 indigent, shall be entitled to the services of the public defender, and  
70 shall have the right to cross-examine witnesses and to present evidence  
71 in such defendant's own behalf. Prior to making a determination as to  
72 whether the defendant has violated the conditions of probation or  
73 conditional discharge, the court shall consider any statement made or  
74 submitted by such victim. Unless good cause is shown, a charge of  
75 violation of any of the conditions of probation or conditional discharge  
76 shall be disposed of or scheduled for a hearing not later than one  
77 hundred twenty days after the defendant is arraigned on such charge.

78 [(d)] (e) If such violation is established, the court may: (1) Continue  
79 the sentence of probation or conditional discharge; (2) modify or  
80 enlarge the conditions of probation or conditional discharge; (3) extend  
81 the period of probation or conditional discharge, provided the original  
82 period with any extensions shall not exceed the periods authorized by  
83 section 53a-29; or (4) revoke the sentence of probation or conditional  
84 discharge. If such sentence is revoked, the court shall require the

85 defendant to serve the sentence imposed or impose any lesser  
86 sentence. Any such lesser sentence may include a term of  
87 imprisonment, all or a portion of which may be suspended entirely or  
88 after a period set by the court, followed by a period of probation with  
89 such conditions as the court may establish. No such revocation shall be  
90 ordered, except upon consideration of the whole record and unless  
91 such violation is established by the introduction of reliable and  
92 probative evidence and by a preponderance of the evidence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	53a-32

**Statement of Legislative Commissioners:**

In Section 1(c), "requirement that any victim be notified" was changed to "requirement that any victim of the offense for which the defendant is on probation be notified" for clarity.

**JUD**      *Joint Favorable Subst.*