



State of Connecticut

DIVISION OF CRIMINAL JUSTICE

**2016 Legislative Recommendations
to the General Assembly**

February 2016

KEVIN T. KANE
CHIEF STATE'S ATTORNEY

Contents

AN ACT CONCERNING THE INVESTIGATION OF FRAUD AND CORRUPTION.....	1
AN ACT CONCERNING NOTIFICATION TO THE STATE’S ATTORNEY OF THE DEATH OF A PERSON IN STATE CUSTODY.....	4
AN ACT CONCERNING ASSAULT OF A HEALTH CARE WORKER.	6
AN ACT CONCERNING CRIMES COMMITTED WHILE ON PRETRIAL RELEASE....	8
AN ACT CONCERNING SAFE AND AFFORDABLE HOUSING.....	9
AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM	12
AN ACT CONCERNING CHILD ENDANGERMENT WHILE DRIVING WHILE INTOXICATED.	19
AN ACT CONCERNING DRIVING WHILE INTOXICATED.....	30
AN ACT CONCERNING THE SEIZURE OF FIREARMS FROM A PERSON POSING RISK OF INJURY TO SELF OR OTHERS AND CRIMES COMMITTED WITH FIREARMS.	51
AN ACT CONCERNING NOTICE TO THE CHIEF STATE’S ATTORNEY IN WORKERS’ COMPENSATION MATTERS.	54

AN ACT CONCERNING THE INVESTIGATION OF FRAUD AND CORRUPTION.

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

Section 1. (NEW) (*Effective October 1, 2016*) For the purposes of this act "Crime" means any violation of the General Statutes involving: (A) corruption in the executive, legislative or judicial branch of state government or in the government of any political subdivision of the state, (B) fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act Amendments of 1965, as amended, (C) larceny in the first degree, (D) the election laws of the state, and (E) bribery and bribe receiving.

(b) "Property" includes, but is not limited to, documents, books, papers, records, films, recordings and other tangible things;

(c) "Prosecuting official" means the Chief State's Attorney, a Deputy Chief State's Attorney or a State's Attorney.

(d) "Entity" means any natural person, firm, partnership, limited partnership, limited liability partnership, limited liability company, trust, syndicate, estate, association, corporation, custodian, nominee, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

Sec. 2. (NEW) (*Effective October 1, 2016*) In the investigation of conduct that would constitute the commission of a crime, a prosecuting official, in the performance of such official's duties during such investigation, shall have the authority to compel by subpoena the production of property related to the matter under investigation.

Sec. 3. (NEW) (*Effective October 1, 2016*) Any subpoena issued pursuant to this act shall compel the witness to deliver the property to the office of the prosecuting official.

Sec. 4. (NEW) (*Effective October 1, 2016*) (a) Any subpoena issued pursuant to this act shall (1) compel only the production of property relevant to the investigation being conducted, (2) specify with reasonable particularity any property to be produced, (3) allow a reasonable period for compliance, and (4) require only the production of documents or records covering a reasonable period of time.

Sec. 5. (NEW) (*Effective October 1, 2016*) (a) In any investigation conducted pursuant to this act, a prosecuting official may apply to a judge of the Superior Court for an order granting immunity from prosecution to any natural person to whom the state issues a subpoena. Such immunity may provide that the person will not be prosecuted or subjected to any penalty or forfeiture (1) for or on account of any evidence produced by such person, or for or on account of any evidence discovered as a result of or otherwise

derived from evidence produced by such person, or (2) for or on account of any transaction, matter or thing concerning which such person produces evidence.

(b) No person who has been properly served with a subpoena pursuant to this act and receives immunity under subsection (a) of this section, shall be excused from producing any property before the prosecuting official concerning an investigation on the ground or for the reason that the property required may tend to incriminate such person or subject such person to a penalty or forfeiture.

Sec. 6. (NEW) (*Effective October 1, 2016*) (a) If any subpoena is issued pursuant to this act for the production of the medical records, including psychiatric and substance abuse treatment records, of a person, the prosecuting official shall give written notice of the issuance of such subpoena to such person. Such person shall have standing to file a motion to quash the subpoena in accordance with section 7 of this act.

Sec. 7. (NEW) (*Effective October 1, 2016*) (a) Whenever a subpoena has been issued to compel the production of property pursuant to this act, the entity or person summoned may file a motion to quash the subpoena. No fees or costs shall be assessed.

(b) The party filing the motion to quash shall be designated as the plaintiff, and shall be described as "John Doe", "Jane Doe" or some other alias, and the prosecuting official shall be designated as the defendant.

(c) The motion, upon its filing, shall be sealed as to the public. The motion shall be referred to the presiding criminal judge of the court for hearing or for assignment to another judge for hearing. Unless otherwise ordered by the judge conducting the hearing, the hearing shall be conducted in camera and the file on the motion shall be sealed as to the public, subject to further order of the court.

(d) The motion shall be expeditiously assigned and heard. The date and time of the hearing shall be established by the clerk after consultation with the judge assigned to conduct the hearing. The clerk shall give notice to the parties of the hearing so scheduled.

(e) A judge may quash or modify any subpoena issued pursuant to this act for just cause or in recognition of any privilege established under law.

Statement of Purpose

To give state prosecutors the tools necessary to protect Connecticut residents from financial crime and to investigate fraud against government programs and funds.

[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.]

AN ACT CONCERNING NOTIFICATION TO THE STATE'S ATTORNEY OF THE DEATH OF A PERSON IN STATE CUSTODY

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

Section 1. Section 51-277 of the general statutes is hereby repealed and the following inserted in lieu thereof (*Effective October 1, 2016*):

(a) The division shall exercise all powers and duties with respect to the investigation and prosecution of criminal matters conferred upon or required of it by this chapter, or conferred upon or required of state's attorneys, assistant state's attorneys and deputy assistant state's attorneys of the Superior Court by the common and statutory law of this state.

(b) The division shall take all steps necessary and proper to prosecute all crimes and offenses against the laws of the state and ordinances, regulations and bylaws of any town, city, borough, district or other municipal corporation or authority.

(c) The division, through the Chief State's Attorney, shall participate on behalf of the state in all appellate, post-trial and postconviction proceedings arising out of the initiation of any criminal action whether or not the proceedings are denominated civil or criminal for other purposes.

(d) (1) The Chief State's Attorney and each deputy chief state's attorney may sign any warrants, informations, applications for grand jury investigations and applications for extradition.

(2) The Chief State's Attorney may, with the prior consent of the state's attorney for the judicial district, appear in court to represent the state.

(3) The Chief State's Attorney may represent the state in lieu of a state's attorney for a judicial district in any investigation, criminal action or proceeding if the Chief State's Attorney finds by clear and convincing evidence, misconduct, conflict of interest or malfeasance of a state's attorney, provided, upon request of such state's attorney, the Criminal Justice Commission, pursuant to regulations adopted in accordance with chapter 54, and after notice and hearing and good cause shown, may designate such state's attorney to represent the state in such investigation, criminal action or proceeding. In any case where the Chief State's Attorney indicates his intent to represent the state in lieu of a state's attorney under this subdivision, and such state's attorney objects to such representation, upon the request of such state's attorney the Chief State's Attorney and the state's attorney shall each prepare a written statement of their claims relative to such representation. Both statements shall be submitted to the commission to be considered by it at such hearing and shall become a permanent record

which may be reviewed by the commission and used at the time of reappointment of the Chief State's Attorney or such state's attorney.

(e) Each department head, as defined in section 4-5, and the head of the judicial branch, shall promptly notify the appropriate state's attorney of the death of any person while such person is in the care, custody or control of such head's department, institution, agency or branch.

Statement of Purpose:

To provide notification to the state's attorney of the death of an individual in the care or custody of a state agency or department.

[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.]

AN ACT CONCERNING ASSAULT OF A HEALTH CARE WORKER.

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

Section 1. Section 53a-167c of the general statutes is hereby repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of assault of public safety, emergency medical, public transit or health care personnel when, with intent to prevent a reasonably identifiable peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d, firefighter or employee of an emergency medical service organization, as defined in section 53a-3, emergency room physician or nurse, health care employee as defined in section 19a-490q, employee of the Department of Correction, member or employee of the Board of Pardons and Paroles, probation officer, employee of the Judicial Branch assigned to provide pretrial secure detention and programming services to juveniles accused of the commission of a delinquent act, employee of the Department of Children and Families assigned to provide direct services to children and youths in the care or custody of the department, employee of a municipal police department assigned to provide security at the police department's lockup and holding facility, active individual member of a volunteer canine search and rescue team, as defined in section 5-249, or public transit employee from performing his or her duties, and while such peace officer, special policeman, motor vehicle inspector, firefighter, employee, physician, nurse, health care employee, member, probation officer or active individual member is acting in the performance of his or her duties, (1) such person causes physical injury to such peace officer, special policeman, motor vehicle inspector, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (2) such person throws or hurls, or causes to be thrown or hurled, any rock, bottle, can or other article, object or missile of any kind capable of causing physical harm, damage or injury, at such peace officer, special policeman, motor vehicle inspector, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (3) such person uses or causes to be used any mace, tear gas or any like or similar deleterious agent against such peace officer, special policeman, motor vehicle inspector, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (4) such person throws or hurls, or causes to be thrown or hurled, any paint, dye or other like or similar staining, discoloring or coloring agent or any type of offensive or noxious liquid, agent or substance at such peace officer, special policeman, motor vehicle inspector, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (5) such person throws or hurls, or causes to be thrown or hurled, any bodily fluid including, but not limited to, urine, feces, blood or saliva at such peace officer, special policeman, motor vehicle inspector, firefighter, employee, physician, nurse, member, probation officer or active individual member. For the

purposes of this section, “public transit employee” means a person employed by the state, a political subdivision of the state, a transit district formed under chapter 103a or a person with whom the Commissioner of Transportation has contracted in accordance with section 13b-34 to provide transportation services who operates a vehicle or vessel providing public rail service, ferry service or fixed route bus service or performs duties directly related to the operation of such vehicle or vessel.

(b) Assault of public safety, emergency medical, public transit or health care personnel is a class C felony. If any person who is confined in an institution or facility of the Department of Correction is sentenced to a term of imprisonment for assault of an employee of the Department of Correction under this section, such term shall run consecutively to the term for which the person was serving at the time of the assault.

(c) In any prosecution under this section involving assault of a health care employee, as defined in section 19a-490q, it shall be [a] an affirmative defense that the defendant is a person with a disability as described in subdivision (13), (15) or (20) of section 46a-51, except that the definition of mental disability used for purposes of this subsection shall not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct, and the defendant’s conduct was a clear and direct manifestation of the disability.

Statement of Purpose:

To refine the law protecting health care workers from on-the-job violence.

[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.]

AN ACT CONCERNING CRIMES COMMITTED WHILE ON PRETRIAL RELEASE.

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

Section 1. Subsection (f) of section 54-142a of the general statutes is hereby repealed and the following substituted in lieu thereof (*Effective October 1, 2016*):

(f) Upon motion properly brought, the court or a judge thereof, if such court is not in session, [may] shall order disclosure of such records (1) to a defendant in an action for false arrest arising out of the proceedings so erased, or (2) to the prosecuting attorney, [and] defense and court in connection with any perjury or false statement charges which the prosecution alleges may have arisen from the testimony elicited [during the trial] from a defendant or witness in court or the prosecution of a person for committing a crime while on release or violating the conditions of release in a case that was subsequently nolleed or dismissed. Such disclosure of such records is subject also to any records destruction program pursuant to which the records may have been destroyed. The jury charge in connection with erased offenses may be ordered by the judge for use by the judiciary, provided the names of the accused and the witnesses are omitted therefrom.

Statement of Purpose:

To address the issue raised in *State v. Apt.*, 319 Conn. 494 (2015).

[**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.**]

AN ACT CONCERNING SAFE AND AFFORDABLE HOUSING.

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

Section 1. (NEW) (*Effective October 1, 2016*) (a) Upon complaint on oath or affirmation by any two duly authorized officials of the State of Connecticut or any town, city, borough or district therein, to any judge of the Superior Court or judge trial referee, that such persons have reasonable legislative authority to conduct a search or inspection of private property, the judge to whom an application is made shall issue an administrative search warrant upon finding that the requirements of this subsection have been met, and that the proposed activities are a reasonable intrusion into such private property: (1) The persons seeking the warrant must swear or affirm that they are unable to gain access to the property to conduct a search or inspection that they are officially authorized or required by law to conduct, despite a prior reasonable attempt to gain access by consent of the owner, occupant or person in charge of the property, unless seeking prior consent is unjustified under the circumstances; (2) the property to be searched or inspected is to be searched or inspected as part of a legally authorized inspection program which naturally includes that property, or there is probable cause to believe that there exists a condition, object, activity or circumstance which presents a serious hazard to persons or property, or which violates state or local law, and which legally justifies such a search or inspection of that property; (3) it must describe, either directly or by reference, the property where the search or inspection is to occur and be accurate enough in description so that any official who executes the warrant and the owner, occupant or person in charge of the property can reasonably determine from it what property the warrant authorizes a search or inspection of; and (4) it must indicate the conditions, objects, activities or circumstances which the search or inspection is intended to view or reveal.

(b) If the judge or judge trial referee is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the judge or judge trial referee shall issue an administrative search warrant identifying the property and naming or describing the areas to be searched or inspected. The administrative search warrant shall be directed to any police officer of a regularly organized police department or any state police officer, to an inspector in the Division of Criminal Justice or to a conservation officer, special conservation officer or patrolman acting pursuant to section 26-6 for service and return. The warrant shall state the date and time of its issuance and the grounds or probable cause for its issuance and shall command any proper official authorized by the administrative search warrant to search within a reasonable time the property named or described. The inadvertent failure of the issuing judge or judge trial referee to state on the warrant the time of its issuance shall not in and of itself invalidate the warrant.

(c) The applicants for the search warrant shall file the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the property is located subsequent to the execution, and present it with the return of the warrant. The warrant shall be executed within ten days and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written report from the officials who conducted the search or inspection of the conditions, objects, activities or circumstances which were viewed or revealed. If present upon execution, a copy of such warrant shall be given to the owner, occupant or person in charge of the property named or described therein. If not present upon execution, within forty-eight hours of such search, a copy of the application for the warrant and a copy of all affidavits upon which the warrant is based shall be given to such owner, occupant or person in charge of the property. If the owner, occupant or person in charge of the property is not present on the property at the time of the search or inspection and reasonable efforts to locate such persons have been made and have failed, the warrant or a copy thereof may be affixed to the property and shall have the same effect as if served personally upon the owner, occupant or person in charge of the property. The judge or judge trial referee may, by order, dispense with the requirement of giving a copy of the affidavits to such owner, occupant or person at such time if the applicant for the warrant files a detailed affidavit with the judge or judge trial referee which demonstrates to the judge or judge trial referee that (1) the personal safety of a confidential informant would be jeopardized by the giving of a copy of the affidavits at such time, or (2) the search is part of a continuing investigation which would be adversely affected by the giving of a copy of the affidavits at such time. If the judge or judge trial referee dispenses with the requirement of giving a copy of the affidavits at such time, such order shall not affect the right of such owner, occupant or person in charge of the property to obtain such copy at any subsequent time. No such order shall limit the disclosure of such affidavits to the attorney for a person arrested in connection with or subsequent to the execution of a search warrant unless, upon motion of the prosecuting authority within two weeks of such person's arraignment, the court finds that the state's interest in continuing nondisclosure substantially outweighs the defendant's right to disclosure.

(d) Any order dispensing with the requirement of giving a copy of the warrant application and accompanying affidavits to such owner, occupant or person within forty-eight hours shall be for a specific period of time, not to exceed two weeks beyond the date the warrant is executed. Within that time period the prosecuting authority may seek an extension of such period. Upon the execution and return of the warrant, affidavits which have been the subject of such an order shall remain in the custody of the clerk's office in a secure location apart from the remainder of the court file.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates or interferes with any person authorized to serve or execute search warrants or to make searches and inspections while engaged in the performance of his duties with regard thereto or on

account of the performance of such duties, shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and any person who in committing any violation of this section uses any deadly or dangerous weapon shall be fined not more than ten thousand dollars or imprisoned not more than ten years or both.

(f) A person aggrieved by search or inspection may move the court which has jurisdiction of such person's case or, if such jurisdiction has not yet been invoked, then the court which issued the warrant, or the court in which such person's case is pending, to suppress for use as evidence anything so obtained on the ground that: (1) The property was searched or inspected without a warrant, or (2) the warrant is insufficient on its face, or (3) the property searched or inspected is not that described in the warrant, or (4) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (5) the warrant was illegally executed. In no case may the judge or judge trial referee who signed the warrant preside at the hearing on the motion.

(g) The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

(h) The court shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted, the evidence obtained as a result of the search or inspection shall be inadmissible as evidence at any civil, criminal or administrative proceeding or trial; but this shall not prevent any such facts or evidence to be so used when the warrant issued is not constitutionally required in those circumstances.

Statement of Purpose:

To provide safe and affordable housing by establishing a procedure for the issuance of administrative search warrants to enable state and local building and safety code officials to conduct the inspections required by existing law.

[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.]

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM

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

Section 1. Section 19a-343 of the general statutes, as amended by section 20 of public act 09-177, section 6 of public act 10-54 and sections 3 and 4 of public act 12-60, is hereby repealed and the following substituted in lieu thereof (*Effective October 1, 2016*):

(a) For the purposes of sections 19a-343 to 19a-343h, inclusive, a person creates or maintains a public nuisance if such person erects, establishes, maintains, uses, owns or leases any real property or portion thereof for any of the purposes enumerated in subdivisions (1) to (11), inclusive, of subsection (c) of this section.

(b) The state has the exclusive right to bring an action to abate a public nuisance under this section and sections 19a-343a to 19a-343h, inclusive, involving any real property or portion thereof, commercial or residential, including single or multifamily dwellings, provided there have been three or more arrests, or the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents, for conduct on the property documented by a law enforcement officer for any of the offenses enumerated in subdivisions (1) to (11), inclusive, of subsection (c) of this section within the three hundred sixty-five days preceding commencement of the action.

(c) Three or more arrests, or the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents, for the following offenses shall constitute the basis for bringing an action to abate a public nuisance:

(1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88 or 53a-89.

(2) Promoting an obscene performance or obscene material under section 53a-196 or 53a-196b, employing a minor in an obscene performance under section 53a-196a, importing child pornography under section 53a-196c, possessing child pornography in the first degree under section 53a-196d, possessing child pornography in the second degree under section 53a-196e or possessing child pornography in the third degree under section 53a-196f.

(3) Transmission of gambling information under section 53-278b or 53-278d or maintaining of a gambling premises under section 53-278e.

(4) Offenses for the sale of controlled substances, possession of controlled substances with intent to sell, or maintaining a drug factory under section 21a-277, 21a-278 or 21a-278a or use of the property by persons possessing controlled substances under section

21a-279. Nothing in this section shall prevent the state from also proceeding against property under section 21a-259 or 54-36h.

(5) Unauthorized sale of alcoholic liquor under section 30-74 or disposing of liquor without a permit under section 30-77, or sale of alcoholic liquor to any minor under subdivision (1) of subsection (b) of section 30-86 or subdivision (2) of subsection (b) of section 30-86.

(6) Violations of the inciting injury to persons or property law under section 53a-179a.

(7) Maintaining a motor vehicle chop shop under section 14-149a.

(8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55, 53a-56 or 53a-56a.

(9) Assault under section 53a-59, 53a-59a, subdivision (1) of subsection (a) of section 53a-60 or section 53a-60a.

(10) Sexual assault under section 53a-70 or 53a-70a.

(11) Fire safety violations under section 29-292, subsection (b) of section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-357.

(11) Fire safety violations under section 29-292, subsection (b) of section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-357.

(12) Firearm offenses under section 29-35, 53-202aa, 53-203, 53a-211, 53a-212, 53a-216, 53a-217 or 53a-217c.

(13) Illegal manufacture, sale, possession or dispensing of a drug under subdivision (2) of section 21a-108.

(14) Violation of a municipal ordinance resulting in the issuance of a citation for (A) excessive noise on nonresidential real property that significantly impacts the surrounding area, provided the municipality's excessive noise ordinance is based on an objective standard, (B) owning or leasing a dwelling unit that provides residence to an excessive number of unrelated persons resulting in dangerous or unsanitary conditions that significantly impact the safety of the surrounding area, or (C) impermissible operation of (i) a business that permits persons who are not licensed pursuant to section 20-206b to engage in the practice of massage therapy, or (ii) a massage parlor, as defined by the applicable municipal ordinance, that significantly impacts the safety of the surrounding area.

Sec. 2. Section 21a-283 of the General Statutes is hereby repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The Division of Scientific Services within the Department of Emergency Services and Public Protection shall have primary responsibility for analysis of materials believed to contain controlled drugs, or of blood or urine believed to contain alcohol, for purposes of criminal prosecutions pursuant to this chapter; provided nothing herein shall be construed to preclude the use for such analyses of the services of other qualified toxicologists, pathologists and chemists, whether employed by the state or a municipality or a private facility or engaged in private practice, if such toxicologists, pathologists and chemists are engaged in operation of or employed by laboratories licensed by the Commissioner of Public Health or the Commissioner of Consumer Protection pursuant to section 21a-246. A laboratory of the United States Bureau of Narcotics is not required to be licensed under this section if it is approved by the Division of Scientific Services within the Department of Emergency Services and Public Protection.

(b) The Division of Scientific Services within the Department of Emergency Services and Public Protection shall establish the standards for analytical tests to be conducted with respect to controlled drugs, or with respect to body fluids believed to contain alcohol, by qualified professional toxicologists and chemists operating under the division's direction and shall have the general responsibility for supervising such analytical personnel in the performance of such tests. The original report of an analysis made by such analytical personnel of the Division of Scientific Services or by a qualified toxicologist, pathologist or chemist of a laboratory of the United States Bureau of Narcotics shall be signed and dated, either by hand or electronically, by the analyst actually conducting the tests and shall state the nature of the analytical tests or procedures, the identification and number of samples tested and the results of the analytical tests. A copy of such report certified by the analyst shall be received in any court of this state as competent evidence of the matters and facts therein contained at any hearing in probable cause, pretrial hearing or trial. If such copy is to be offered in evidence at a trial, the attorney for the state shall send a copy thereof, by certified mail, to the attorney of the defendant who has filed an appearance of record or, if there is no such attorney, to the defendant if such defendant has filed an appearance pro se, and such attorney or defendant, as the case may be, shall, within five days of the receipt of such copy, notify the attorney for the state, in writing, if such attorney or defendant intends to contest the introduction of such certified copy. No such trial shall commence until the expiration of such five-day period and, if such intention to contest has been filed, the usual rules of evidence shall obtain at such trial.

(c) In the case of any person charged with a violation of any provision of sections 21a-243 to 21a-279, inclusive, who has been previously convicted of a violation of the laws of the United States or of any other state, territory or the District of Columbia, relating to controlled drugs, such previous conviction shall, for the purpose of sections 21a-277 and 21a-279, be deemed a prior offense.

(d) In addition to any fine, fee or cost that may be imposed pursuant to any provision of the general statutes, the court shall impose a cost of fifty dollars upon any person convicted of a violation of this chapter if an analysis of a controlled substance in relation to the conviction was performed by or at the direction of the chief toxicologist of the Department of Public Health or the Division of Scientific Services within the Department of Emergency Services and Public Protection. Any cost imposed under this subsection shall be credited to the appropriation for the Department of Emergency Services and Public Protection and shall not be diverted for any other purpose than the provision of funds for the Division of Scientific Services.

Sec. 3. Section 53-39a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Whenever, in any prosecution of ~~[an officer of the Division of State Police within the Department of Emergency Services and Public Protection, or a member of the Office of State Capitol Police or]~~ any member of a law enforcement unit, as defined in section 7-294a, any person appointed under section 29-18 as a special policeman for the State Capitol building and grounds, the Legislative Office Building and parking garage and related structures and facilities, and other areas under the supervision and control of the Joint Committee on Legislative Management, or ~~[a local police department]~~ any inspector in the Division of Criminal Justice for a crime allegedly committed by such ~~[officer]~~ person in the course of his or her duty, ~~[as such,]~~ the charge is dismissed or the ~~[officer]~~ person found not guilty, such ~~[officer]~~ person shall be indemnified by ~~[his employing]~~ the governmental unit for economic loss sustained by ~~[him]~~ such person as a result of such prosecution, including the payment of attorney's fees and costs incurred during the prosecution and the enforcement of this section. Such ~~[officer]~~ person may bring an action in the Superior Court against such governmental unit to enforce the provisions of this section.

Sec. 4. Section 53a-28a of the general statutes is hereby repealed and the following substituted in lieu thereof (*Effective October 1, 2016*):

All financial obligations ordered pursuant to subsection (c) of section 53a-28 may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the obligation is owed. Such obligations may be enforced at any time during the ~~[ten-year]~~ twenty-year period following the offender's release from confinement or within ~~[ten]~~ twenty years of the entry of the order and sentence, whichever is longer.

Sec. 5. Section 53a-40e of the general statutes is hereby repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) If any person is convicted of (1) a violation of subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-

70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.

(b) Such standing criminal protective order may include, but need not be limited to, provisions enjoining the offender from (1) imposing any restraint upon the person or liberty of the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the victim; or (3) entering the family dwelling or the dwelling of the victim.

(c) Such standing criminal protective order shall include the following notice: "In accordance with section 53a-223a of the Connecticut general statutes, violation of this order shall be punishable by a term of imprisonment of not less than one year nor more than ten years, a fine of not more than ten thousand dollars, or both."

(d) For the purposes of this section and any other provision of the general statutes, "standing criminal protective order" means (1) a standing criminal restraining order issued prior to October 1, 2010, or (2) a standing criminal protective order issued on or after October 1, 2010.

(e) Notwithstanding any other provision of the general statutes, the court may also issue a standing criminal protective order upon a dismissal of the case or the entry of a nolle prosequi by the prosecuting authority.

Sec. 6. Section 53a-214 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A landlord or lessor of a [dwelling] residential or non-residential unit subject to the provisions of chapters 830 or 832, an owner of such a unit, or the agent of such landlord, lessor or owner is guilty of criminal lockout when, without benefit of a court order, he deprives a tenant, as defined in subsection (l) of section 47a-1, or a lessee of a non-residential unit, of access to [his dwelling] the tenant's residential or non-residential unit or [his personal] possessions.

(b) Criminal lockout is a class [C] B misdemeanor.

Sec. 7. Section 53a-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds ten thousand dollars, (2) the value of the property or service exceeds ten thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older, or is a conserved person as defined in section 45a-644, or is blind or physically disabled, as defined in section 1-1f, or (6) the property, regardless of its value, consists of wire, cable or other equipment used in the provision of telecommunications service and the taking of such property causes an interruption in the provision of emergency telecommunications service.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony.

Sec. 8. Section 54-86d of the general statutes, as amended by public act 15-213, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Any person who has been the victim of a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, shall not be required to divulge his or her address or telephone number during any trial or pretrial evidentiary hearing arising from the sexual assault, voyeurism or injury or risk of injury to, or impairing of morals of, a child; provided the judge presiding over such legal proceeding finds: (1) Such information is not material to the proceeding, (2) the identity of the victim has been satisfactorily established, and (3) the current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

Sec. 9. Section 54-86e of the general statutes, as amended by public act 15-213, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, and such other identifying information pertaining to such victim as determined by the court, shall be confidential and shall be disclosed only upon order of the Superior Court, except that (1) such information shall be available to the accused in the same manner and time as such information is available to persons accused of other criminal offenses, and (2) if a protective order is issued in a prosecution under any of said sections, the name and address of the victim, in addition to the information contained in and concerning the issuance of such order, shall be entered in the registry of protective orders pursuant to section 51-5c.

Statement of Purpose:

To make a technical correction to the Nuisance Abatement and Quality of Life Act; and (2) to provide for the use of electronic signatures in certain reports; (3) to ensure that all law enforcement professionals who work for the state or a municipality are covered for purposes of indemnification; and (4) to make restitution orders in criminal cases enforceable for the same duration as in civil matters; and (5) to protect victims in cases where the defendant is allowed to benefit from a diversionary program that results in the underlying case being dismissed or not prosecuted; and (6) to provide for criminal lockout protection to tenants of non-residential properties, and (7) to provide an enhanced penalty for victims of larceny who have been deemed incapable by the probate court; and (6) to correct an oversight in public act 15-213; and (8) to make a technical correction to public act 15-213.

[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.]

AN ACT CONCERNING CHILD ENDANGERMENT WHILE DRIVING WHILE INTOXICATED.

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

Section 1. (NEW) (*Effective October 1, 2016*) (a) No person, while under the influence of intoxicating liquor or any drug or both, shall operate a motor vehicle that is carrying a child under 18 years of age. A person commits the offense of operating a motor vehicle carrying a child under 18 years of age, while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle in which a child under 18 years of age is a passenger (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

(b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k), and (l) of section 14-227a, as amended by this act, adapted accordingly, shall be applicable to a violation of subsection (a) of this section.

(c) Any person who violates any provision of subsection (a) of this section shall: (1) for conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, (B) be imprisoned not more than thirteen months, thirty days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to the child or children who were passengers in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by DCF; (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; and (D) be guilty of an unclassified felony; (2) for conviction

of a violation of this section within ten years after one prior conviction for the same offense, as defined herein, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than three years, one hundred eighty consecutive days of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to the child or children who were passengers in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by DCF; (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center, a treatment program ordered by DCF, or an appointment with a probation officer or DCF caseworker; and (D) be guilty of an unclassified felony; (3) for conviction of a violation of this section within ten years after the second of two or more prior convictions for the same offense, as defined herein (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than five years, two years of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to the child or children who were passengers in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by DCF; (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111; and (D) be guilty of an unclassified felony. For purposes of the imposition of penalties pursuant

to this subsection, a conviction under the provisions of subsection (a) of section 14-227a in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of subsection (a) of this section, a conviction under subsection (a) of section 14-227g, a conviction under the provisions of subsection (a) of section 2 of this act, a conviction under subsection (a) of section 53a-56b, a conviction under subsection (a) of section 53a-60d or a conviction in any other state of any offense, the essential elements of which are determined by the court to be substantially the same as the elements of the aforementioned provisions, shall constitute a prior conviction for the same offense.

Sec. 2. (NEW) (*Effective October 1, 2016*) (a) No person shall operate a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying school children, as defined herein, while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children, while under the influence of intoxicating liquor or any drug or both if: (1) such person operates a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children (i) while under the influence of intoxicating liquor or any drug or both, or (ii) while such person has an elevated blood alcohol content; or (2) such person operates a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children (i) while at least one child under eighteen years of age is a passenger in the vehicle and while such person is under the influence of intoxicating liquor or any drug or both, or (ii) while at least one child under eighteen years of age is a passenger in the vehicle and while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that (1) if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (2) if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

(b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k), and (l) of section 14-227a, as amended by this act, adapted accordingly, shall be applicable to violations of subdivisions (1) and (2) of subsection (a) of this section.

(c) For purposes of this section, a "motor vehicle specially designated for carrying children" means any motor vehicle, except for a registered school bus or student transportation vehicle as already specifically defined in 14-212, that is designated or used by a carrier, a carrier's agent, a person, firm or corporation for the transportation of children to or from any program or activity organized primarily for persons under the age of eighteen years, with or without charge to the individual being transported. A

“motor vehicle specially designated for carrying children” does not include a passenger motor vehicle normally used for personal, family or household purposes, which is operated by a person without a public passenger endorsement for personal, family or household “car-pooling” to a private event.

(d) Penalties for operation while under the influence. Operation of a school bus, school van, or other motor vehicle specially designated for carrying children, while under the influence of liquor or drug or while having an elevated blood alcohol content, in violation of subsection (a) of this section, is an unclassified felony.

(1) Any person who violates subdivision (1) of subsection (a) of this section shall: (A) be fined not more than \$10,000, (B) be imprisoned not less than one year nor more than 10 years, thirty consecutive days of which shall not be suspended or reduced in any manner, followed by a period of probation not to exceed three years, unless the court, pursuant to section 53a-29(e) determines in its discretion that a period of up to five years of probation is warranted, (C) be required to perform one hundred hours of community service, as defined in section 14-227e, as a condition of probation, (D) be required to submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse as a condition of probation, (E) be required to undergo a treatment program, including chemical screening, if so ordered, as a condition of probation, and (F) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a two-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such two-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.

(2) Any person who violates subdivision (2) of subsection (a) of this section shall: (A) be fined not more than \$10,000, (B) be imprisoned not less than one year nor more than 10 years, one-hundred and twenty consecutive days of which may not be suspended or reduced in any manner, followed by a period of probation not to exceed three years, unless the court, pursuant to section 53a-29(e) determines in its discretion that a period of up to five years of probation is warranted, (C) be required to perform one hundred hours of community service, as defined in section 14-227e, as a condition of probation, (D) be required to submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse as a condition of probation, (E) be required to undergo a treatment program, including chemical screening, if so ordered, as a condition of probation, and (F) have such

person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a two-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such two-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.

Sec. 3. Subsection (b) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) Except as provided in subsection (c) of this section, in any criminal prosecution for violation of subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's breath, blood or urine shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Public Safety and was performed in accordance with the regulations adopted under subsection (d) of this section; (4) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; (5) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and such additional test was not performed or was not performed within a reasonable time, or the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented that the test was commenced within two hours of operation or, if the test was not commenced within two hours of operation, expert testimony is provided to establish the reliability of the tests. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of

one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

Sec. 2. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to a chemical analysis of such person's blood, breath or urine and, if such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent.

(b) If any such person, having been placed under arrest for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's license or nonresident operating privilege may be suspended in accordance with the provisions of this section if such person refuses to submit to such test, or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, and that evidence of any such refusal shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or nonresident operating privilege may be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content.

(c) If the person arrested refuses to submit to such test or analysis or submits to such test or analysis **[, commenced within two hours of the time of operation,]** and the results of such test or analysis indicate that such person has an elevated blood alcohol content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is a nonresident, suspend the nonresident operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test or analysis to the Department of Motor Vehicles within three business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting

officer. If the person arrested refused to submit to such test or analysis, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of subsection (a) of section 14-227a and shall state that such person had refused to submit to such test or analysis when requested by such police officer to do so or that such person submitted to such test or analysis, **[commenced within two hours of the time of operation,]** and the results of such test or analysis indicated that such person had an elevated blood alcohol content. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

(d) If the person arrested submits to a blood or urine test at the request of the police officer, and the specimen requires laboratory analysis in order to obtain the test results, the police officer shall not take possession of the motor vehicle operator's license of such person or, except as provided in this subsection, follow the procedures subsequent to taking possession of the operator's license as set forth in subsection (c) of this section. If the test results indicate that such person has an elevated blood alcohol content, the police officer, immediately upon receipt of the test results, shall notify the Commissioner of Motor Vehicles and submit to the commissioner the written report required pursuant to subsection (c) of this section.

(e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of such report, the Commissioner of Motor Vehicles may suspend any operator's license or nonresident operating privilege of such person effective as of a date certain, which date shall be not later than thirty days after the date such person received notice of such person's arrest by the police officer. Any person whose operator's license or nonresident operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or nonresident operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) If the person arrested (A) is involved in an accident resulting in a fatality, or (B) has previously had such person's operator's license or nonresident operating privilege suspended under the provisions of section 14-227a, as amended by this act, during the ten-year period preceding the present arrest, upon receipt of such report, the

Commissioner of Motor Vehicles may suspend any operator's license or nonresident operating privilege of such person effective as of the date specified in a notice of such suspension to such person. Any person whose operator's license or nonresident operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or nonresident operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed or such operator's license or nonresident operating privilege is reinstated in accordance with subsections (f) and (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) or (j) of this section.

(g) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or nonresident operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person or the hearing officer and upon a showing of good cause, the commissioner may grant one or more continuances. The hearing shall be limited to a determination of the following issues: (1) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; (2) was such person placed under arrest; (3) did such person refuse to submit to such test or analysis or did such person submit to such test or analysis, **[commenced within two hours of the time of operation,]** and the results of such test or analysis indicated that such person had an elevated blood alcohol content; and (4) was such person operating the motor vehicle. In the hearing, the results of the test or analysis shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(h) If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall reinstate such license or operating privilege. If, after such hearing, the commissioner does not find on any one of the said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) or (j) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail to such person. The notice of such decision sent by bulk certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or nonresident operating privilege is reinstated or suspended, as the case may be.

(i) Except as provided in subsection (j) of this section, the commissioner shall suspend the operator's license or nonresident operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing or against whom, after a hearing, the commissioner held pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice or the date the commissioner renders a decision, whichever is later, for a period of: (1) (A) Except as provided in subparagraph (B) of this subdivision, ninety days, if such person submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content, (B) one hundred twenty days, if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, or (C) six months if such person refused to submit to such test or analysis, (2) if such person has previously had such person's operator's license or nonresident operating privilege suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, nine months if such person submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content, (B) ten months if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) one year if such person refused to submit to such test or analysis, and (3) if such person has two or more times previously had such person's operator's license or nonresident operating privilege suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, two years if such person submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content, (B) two and one-half years if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) three years if such person refused to submit to such test or analysis.

(j) The commissioner shall suspend the operator's license or nonresident operating privilege of a person under twenty-one years of age who did not contact the

department to schedule a hearing, who failed to appear at a hearing or against whom, after a hearing the commissioner held pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice or the date the commissioner renders a decision whichever is later, for twice the appropriate period of time specified in subsection (i) of this section, except that, in the case of a person who is sixteen or seventeen years of age at the time of the alleged offense, the period of suspension for a first offense shall be one year if such person submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content or eighteen months if such person refused to submit to such test or analysis.

(k) Notwithstanding the provisions of subsections (b) to (j), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from an operator of a motor vehicle involved in an accident who suffered or allegedly suffered physical injury in such accident, or is otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a, [as amended by this act](#), in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident operating privilege of such person for the appropriate period of time specified in subsection (i) or (j) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content; and (5) whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

(l) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subdivision (5) of subsection (b) of section 14-227a, [as amended by this act](#).

(m) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(n) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(o) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(p) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Statement of Purpose:

To provide for an appropriate penalty for operating under the influence with a child in the vehicle; and (2) remove the requirement that a test for blood alcohol levels be performed within two hours of operation for purposes of administrative per se hearings; and (3) require that any test not commenced within two hours be established as reliable by expert witness testimony for purpose of criminal prosecution.

[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.]

AN ACT CONCERNING DRIVING WHILE INTOXICATED.

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

Section 1. Section 14-224 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Each operator of a motor vehicle who is knowingly involved in an **[accident]** [incident](#) which results in the death of any other person shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to any officer or witness to the death of any person, and if such operator of the motor vehicle causing the death of any person is unable to give such operator's name, address and operator's license number and registration number to any witness or officer, for any reason or cause, such operator shall immediately report such death of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the **[accident]** [incident](#) causing the death of any person and such operator's name, address, operator's license number and registration number.

(b) (1) Each operator of a motor vehicle who is knowingly involved in an **[accident]** [incident](#) which causes serious physical injury, as defined in section 53a-3, to any other person shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to the person injured or to any officer or witness to the serious physical injury to person. If such operator of the motor vehicle causing the serious physical injury of any person is unable to give such operator's name, address and operator's license number and registration number to the person injured or to any witness or officer, for any reason or cause, such operator shall immediately report such serious physical injury of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the **[accident]** [incident](#) causing the serious physical injury of any person and such operator's name, address, operator's license number and registration number.

(2) Each operator of a motor vehicle who is knowingly involved in an **[accident]** [incident](#) that causes physical injury, as defined in section 53a-3, to any other person shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to the person injured or to any officer or witness to the physical injury. If such operator of the motor vehicle causing the physical injury is unable to give such operator's name, address and operator's license number and registration number to the person injured or

to any witness or officer, for any reason or cause, such operator shall immediately report such physical injury of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the [\[accident\] incident](#) causing the physical injury of any person and such operator's name, address, operator's license number and registration number.

(3) Each operator of a motor vehicle who is knowingly involved in an [\[accident\] incident](#) that causes injury or damage to property shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to the owner of the injured or damaged property, or to any officer or witness to the injury or damage to property, and if such operator of the motor vehicle causing the injury or damage to any property is unable to give such operator's name, address and operator's license number and registration number to the owner of the property injured or damaged, or to any witness or officer, for any reason or cause, such operator shall immediately report such injury or damage to property to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the [\[accident\] incident](#) causing the injury or damage to property and such operator's name, address, operator's license number and registration number.

(c) (1) No person shall operate a motor vehicle upon any public highway for a wager or for any race or for the purpose of making a speed record.

(2) No person shall (A) possess a motor vehicle under circumstances manifesting an intent that it be used in a race or event prohibited under subdivision (1) of this subsection, (B) act as a starter, timekeeper, judge or spectator at a race or event prohibited under subdivision (1) of this subsection, or (C) wager on the outcome of a race or event prohibited under subdivision (1) of this subsection.

(d) Each person operating a motor vehicle who is knowingly involved in an accident on a limited access highway which causes damage to property only shall immediately move or cause his motor vehicle to be moved from the traveled portion of the highway to an untraveled area which is adjacent to the accident site if it is possible to move the motor vehicle without risk of further damage to property or injury to any person.

(e) No person who acts in accordance with the provisions of subsection (d) of this section may be considered to have violated subdivision (3) of subsection (b) of this section.

(f) Any person who violates the provisions of subsection (a) or subdivision (1) of subsection (b) of this section shall be fined not more than twenty thousand dollars or be

imprisoned not less than two years nor more than twenty years or be both fined and imprisoned[.], except that any person who violates the provisions of subsection (a) or subdivision (1) of subsection (b) of this section within ten years of a prior violation of 14-227a, 14-227b, 14-227g, 53a-56b, or 53a-60d, shall be fined not more than twenty thousand dollars or be imprisoned not more than 20 years, three years of which may not be suspended or reduced in any manner, or both fined and imprisoned and sentenced to a period of probation requiring as a condition of such probation that such person: (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch for a determination of alcohol or drug abuse; (iii) undergo treatment if deemed appropriate; and (iv) and have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved, ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of (i) of 14-111.

(g) Any person who violates the provisions of subdivision (2) or (3) of subsection (b) of this section or subsection (c) of this section shall be fined not less than seventy-five dollars nor more than six hundred dollars or be imprisoned not more than one year or be both fined and imprisoned, and for any subsequent offense shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned[.], except as provided in subsection (h) of this section.

(h) (1) Any person who violates the provisions of subdivision (2) or (3) or subsection (b) of this section within ten years of a prior violation of 14-227a, 14-227b, 14-227g, shall be fined not less than one-thousand dollars nor more than four thousand dollars or be imprisoned not more than two years, one-hundred and twenty consecutive days of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch for a determination of alcohol or drug abuse and; (iii) undergo treatment if deemed appropriate; and (iv) and have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person, and upon such restoration be prohibited for the three year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's

transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.

(2) Any person who violates the provisions of subdivision (2) or (3) or subsection (b) of this section within ten years of a second or subsequent violation of 14-227a, 14-227b, 14-227g, or a prior violation of 53a-60d, shall be fined not less than two thousand dollars nor more than eight thousand dollars or be imprisoned not more than three years, one year of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch for a determination of alcohol or drug abuse; (iii) undergo treatment if deemed appropriate; and (iv) and have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved, ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of (i) of 14-111.

(3) Any person who violates the provisions of subdivision (2) or (3) or subsection (b) of this section within ten years of a prior violation of 53a-56b, shall be fined not less than two thousand dollars nor more than eight thousand dollars or be imprisoned not more than five years, two years of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch for a determination of alcohol or drug abuse; (iii) undergo treatment if deemed appropriate; and (iv) and have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved, ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of (i) of 14-111.

[(h)] (i) In addition to any penalty imposed pursuant to subsection (g) of this section: (1) If any person is convicted of a violation of subdivision (1) of subsection (c) of this section and the motor vehicle being operated by such person at the time of the violation is registered to such person, the court may order such motor vehicle to be impounded for not more than thirty days and such person shall be responsible for any fees or costs resulting from such impoundment; or (2) if any person is convicted of a violation of subdivision (1) of subsection (c) of this section and the motor vehicle being operated by such person at the time of the violation is not registered to such person, the court may

fine such person not more than two thousand dollars, and for any subsequent offense may fine such person not more than three thousand dollars.

Sec. 2. Section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

(b) Except as provided in subsection (c) of this section, in any criminal prosecution for violation of subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's breath, blood or urine shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and was performed in accordance with the regulations adopted under subsection (d) of this section; (4) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; (5) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and such additional test was not performed or was not performed within a reasonable time, or the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented that the test was commenced within two hours of operation and if commenced more than two hours after operation, evidence is introduced to establish the reliability of the test result; or (7)

a police officer has demonstrated to the satisfaction of a judge of the Superior Court that such officer has reason to believe that such person was operating a motor vehicle while under the influence of intoxicating liquor or drug or both and that the chemical analysis of a blood sample of such person would constitute evidence of the commission of the offense of operating a motor vehicle while under the influence of intoxicating liquor or drug or both in violation of subsection (a) of this section and such judge issues a search and seizure warrant in accordance with section 54-33a authorizing the seizure of the blood from the person and chemical analysis of such blood sample. A person qualified to withdraw blood or any hospital, laboratory or clinic employing or utilizing the services of such a person shall not incur any civil liability as a result of such activities if requested by a law enforcement officer acting in accordance with this subsection or section 14-227c to withdraw blood unless the actions of the person while performing such activities constitutes gross negligence. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(c) In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's blood, breath or urine, otherwise admissible under subsection (b) of this section, shall be admissible only at the request of the defendant.

(d) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing and analysis purposes of blood, of breath and of urine and certify those methods and types which said commissioner finds suitable for use in testing and analysis of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54,1 governing the conduct of chemical tests, the operation and use of chemical test devices, the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as said commissioner finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a police officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency.

(e) In any criminal prosecution for a violation of subsection (a) of this section, evidence that the defendant refused to submit to a blood, breath or urine test requested in accordance with section 14-227b shall be admissible provided the requirements of subsection (b) of said section have been satisfied. Such refusal evidence shall be admissible even if a chemical analysis of such person's blood is obtained pursuant to a valid search and seizure warrant and introduced at trial. If a case involving a violation of subsection (a) of this section is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to a blood, breath or urine test.

(f) If a person is charged with a violation of the provisions of subsection (a) of this section, the charge may not be reduced, nolle or dismissed unless the prosecuting authority states in open court such prosecutor's reasons for the reduction, nolle or dismissal.

(g) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as

defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer; and (3) for conviction of a third and subsequent violation within ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, [a conviction under section 14-227g](#), a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense.

(h) (1) Each court shall report each conviction under subsection (a) of this section to the Commissioner of Motor Vehicles, in accordance with the provisions of section 14-141. The commissioner shall suspend the motor vehicle operator's license or nonresident operating privilege of the person reported as convicted for the period of time required by subsection (g) of this section. The commissioner shall determine the period of time required by subsection (g) of this section based on the number of convictions such person has had within the specified time period according to such person's driving history record, notwithstanding the sentence imposed by the court for such conviction. (2) The motor vehicle operator's license or nonresident operating privilege of a person found guilty under subsection (a) of this section who, at the time of the offense, was operating a motor vehicle in accordance with a special operator's permit issued pursuant to section 14-37a shall be suspended by the commissioner for twice the period of time set forth in subsection (g) of this section. (3) If an appeal of any conviction under subsection (a) of this section is taken, the suspension of the motor vehicle operator's

license or nonresident operating privilege by the commissioner, in accordance with this subsection, shall be stayed during the pendency of such appeal.

(i) (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C) of subdivision (2) of subsection (g) of this section to operate a motor vehicle if (A) such person has served either the suspension required under said subparagraph (C) or the suspension required under subsection (i) of section 14-227b, and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, and verifies to the commissioner, in such manner as the commissioner prescribes, that such device has been installed. For a period of one year after the installation of an ignition interlock device by a person who is subject to subparagraph (C) of subdivision (2) of subsection (g) of this section, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer. Except as provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device.

(2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. No court sentencing a person convicted of a violation of subsection (a) of this section may waive any fees or costs associated with the installation and maintenance of an ignition interlock device.

(3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. The regulations shall establish procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices and for the installation of such devices by any firm approved and authorized by the commissioner and shall specify acts by persons required to install and use such devices that constitute a failure to comply with the requirements for the installation and use of such devices, the conditions under which such noncompliance will result in an extension of the period during which such persons are restricted to the operation of motor vehicles equipped with such devices and the duration of any such extension. The commissioner shall ensure that such firm provide notice to both the commissioner and the Court Support Services Division of the Judicial Branch whenever a person required to install such device commits a violation with respect to the installation, maintenance or use of such device.

(4) The provisions of this subsection shall not be construed to authorize the continued operation of a motor vehicle equipped with an ignition interlock device by any person whose operator's license or nonresident operating privilege is withdrawn, suspended or revoked for any other reason.

(5) The provisions of this subsection shall apply to any person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C) of subdivision (2) of subsection (g) of this section on or after January 1, 2012.

(6) Whenever a person is permitted by the commissioner under this subsection to operate a motor vehicle if such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, the commissioner shall indicate in the electronic record maintained by the commissioner pertaining to such person's operator's license or driving history that such person is restricted to operating a motor vehicle that is equipped with an ignition interlock device and, if applicable, that such person's operation of a motor vehicle is limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer, and the duration of such restriction or limitation, and shall ensure that such electronic record is accessible by law enforcement officers. Any such person shall pay the commissioner a fee of one hundred dollars prior to the installation of such device.

(7) There is established the ignition interlock administration account which shall be a separate, nonlapsing account in the General Fund. The commissioner shall deposit all fees paid pursuant to subdivision (6) of this subsection in the account. Funds in the account may be used by the commissioner for the administration of this subsection.

(8) Notwithstanding any provision of the general statutes to the contrary, upon request of any person convicted of a violation of subsection (a) of this section whose operator's license is under suspension on January 1, 2012, the Commissioner of Motor Vehicles may reduce the term of suspension prescribed in subsection (g) of this section and place a restriction on the operator's license of such person that restricts the holder of such license to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for the remainder of such prescribed period of suspension.

(9) Any person required to install an ignition interlock device under this section shall be supervised by personnel of the Court Support Services Division of the Judicial Branch while such person is subject to probation supervision, or by personnel of the Department of Motor Vehicles if such person is not subject to probation supervision, and such person shall be subject to any other terms and conditions as the commissioner may prescribe and any provision of the general statutes or the regulations adopted pursuant to subdivision (3) of this subsection not inconsistent herewith.

(10) Notwithstanding the periods prescribed in subsection (g) of this section and subdivision (2) of subsection (i) of section 14-111 during which a person is prohibited from operating a motor vehicle unless such motor vehicle is equipped with a

functioning, approved ignition interlock device, such periods may be extended in accordance with the regulations adopted pursuant to subdivision (3) of this subsection.

(j) In addition to any fine or sentence imposed pursuant to the provisions of subsection (g) of this section, the court may order such person to participate in an alcohol education and treatment program.

(k) Notwithstanding the provisions of subsection (b) of this section, evidence respecting the amount of alcohol or drug in the blood or urine of an operator of a motor vehicle involved in an **[accident]** incident who has suffered or allegedly suffered physical injury in such **[accident]** incident or is otherwise deemed by a police officer to require treatment or observation at a hospital, which evidence is derived from a chemical analysis of a blood sample taken from or a urine sample provided by such person after such **[incident]** at the scene of the **[accident]** incident, while en route to a hospital or at a hospital, shall be competent evidence to establish probable cause for the arrest by warrant of such person for a violation of subsection (a) of this section and shall be admissible and competent in any subsequent prosecution thereof if: (1) The blood sample was taken or the urine sample was provided for the diagnosis and treatment of such injury; (2) if a blood sample was taken, the blood sample was taken in accordance with the regulations adopted under subsection (d) of this section; (3) a police officer has demonstrated to the satisfaction of a judge of the Superior Court that such officer has reason to believe that such person was operating a motor vehicle while under the influence of intoxicating liquor or drug or both and that the chemical analysis of such blood or urine sample constitutes evidence of the commission of the offense of operating a motor vehicle while under the influence of intoxicating liquor or drug or both in violation of subsection (a) of this section; and (4) such judge has issued a search warrant in accordance with section 54-33a authorizing the seizure of the chemical analysis of such blood or urine sample. Such search warrant may also authorize the seizure of the medical records prepared by the hospital in connection with the diagnosis or treatment of such injury.

(l) If the court sentences a person convicted of a violation of subsection (a) of this section to a period of probation, the court may require as a condition of such probation that such person participate in a victim impact panel program approved by the Court Support Services Division of the Judicial Branch. Such victim impact panel program shall provide a nonconfrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences on the impact of alcohol-related or drug-related incidents in their lives. Such victim impact panel program shall be conducted by a nonprofit organization that advocates on behalf of victims of **[accidents]** incidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or any drug, or both. Such organization may assess a participation fee of not more than seventy-five dollars on any person required by the court to participate in such program.

Sec. 3. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to a chemical analysis of such person's blood, breath or urine and, if such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent.

(b) If any such person, having been placed under arrest for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's license or nonresident operating privilege may be suspended in accordance with the provisions of this section if such person refuses to submit to such test, or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, and that evidence of any such refusal shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or nonresident operating privilege may be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content.

(c) ~~[If the person arrested refuses to submit to such test or analysis or submits to such test or analysis, commenced within two hours of the time of operation, and the results of such test or analysis indicate that such person has an elevated blood alcohol content]~~ Following the arrest of such person for operating under the influence of intoxicating liquor or drug or both in violation of section 14-227a, 14-227g, the motor vehicle operator's license of such person shall be revoked for a period of twenty four hours commencing on the date and time such person is arrested and, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately ~~[revoke and]~~ take possession of the motor vehicle operator's license or, if such person is a nonresident, suspend the nonresident operating privilege of such person, for ~~[a]~~ that twenty-four-hour period. In order to regain possession of such person's operator's license after such twenty-four hour period, such person shall appear in person at the police barracks or station or other location designated by the police officer, and shall sign a written acknowledgement of return of such license. No restoration fee shall be required to be paid to the commissioner, in accordance with the provisions of section 14-50b, but the police officer shall make a written report of the violation and revocation action, in such

form and containing such information as the commissioner shall prescribe, and shall file or transmit such report to the commissioner in such time and manner as the commissioner shall prescribe.

(d) (d) The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical breath test or analysis to the Department of Motor Vehicles within three business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to [such] any test or analysis, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of subsection (a) of section 14-227a, subsection (a) of 14-227g, and shall state that such person had refused to submit to such test or analysis when requested by such police officer to do so or that such person submitted to such test or analysis as set forth in 14-227a(b), as amended by this act, [commenced within two hours of the time of operation,] and the results of such test or analysis indicated that such person had an elevated blood alcohol content. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

[(d)] (e) If the person arrested submits to a blood or urine test at the request of the police officer, and [the specimen requires laboratory analysis in order to obtain the test results, the police officer shall not take possession of the motor vehicle operator's license of such person or, except as provided in this subsection, follow the procedures subsequent to taking possession of the operator's license as set forth in subsection (c) of this section. If] the test results indicate that such person has an elevated blood alcohol content, the police officer, immediately upon receipt of the test results, shall notify the Commissioner of Motor Vehicles and submit to the commissioner the written report required pursuant to subsection [(c)] (d) of this section.

[(e)] (f) (1) Except as provided in subdivision (2) of this subsection, upon receipt of such report, the Commissioner of Motor Vehicles may suspend any operator's license or nonresident operating privilege of such person effective as of a date certain, which date shall be not later than thirty days after the date such person received notice of such person's arrest by the police officer. Any person whose operator's license or nonresident operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance

with the provisions of chapter 541 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or nonresident operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) If the person arrested (A) is involved in an **[accident]** incident resulting in a fatality, or (B) has previously had such person's operator's license or nonresident operating privilege suspended under the provisions of section 14-227a during the ten-year period preceding the present arrest, upon receipt of such report, the Commissioner of Motor Vehicles may suspend any operator's license or nonresident operating privilege of such person effective as of the date specified in a notice of such suspension to such person. Any person whose operator's license or nonresident operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or nonresident operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed or such operator's license or nonresident operating privilege is reinstated in accordance with subsections (f) and (h) of this section.

[f] (g) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection **[(i)]** (j) of this section.

[(g)] (h) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or nonresident operating privilege is suspended in accordance with subdivision (2) of subsection **[(e)]** (f) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person or the hearing officer and upon a showing of good cause, the commissioner may grant one or more continuances. The hearing shall be limited to a determination of the following issues: (1) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; (2) was such person placed under arrest; (3) did such person refuse to submit to such test or analysis or did such person submit to such test or analysis as set forth in section 14-277a(b), **[commenced within two hours of the time of operation,]** and the results of such test or analysis indicated that such person had an elevated blood alcohol content; and

(4) was such person operating the motor vehicle. In the hearing, the results of the test or analysis shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

[(h)] (i) If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall reinstate such license or operating privilege. If, after such hearing, the commissioner does not find on any one of the said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection **[(i)] (j)** of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail to such person. The notice of such decision sent by bulk certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or nonresident operating privilege is reinstated or suspended, as the case may be.

[(i)] (j) (1) The commissioner shall suspend the operator's license or nonresident operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to subsection **[(h)] (i)** of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. As a condition for the restoration of such operator's license or nonresident operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a for the present arrest and conviction, if any.

(2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content

shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or analysis shall install and maintain an ignition interlock device for the following periods:

(i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or nonresident operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

~~[(j)]~~ ~~[(k)]~~ Notwithstanding the provisions of subsections (b) to ~~[(i)]~~ ~~[(j)]~~, inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from or a urine sample provided by an operator of a motor vehicle involved in an ~~[(accident)]~~ ~~[(incident)]~~ who suffered or allegedly suffered physical injury in such ~~[(accident)]~~ ~~[(incident)]~~, or is otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a in connection with such ~~[(accident)]~~ ~~[(incident)]~~. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident operating privilege of such person for the appropriate period of time specified in subsection ~~[(i)]~~ ~~[(j)]~~ of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection ~~[(i)]~~ ~~[(j)]~~ of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the

said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

[(k)] (l) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subdivision (5) of subsection (b) of section 14-227a.

[(1)] (m) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

[(m)] (n) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

[(n)] (o) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

[(o)] (p) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 4. Section 14-227c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) As part of the investigation of any motor vehicle [accident] incident resulting in the death of a person, the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, a pathologist as specified in section 19a-405, or an authorized assistant medical examiner, as the case may be, shall order that a blood sample be taken from the body of any operator or pedestrian who dies as a result of such [accident] incident. Such blood samples shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection or by the Office of the Chief Medical Examiner. Nothing in this subsection or section 19a-406 shall be construed as requiring such medical examiner to perform an autopsy in connection with obtaining such blood samples.

(b) ~~[A] In accordance with applicable legal principles, a~~ blood or breath sample shall be obtained from any surviving operator whose motor vehicle is involved in an ~~[accident] incident~~ resulting in ~~[the] physical injury or~~ serious physical injury, as defined in section 53a-3, or death of another person, if ~~[(1)] a police officer has probable cause to believe that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both[, or (2) such operator has been charged with a motor vehicle violation in connection with such accident and a police officer has a reasonable and articulable suspicion that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both]~~. The test shall be performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and shall be performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the Commissioner of Emergency Services and Public Protection. The equipment used for such test shall be checked for accuracy by a person certified by the Department of Emergency Services and Public Protection immediately before and after such test is performed. If a blood test is performed, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse, a physician assistant or a phlebotomist. A person qualified to withdraw blood or any hospital, laboratory or clinic employing or utilizing the services of such a person shall not incur any civil liability as a result of such activities if requested by a law enforcement officer acting in accordance with this subsection to withdraw blood unless the actions of the person while performing such activities constitutes gross negligence. The blood samples obtained from an operator pursuant to this subsection shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection.

Sec. 5. Section 14-227i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Notwithstanding any provision of the general statutes, the investigating police department shall maintain any record of a defendant concerning the operation of a motor vehicle by such defendant while under the influence of, or impaired by the consumption of, intoxicating liquor or drugs for a period of not less than two years from the date such defendant was charged with a violation of section 14-227a.

(b) (1) Notwithstanding any other provision of the general statutes, by making a written request to the investigating police department, a person injured in an ~~[accident] incident~~, caused by the alleged violation of section 14-227a by any such defendant, any party to a civil claim or proceeding arising out of such ~~[accident] incident~~, or the legal representative of any such person or party may review and obtain regular or certified copies of any record concerning the operation of a motor vehicle by such defendant

while under the influence of, or impaired by the consumption of, intoxicating liquor or drugs.

(2) The investigating police department shall furnish regular or certified copies of any such record to any person or the legal representative of such person, or to such party, not later than fifteen days following receipt of such request. The investigating police department shall charge a fee for such copies that shall not exceed the cost to such police department for providing such copies, but not more than fifty cents per page in accordance with section 1-212.

Sec. 6. Section 14-227j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) For the purposes of this section and section 14-227k: "Ignition interlock device" means a device installed in a motor vehicle that measures the blood alcohol content of the operator and disallows the mechanical operation of such motor vehicle until the blood alcohol content of such operator is less than twenty-five thousandths of one per cent.

(b) Any person who has been arrested for a violation of [subsection \(c\) of section 14-215](#), subsection (a) of section 14-227a, [section 14-227k](#), section 53a-56b, **[or]** section 53a-60d, [or section 53a-213](#) may be ordered by the court not to operate any motor vehicle unless such motor vehicle is equipped with an ignition interlock device. Any such order may be made as a condition of such person's release on bail, as a condition of probation or as a condition of granting such person's application for participation in the pretrial alcohol education program under section 54-56g and may include any other terms and conditions as to duration, use, proof of installation or any other matter that the court determines to be appropriate or necessary.

(c) All costs of installing and maintaining an ignition interlock device shall be borne by the person who is the subject of an order made pursuant to subsection (b) of this section.

(d) No ignition interlock device shall be installed pursuant to an order of the court under subsection (b) of this section unless such device has been approved under the regulations adopted by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a.

(e) No provision of this section shall be construed to authorize the operation of a motor vehicle by any person whose motor vehicle operator's license has been refused, suspended or revoked, or who does not hold a valid motor vehicle operator's license. A court shall inform the Commissioner of Motor Vehicles of each order made by it pursuant to subsection (b) of this section. If any person who has been ordered not to

operate a motor vehicle unless such motor vehicle is equipped with an ignition interlock device is the holder of a special operator's permit issued by the commissioner under the provisions of section 14-37a, strict compliance with the terms of the order shall be deemed a condition to hold such permit, and any failure to comply with such order shall be sufficient cause for immediate revocation of the permit by the commissioner.

Sec. 7. Subsection (a) of section 17a-696 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The provisions of this section shall not apply to any person charged with a violation of [subsection \(c\) of section 14-215](#), section 14-227a, ~~[or] 14-227g, 15-132a, 15-133, 15-140l, 15-140n, 53a-56b~~, 53a-60d or with a class A, B or C felony or to any person who was twice previously ordered treated under this section, subsection (i) of section 17-155y, section 19a-386 or section 21a-284 of the general statutes revised to 1989, or any combination thereof. The court may waive the ineligibility provisions of this subsection for any person [upon a showing by the defendant of good cause, except that no court shall waive the ineligibility provisions of this subsection, for any reason, for \(1\) any person charged with a violation of subsection \(c\) of section 14-215 or section 14-227a, 14-227g, 15-132a, 15-133, 15-140l, 15-140n, 53a-56b or 53a-60d; or \(2\) any person operating a commercial vehicle, as defined in section 14-1, at the time of the offense; or \(3\) any person holding a commercial driver's license or a commercial driver's instruction permit at the time of the offense.](#)

Sec. 8. Subsection (g) of section 54-56g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) The court may, as a condition of granting such application, require that such person participate in a victim impact panel program approved by the Court Support Services Division of the Judicial Department. Such victim impact panel program shall provide a nonconfrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences on the impact of alcohol-related or drug-related incidents in their lives. Such victim impact panel program shall be conducted by a nonprofit organization that advocates on behalf of victims of ~~[accidents]~~ [incidents](#) caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or any drug, or both. Such organization may assess a participation fee of not more than seventy-five dollars on any person required by the court to participate in such program, provided such organization shall offer a hardship waiver when it has determined that the imposition of a fee would pose an economic hardship for such person.

Statement of Purpose:

To clarify and improve the effectiveness of the statutes prohibition the operation of a motor vehicle under the influence of alcohol or drugs.

[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.]

AN ACT CONCERNING THE SEIZURE OF FIREARMS FROM A PERSON POSING RISK OF INJURY TO SELF OR OTHERS AND CRIMES COMMITTED WITH FIREARMS.

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

Section 1. Section 29-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such state's attorney or police officers have probable cause to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms and ammunition. Such state's attorney or police officers shall not make such complaint unless such state's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.

(b) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, which affidavit shall be part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe they exist, the judge shall consider: (1) Recent threats or acts of violence by such person directed toward other persons; (2) recent threats or acts of violence by such person directed toward himself or herself; and (3) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 by such person. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or to others, the judge may consider other factors including, but not limited to (A) the reckless use, display or brandishing of a firearm by such person, (B) a history of the use, attempted use or threatened use of physical force by such person against other persons, (C) prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such person. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer. It shall state the grounds or probable cause for its

issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms and ammunition. A copy of the warrant shall be given to the person named therein together with a notice informing the person that such person has the right to a hearing under this section and the right to be represented by counsel at such hearing.

(c) The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms and ammunition seized.

(d) Not later than fourteen days after the execution of a warrant under this section, the court for the geographical area where the person named in the warrant resides shall hold a hearing to determine whether the firearm or firearms and any ammunition seized should be returned to the person named in the warrant or should continue to be held by the state. At such hearing the state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or herself or to other individuals, the court may order that the firearm or firearms and any ammunition seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state for a period not to exceed one year, otherwise the court shall order the firearm or firearms and any ammunition seized to be returned to the person named in the warrant. At least fourteen days prior to the expiration of the period that any firearms and any ammunition were ordered to be held pursuant to this section a court shall hold a hearing to determine whether the firearm or firearms and any ammunition should be returned to the person from whom they were seized or should be continued to be held by the state. At such hearing the person from whom the firearm or firearms and ammunition were seized shall have the burden of showing that he or she no longer poses a risk of imminent personal injury to himself or herself or to other individuals by a preponderance of the evidence. If the court finds that the person has shown by a preponderance of the evidence that he or she no longer poses a risk of imminent personal injury to himself or herself or to other individuals, the court shall order that the firearm or firearms and any ammunition to be returned to the person, otherwise the court shall order that the firearm or firearms and any ammunition be held for an additional period up to one year. If the court finds that the person poses a risk of imminent personal injury to himself or herself or to other individuals, the court shall give notice to the Department of Mental Health and Addiction Services which may take such action pursuant to chapter 319i as it deems appropriate.

(e) Any person whose firearm or firearms and ammunition have been ordered seized pursuant to subsection (d) of this section, or such person's legal representative, may transfer such firearm or firearms and ammunition in accordance with the provisions of section 29-33 or other applicable state or federal law, to any person eligible to possess such firearm or firearms and ammunition. Upon notification in writing by such person, or such person's legal representative, and the transferee, the head of the state agency holding such seized firearm or firearms and ammunition shall within ten days deliver such firearm or firearms and ammunition to the transferee.

(f) For the purposes of this section, "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm.

Sec. 2. Section 53-202k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses any firearm, as defined in section 53a-3, except an assault weapon, as defined in section 53-202a, shall be imprisoned for a term of five years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony. This additional term shall apply to a person who is a co-conspirator in the commission of any class A, B or C felony if one or more of the principals is armed with a firearm, whether or not the person is personally armed with a firearm.

Statement of Purpose

To provide for additional oversight by the court governing the return of firearms and/or ammunition seized from a person considered to present a risk of imminent physical danger to himself or herself or another; and (2) expand the liability for all individuals who take part in the commission of a serious felony offense with a firearm.

[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.]

AN ACT CONCERNING NOTICE TO THE CHIEF STATE'S ATTORNEY IN WORKERS' COMPENSATION MATTERS.

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

Section 1. Section 31-288 of the general statutes is hereby repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) If an employer wilfully fails to conform to any other provision of this chapter, he shall be fined not more than two hundred fifty dollars for each such failure.

(b) (1) Whenever through the fault or neglect of an employer or insurer, the adjustment or payment of compensation due under this chapter is unduly delayed, such employer or insurer may be assessed by the commissioner hearing the claim a civil penalty of not more than one thousand dollars for each such case of delay, to be paid to the claimant. (2) Whenever either party to a claim under this chapter has unreasonably, and without good cause, delayed the completion of the hearings on such claim, the delaying party or parties may be assessed a civil penalty of not more than five hundred dollars by the commissioner hearing the claim for each such case of delay. Any appeal of a penalty assessed pursuant to this subsection shall be taken in accordance with the provisions of section 31-301.

(c) Whenever an investigator in the investigations unit of the office of the State Treasurer, whether initiating an investigation at the request of the custodian of the Second Injury Fund, the Workers' Compensation Commission, or a commissioner, finds that an employer is not in compliance with the insurance and self-insurance requirements of subsection (b) of section 31-284, such investigator shall issue a citation to such employer requiring him to obtain insurance and fulfill the requirements of said section and notifying him of the requirement of a hearing before the commissioner and the penalties required under this subsection. The investigator shall also file an affidavit advising the commissioner of the citation and requesting a hearing on such violation. The commissioner shall conduct a hearing, after sufficient notice to the employer and within thirty days of the citation, wherein the employer shall be required to present sufficient evidence of his compliance with said requirements. Whenever the commissioner finds that the employer is not in compliance with said requirements he shall assess a civil penalty of not less than five hundred dollars per employee or five thousand dollars, whichever is less and not more than fifty thousand dollars against the employer.

(d) In addition to the penalties assessed pursuant to subsection (c) of this section, the commissioner shall assess an additional penalty of one hundred dollars for each day after the finding of noncompliance that the employer fails to comply with the insurance

and self-insurance requirements of subsection (b) of section 31-284. Any penalties assessed under the provisions of this subsection shall not exceed fifty thousand dollars in the aggregate.

(e) The chairman of the Workers' Compensation Commission shall notify the State Treasurer, **[and]** the Attorney General [and the worker's compensation fraud unit in the office of the chief state's attorney](#) of the imposition of any penalty, the date it was imposed, the amount and whether there has been an appeal of said penalty. Any civil penalty order issued pursuant to subsection (c) or (d) of this section shall state that payment shall be made to the Second Injury Fund of the State Treasurer, and that failure to pay within ninety days may result in civil action to double the penalty. The State Treasurer shall collect any penalty owed, and if the penalty is not paid within ninety days, the State Treasurer shall notify the chairman of the Workers' Compensation Commission and the Attorney General so that civil action may be brought pursuant to section 31-289. Any appeal of a penalty assessed pursuant to the provisions of subsections (c) and (d) of this section shall be taken in accordance with the provisions of section 31-301. The chairman shall adopt regulations for the commissioners to use in setting fines which shall require the commissioners to take into account the nature of the employer's business and his number of employees.

(f) When any employer knowingly and wilfully fails to comply with the insurance and self-insurance requirements of subsection (b) of section 31-284, such employer, if he is an owner, in the case of a sole proprietorship, a partner, in the case of a partnership, a principal, in the case of a limited liability company or a corporate officer, in the case of a corporation, shall be guilty of a class D felony.

(g) Any employer who (1) has failed to meet the requirements of subsection (b) or (c) of section 31-284, or (2) with the intent to injure, defraud or deceive any insurance company insuring the liability of such employer under this chapter or the state of Connecticut because of failure to pay workers' compensation assessments in accordance with the provisions of section 31-345 or Second Injury Fund assessments in accordance with the provisions of section 31-354, (A) knowingly misrepresents one or more employees as independent contractors, or (B) knowingly provides false, incomplete or misleading information to such company concerning the number of employees, for the purpose of paying a lower premium on a policy obtained from such company, shall be guilty of a class D felony and shall be subject to a stop work order issued by the Labor Commissioner in accordance with section 31-76a.

Statement of Purpose:

To require notification to the chief state's attorney of administrative penalties in certain workers' compensation matters.

[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.]