



RC ID # 2020-019 a  
**State of Connecticut**  
DIVISION OF CRIMINAL JUSTICE

OFFICE OF  
THE CHIEF STATE'S ATTORNEY

RICHARD J. COLANGELO, JR.  
CHIEF STATE'S ATTORNEY

300 CORPORATE PLACE  
ROCKY HILL, CONNECTICUT 06067  
PHONE (860) 258-5800 FAX (860) 258-5858

October 20, 2020

Justice Andrew J. McDonald  
Chair, Rules Committee of the Superior Court  
P.O. Box 150474  
Hartford, CT 06115-0474

Re: Proposed Amendment to Section 1-11C

Dear Justice McDonald:

On March 24, 2020, the Superior Court Rules Committee exercised its emergency powers under Practice Book §1-9B and suspended, among other time constraints, the obligation of a surety to return the person whose bond has been forfeited to be returned to custody within 6 months.

As such, the following was published in the Connecticut Law Journal on March 31, 2020:

Sec. 38-21 –Forfeiture of Bail and Rearrest Warrant

The rule requires any person whose bond has been forfeited to be returned to custody within 6 months in order to release a surety from their bond obligation. The suspension of the rule would allow the surety additional time to locate the person and is consistent with the court focusing on designated priority cases.

The Division of Criminal Justice respectfully requests the Committee reinstate Practice Book §38-21(b). Suspension of the rule was proposed in response to an influx of absconders being returned to court at the commencement of Superior Court closures. Superior Court locations are now open for business with only a few exceptions. Reinstatement of the Rule does not preclude the surety from petitioning the Court for an extension stating with specificity the reasons for the request, including reasons related to the COVID-19 health crisis. Moreover the concern that dockets will be congested by the return of low-level failures to appear is likely balanced out by disposition of those matters appropriately on the "nolle and prosecution-declined" docket.

October 19, 2020

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Thank you for your consideration in this matter. I would be happy to discuss the matter with the Rules Committee and provide any additional information on the proposed change should it be required.

Very truly yours

A handwritten signature in blue ink, appearing to read "K. Lawlor", with a long, sweeping underline.

Kevin D. Lawlor  
Deputy Chief State's Attorney - Operations