



Item 03-07a

(111819)

RECEIVED

State of Connecticut 2019 NOV -8 PM 11:57

SENATOR LEONARD A. FASANO

SENATE REPUBLICAN LEADER

34<sup>TH</sup> DISTRICT

LEGAL SERVICES  
CT JUDICIAL BRANCH

HARTFORD: (860) 240-8800

TOLL FREE: (800) 842-1421

FAX: (860) 240-8306

Len.Fasano@cga.ct.gov

LEGISLATIVE OFFICE BUILDING  
300 CAPITOL AVENUE, SUITE 3400  
HARTFORD, CONNECTICUT 06106-1591  
[www.SenatorFasano.com](http://www.SenatorFasano.com)

November 1, 2019

Rules Committee of the Superior Court  
Connecticut Supreme Court Building  
**Attn: Joseph J. Del Ciampo**  
Counsel to the Rules Committee  
231 Capitol Avenue  
Hartford, CT 06106

**Re: Revision to the Practice Book, Rule 38-8**

Dear Members of the Rules Committee:

I am writing regarding the recent revision to Rule 38.8 of the Connecticut Practice Book, which automatically provides a ten percent cash bail options for defendants when a surety bond of \$20,000 or less is imposed. The Rules Committee of the Superior Court should not have recommended such a change because it controverts the existing statutory framework governing bail.

Legislation regarding this change has been introduced in prior sessions that proved to be unsuccessful. *See 2017, HB 7287, Sec. 3.* Notably, the bail reform legislation that was passed in 2017, Public Act 17-145, deliberately omitted this very revision to the cash bail system. Yet, despite the caution from the chairs of the Judiciary Committee last May,<sup>1</sup> the rules committee opted to bypass the will of legislature and recommend the change to Rule 38.8 of the Connecticut Practice Book. The recommended proposal was subsequently approved at the June 13, 2019 Annual Meeting of the Judges of the Superior Court.

I respectfully request that you reconsider this matter prior to the January 1, 2020 effective date and address the conflict between the practice book and statute that was created by the change to Rule 38.8.

Sincerely,

Len Fasano  
Senate Republican Leader

**"While we are not expressing our opinion as to the current cash bail proposal before you, we believe it is important that the Rules Committee and the Judges Understand that the exact change that is now being proposed, was proposed by Governor Malloy (2017, HB 7044, Sec. 2 (4)(A)). The legislature decided not to include this proposal in the final bill. We have heard concerns that this proposed change would bypass the will of the legislature."** <sup>1</sup> Agenda Item 9-11, Rules Committee Meeting Supplemental Agenda, May 13, 2019, Letter from the Judiciary Committee dated May 9, 2019.