



DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

2015 PUBLIC ACTS

Preparer's note: This document contains summaries of public acts impacting DESPP or of interest to DESPP. If you have questions or require assistance, please contact Scott DeVico at scott.devico@ct.gov. The full text of these public acts can be accessed at www.cga.ct.gov.

SA 15-2- AN ACT CONCERNING A STUDY OF THE SEXUAL OFFENDER REGISTRATION SYSTEM

EFFECTIVE DATE: October 1, 2015

The Connecticut Sentencing Commission established pursuant to section 54-300 of the general statutes shall study: (1) The sentencing of sexual offenders; (2) the risk assessment and management of sexual offenders; (3) the registration requirements and registry established under chapter 969 of the general statutes; (4) the information available to the public and law enforcement regarding sexual offenders; (5) the effectiveness of a tiered classification system based on the risk of re-offense; (6) methods to reduce and eliminate recidivism by individuals convicted of a sexual offense; (7) housing opportunities and obstacles for sexual offender registrants; (8) options for post-sentence appeals concerning the registry status of a sexual offender registrant; (9) sexual offender management; and (10) victim and survivor needs and services and community education.

(b) The commission shall submit, in accordance with section 11-4a of the general statutes, an interim report not later than February 1, 2016, and a final report not later than December 15, 2017, on such study to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Each report shall contain recommendations for legislation, if any.

SS PA 15-4- **AN ACT CONCERNING EXCESSIVE FORCE**

EFFECTIVE DATE: October 1, 2015 except the provisions on police body camera use are effective upon passage and OPM grants are effective January 1, 2016.

This act makes a number of changes regarding law enforcement training, procedures, equipment, uses-of-force, hiring, and lawsuits.

Regarding training, procedures, and equipment, it:

1. Requires police basic and review training programs conducted by the State Police, Police Officer Standards and Training Council (POST), and municipal police departments to include training on (a) using physical force; (b) using body-worn recording equipment and retaining the records it creates; and (c) cultural competency, sensitivity, and bias-free policing (§ 1);
2. Creates new grants from the Office of Policy and Management (OPM) for municipal police departments to purchase body-worn equipment that records audio and video (body cameras);
3. Requires the Department of Emergency Services and Public Protection (DESPP) and POST, by January 1, 2016, to jointly create a list of minimal technical specifications for body cameras and digital data storage devices or services, specifies certain activities that officers cannot record with body cameras and when certain images do not need to be disclosed to the public, and requires DESPP and POST to develop guidelines on equipment use and data retention; and
4. Requires sworn officers of municipal police departments receiving certain OPM grants, the State Police, and public university police departments, beginning July 1, 2016, to use body cameras while interacting with the public in their law enforcement capacity.

Regarding use of force, it:

1. Expands the circumstances when the Division of Criminal Justice must investigate a death involving a peace officer to include cases involving any use of physical force, not just deadly force;
2. Requires, rather than allows, the chief state's attorney to appoint a prosecutor from a judicial district other than the one where the incident occurred or a special prosecutor to conduct those investigations; and
3. Requires law enforcement units to record information about incidents in which a police officer discharges a firearm or uses physical force that is likely to cause serious physical injury or death.

Regarding hiring, it:

1. Requires law enforcement units, by January 1, 2016, to develop and implement guidelines to recruit, retain, and promote minority police officers;
2. Prohibits a law enforcement unit from hiring an officer who was previously dismissed from a unit for malfeasance or serious misconduct or resigned or retired during an investigation for such conduct; and
3. Requires a law enforcement unit to inform another unit about an officer's dismissal, resignation, or retirement under the circumstances described above if it knows the officer is applying for a position as a police officer with the other unit.

Regarding lawsuits involving law enforcement, with some exceptions, it makes a peace officer's employer liable in a court or other proceeding if the officer interferes with someone taking a photo or digital still or video image of the officer or another officer performing his or her duties.

§§ 2 & 3 — MINORITY POLICE OFFICER HIRING AND PROMOTION

Guidelines

By January 1, 2016, the act requires law enforcement units to develop and implement guidelines to recruit, retain, and promote minority police officers. The bill requires each unit's guidelines to promote achieving the goal of racial, gender, and ethnic diversity in the unit.

The act applies to state, municipal, or other governmental entities whose primary function includes enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It also applies to the Mashantucket Pequot and Mohegan tribes' police departments.

Under the act, police officers include sworn members of organized local police departments, appointed constables who perform criminal law enforcement duties, special policemen appointed for state property or utility or transportation companies or to investigate public assistance fraud, and any member of a law enforcement unit who performs police duties.

Communities with High Concentration of Minority Residents

The act requires units serving communities with a relatively high concentration of minority residents to make efforts to recruit, retain, and promote minority officers so that the unit's racial and ethnic diversity is representative of the community. For these purposes, a "minority" is an individual whose race is other than white or whose ethnicity is defined as Hispanic or Latino by the federal government for use by the U.S. Census Bureau. The efforts may include, among other things, community outreach and attracting young people from the community to law enforcement careers through:

1. Police athletic leagues in which officers support young people through mentoring, sports, education, and positive relationships;
2. Implementing explorer programs and cadet units; and
3. Supporting public safety academies.

Efforts may also include policies that require filling a vacancy by hiring or promoting a minority candidate if his or her qualifications exceed or equal those of other candidates when ranked on a promotion or exam list.

§ 4 — USE OF FORCE INVESTIGATIONS

The act expands when the Division of Criminal Justice must investigate a death involving a peace officer. Currently, the division must investigate when a peace officer, in the performance of his or her duties, uses deadly physical force on someone and that person dies. “Deadly physical force” is physical force that can be reasonably expected to cause death or serious physical injury (CGS § 53a-3(5)).

The act requires an investigation when the officer uses any type of physical force and death results.

The act requires the chief state's attorney, for purposes of these investigations, to either designate a prosecutor from a judicial district other than the one where the incident occurred or appoint a special assistant state's attorney or special deputy assistant state's attorney. (These attorneys are temporarily appointed under a contract.) Under current law, the chief state's attorney has the option to appoint one of these individuals to conduct the investigation but if he does not, a prosecutor from the judicial district where the event occurs conducts the investigation.

Current division policy requires an investigation into any death determined to have been caused by a police officer's use of force, and the chief state's attorney must assign a state's attorney from a judicial district other than the one where the incident occurred to supervise the investigation and decide whether to pursue criminal charges.

As under current law, the investigation's report must include the incident's circumstances, a determination of whether the officer used force appropriately, and the action to be taken by the division as a result of the incident.

§ 5 — RECORDS OF POLICE USE OF FIREARMS OR FORCE

The act requires law enforcement units to create and maintain a record about incidents in which a police officer (1) discharges a firearm except in training or when dispatching an animal

or (2) uses physical force that is likely to cause serious physical injury or death to another person, including striking someone with a club, baton, or an open or closed hand; kicking; or using pepper spray or an electroshock weapon.

The act requires the record to include the police officer's name, the incident's time and place, a description of the incident, and the names of any known victims and witnesses present at the incident.

By law, a “serious physical injury” is one that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

This provision applies to the same law enforcement units and officers as described above in the provisions on minority hiring.

§ 6 — HIRING AND OFFICER MISCONDUCT

The act prohibits a law enforcement unit from hiring a police officer who was in previous employment with the unit or in another jurisdiction and (1) was dismissed for malfeasance or serious misconduct calling into question a person's fitness to serve as an officer or (2) resigned or retired during an investigation for such conduct.

It also requires a law enforcement unit to inform another unit about an officer's dismissal, resignation, or retirement under the circumstances described above if it knows the officer is applying for a position as a police officer with the other unit.

Under the act:

1. “Malfeasance” has its common meaning and
2. “serious misconduct” means an officer's improper or illegal actions in official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, fabricating evidence, repeated use of excessive force, accepting a bribe, or committing fraud.

These provisions do not apply if an officer is exonerated of each allegation of malfeasance or serious misconduct.

These provisions apply to the same law enforcement units and officers as described above in the provisions on minority hiring.

§§ 7 & 8 — BODY CAMERAS

DESPP List

The act requires the DESPP commissioner and POST to jointly evaluate and approve the minimal technical specifications of body cameras for police officers to wear and digital storage devices or services that law enforcement agencies can use to retain the data the cameras record. By January 1, 2016, they must make the technical specifications available to law enforcement agencies. They may revise the specifications as necessary.

Required Use by Officers

Beginning July 1, 2016, the act requires use of body cameras by sworn members of:

1. The State Police,
2. UConn and state university system police, and
3. Municipal police departments that receive OPM grants under the bill (a) to obtain enough body cameras in FY17 for each sworn officer to have a device when interacting with the public in a law enforcement capacity or (b) to obtain body cameras in FY18.

Sworn members of municipal police departments (1) that receive an OPM grant for body cameras purchased between January 1, 2012, and June 30, 2016, and (2) do not subsequently purchase enough equipment for the entire department's use, which would qualify for an additional OPM grant, must use body cameras if the department provides them to the members. Sworn members of other municipal police departments may use body cameras as directed by their departments but must follow the bill's requirements.

Officers must use equipment that conforms to the DESPP-POST minimum specifications but may use non-conforming equipment that was purchased by their enforcement agencies before January 1, 2016.

The act requires each officer to wear the camera on their outer-most garment and above the midline of his or her torso when using the equipment. They must use it while interacting with the public in their law enforcement capacity.

The act prohibits officers from using the equipment until they receive the training required by the act on using the equipment and retaining the data they create. But officers using the equipment before October 1, 2015, may continue to use the equipment before receiving the training. Agencies must ensure that officers receive the training at least annually, including training on equipment care and maintenance.

Exceptions to Recording Requirement and Record Disclosures

The act prohibits officers from using body cameras to intentionally record, unless under an agreement between the agency and federal government:

1. Communications with other law enforcement personnel unless within the performance of duties;
2. Encounters with undercover officers or informants;
3. Officers on break or engaged in personal activity;
4. People undergoing medical or psychological evaluations, procedures, or treatment;
5. People, other than a suspect, in a hospital or medical facility; or
6. In mental health facilities unless responding to a call involving a suspect in such a facility.

Under the bill, records that capture any of the images described above are not public records for purposes of disclosure under the Freedom of Information Act (FOIA). The bill makes records capturing the following images subject to disclosure under existing FOIA rules except to the extent that disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy:

1. The scene of an incident involving a domestic or sexual abuse victim or
2. A homicide, suicide, or deceased accident victim.

Ensuring Functioning Equipment

The act requires officers to inform their supervisors as soon as practicable after learning that equipment is lost, damaged, or malfunctioning. The supervisor must ensure the equipment's inspection, repair, and replacement as necessary.

Officers must inspect and test equipment before each shift to verify proper functioning and notify their supervisors of problems.

Guidelines

By January 1, 2016, the act requires DESPP and POST to jointly issue guidelines on using the equipment, retaining data, and safe and secure data storage methods. All agencies and their officers and employees with access to data must follow the guidelines. DESPP and POST may update and reissue the guidelines as necessary. They must submit the guidelines and any updates to the Judiciary and Public Safety and Security committees.

Officer Use and Access to Recording

The act allows an officer to review a recording from a body camera to assist in preparing a report or in the performance of his or her duties. When giving a formal statement about the use of force or when the subject of a disciplinary investigation where a recording is part of the review, the bill gives an officer a right to review (1) the recording, together with his attorney or labor representative and (2) recordings from other body cameras capturing his or her image or voice during the incident.

The act prohibits law enforcement agency employees from editing, erasing, copying, sharing, altering, or distributing any recording made by the equipment or its data except as required by state or federal law.

OPM Grants

The act requires OPM, within available resources, to administer a grant program to reimburse municipalities for purchasing body cameras and digital storage devices or services that conform to DESPP's minimal technical specifications. Municipalities may apply for grants in a manner set by OPM.

The act requires grants to:

1. Reimburse up to 100% of the costs of a municipality that purchases during FY17 enough equipment to allow each sworn officer to have a device when interacting with the public in a law enforcement capacity (for digital storage services, reimbursement is limited to the cost of services for up to one year);
2. Reimburse, in an amount no greater than described above, the costs of municipal purchases from January 1, 2012 through June 30, 2016, with an additional amount up to 100% of the costs for new equipment purchases during FY17 if enough equipment is purchased to allow each sworn officer to have a device when interacting with the public in a law enforcement capacity; and
3. Reimburse up to 50% for municipal purchases in FY18, if the municipality was not reimbursed under the other provisions (for services, reimbursement is based on the cost of services for up to one year).

§ 9 — OFFICERS INTERFERING WITH PHOTOGRAPHY

The act makes a peace officer's employer liable in a court or other proceeding if the officer interferes with someone taking a photo or digital still or video image of the officer or another officer performing his or her duties. The employer is not liable if the officer had reasonable grounds to believe that he or she was interfering to:

1. Lawfully enforce a state criminal law or municipal ordinance;
2. Protect public safety;
3. Preserve a crime scene's or investigation's integrity;
4. Safeguard a person's privacy interests, including a crime victim's; or
5. Lawfully enforce Judicial Branch court rules and policies on taking photos, video, and recording images in branch facilities.

The act applies to peace officers except for federal government special agents and POST-certified members of the Mashantucket Pequot and Mohegan tribes' law enforcement units.

PA 15-5 – AN ACT CONCERNING THE SCHOOL SECURITY GRANT PROGRAM

EFFECTIVE DATE: Upon passage

This act extends the sunset date for the school security infrastructure program by one year, from June 30, 2015 to June 30, 2016. The program provides grants for developing or improving security infrastructure in schools, based on the results of school building security assessments conducted under the supervision of local law enforcement agencies.

PA SS 15-5 – AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017 CONCERNING GENERAL GOVERNMENT, EDUCATION AND HEALTH AND HUMAN SERVICES

The act extends the definition of racketeering activity under the Corrupt Organization Racketeering Act (CORA) to include violations of the following cigarette tax laws:

1. Fraudulent making, uttering, forging, or counterfeiting of cigarette tax stamps or causing or procuring the same to be done;
2. Willful uttering, publishing, passing, or rendering as true any false, altered, forged, or counterfeited stamps;
3. Knowing possession of any such false, altered, forged, or counterfeited stamp;
4. Use of a cigarette tax stamp more than once to evade the cigarette tax;
5. Tampering with, or causing the tampering of, a cigarette tax metering machine; or

6. Possessing, transporting for sale, selling, or offering for sale 20,000 or more cigarettes (a) in any unstamped or illegally packaged stamped packages or (b) that the law prohibits from bearing a tax stamp, as described below.

EFFECTIVE DATE: Upon passage

The act also allows the special police agents the Department of Emergency Services and Public Protection (DESPP) commissioner appoints to serve in DRS to operate anywhere within the department, rather than just in its special investigation section. By law, these special police agents have all the powers of state police and serve at the DESPP commissioner's pleasure.

EFFECTIVE DATE: Upon passage

The act also requires the commissioners of DOT, emergency services and public protection, and energy and environmental protection to report, by January 1, 2017, to the Transportation, Public Safety and Security, and Environment committees on the development and implementation of an enhanced accident response plan.

The report must include at least a description of:

1. Existing programs and policies;
2. Steps being taken to implement these programs and policies;
3. Interagency initiatives to ensure a prompt, coordinated, and efficient response to accidents or other traffic incidents;
4. Efforts to include other individuals and groups critical to the plan;
5. Any federal programs to improve accident or traffic incident response, including the availability of federal funding to implement them; and
6. The goals to improve the plan for the coming year.

EFFECTIVE DATE: Upon passage

The act revises and reorganizes the statutes regarding the use of colored and flashing lights. Nearly all the changes are technical, but the bill makes the following substantive changes:

1. Eliminates obsolete provisions referring to purple lights and green lights for interstate public service vehicles;
2. Eliminates a provision permitting commercial motor vehicles to use green identification lights;

3. Eliminates a requirement that blue and green flashing light permits, which are issued by the chief executive officer of a volunteer fire or ambulance department, be filed with DMV; and
4. Allows student transportation vehicles accommodating students with disabilities to use flashing lights in a colors other than red when discharging passengers.

EFFECTIVE DATE: Upon passage

PA 15-42, effective October 1, 2015, requires that private commercial property owners or lessees, in order to tow vehicles, post signs indicating that unauthorized vehicles on the property may be towed.

The act allows, in § 228, private commercial property owners or lessees to tow unauthorized vehicles without posting signs warning that the vehicle may be towed if the vehicle is:

1. Parked in a handicapped parking space;
2. In an area reserved for emergency vehicles;
3. Within 10 feet of a fire hydrant;
4. Blocking building access;
5. Blocking entry or exit from the property; or
6. Left for 48 hours or more.

The act contains, in § 236, similar provisions allowing towing without posting signs in these circumstances, but specifies that only vehicles left in handicapped parking spaces without handicapped license plates or placards may be towed. It is unclear when a private property owner can tow a vehicle left in a handicapped parking space.

EFFECTIVE DATE: Upon passage (§ 228) and October 1, 2105 (§ 236)

The act makes various changes to the state's medical marijuana program, which the Department of Consumer Protection (DCP) administers.

The act allows minors to be qualifying patients. In addition to existing requirements for adult patients, the bill requires the consent of the parent or other person with legal custody and a letter by two physicians stating that medical marijuana use is in the minor's best interest.

It adds the following to the list of qualifying conditions for adults: (1) sickle cell disease, (2) Amyotrophic Lateral Sclerosis (ALS, or Lou Gehrig's Disease), (3) severe psoriasis and psoriatic arthritis, (4) Fabry disease, (5) ulcerative colitis, (6) post-laminectomy syndrome with chronic radiculopathy (recurring back pain after surgery), (7) cerebral palsy, and (8) cystic fibrosis.

Earlier this year, the Department began the process to adopt regulations to add the first six of these conditions to the list of qualifying conditions, following recommendations by the Board of Physicians.

It allows licensed (1) marijuana dispensaries to distribute marijuana to licensed inpatient care facilities under certain conditions and (2) nurses to administer marijuana in hospitals or other licensed health care facilities.

It allows the DCP commissioner to approve medical marijuana research programs, and requires research program subjects to register with DCP. It requires the commissioner to adopt regulations on licensing (1) research program employees and (2) laboratories and laboratory employees. These employees must be licensed after the regulations take effect; before then, the bill provides for temporary registration certificates.

The act allows licensed marijuana dispensaries or producers to distribute marijuana to licensed laboratories or organizations conducting approved research programs. It extends legal protections, under certain conditions, to laboratory or research program employees and research program subjects.

Among other things, the act also:

1. Allows medical marijuana use in the presence of minors who are qualifying patients or research program subjects;
2. Requires licensed marijuana dispensaries to annually report certain information to DCP; and
3. Removes the requirement that members of the medical marijuana board of physicians be certified in one of certain specialties.

EFFECTIVE DATE: July 1, 2015

The act also allows the governor to require anyone appointed or nominated as a department head, chief justice, or judge of the Supreme, Appellate, or Superior Court to be fingerprinted and submit to state and national criminal history records checks.

EFFECTIVE DATE: July 1, 2015

SA 15-10 – AN ACT ESTABLISHING A TASK FORCE TO STUDY THE STATE-WIDE RESPONSE TO FAMILY VIOLENCE

EFFECTIVE DATE: Upon passage

This act establishes a task force to study the state-wide response to incidents of family violence. Such study shall include, but not be limited to, (1) an examination of existing policies and procedures used by the Department of Children and Families, the Department of Mental Health

and Addiction Services, health care professionals, law enforcement, guardians ad litem, attorneys for minor children and the Judicial Branch for minors who are exposed to family violence, and (2) the development of a state-wide model policy for use by (A) the Department of Children and Families, including organizations with which it contracts services; (B) the Department of Mental Health and Addiction Services, including organizations with which it contracts services; (C) health care professionals; (D) guardians ad litem; (E) attorneys for minor children; (F) law enforcement; and (G) the Judicial Branch, when responding to minors who are exposed to family violence.

(b) The task force shall consist of the following members:

(1) Three appointed by the speaker of the House of Representatives, one of whom shall represent the Office of the Child Advocate, one of whom shall currently serve as an executive director of a domestic violence organization and one of whom shall represent a multidisciplinary team established by the Commissioner of Children and Families pursuant to section 17a-106a of the general statutes;

(2) Three appointed by the president pro tempore of the Senate, one of whom shall represent the Connecticut Coalition Against Domestic Violence, one of whom shall represent the Connecticut Children's Medical Center and specialize in medical care of children exposed by family violence and one of whom shall be an adult victim of family violence;

(3) Two appointed by the majority leader of the House of Representatives, one of whom shall represent a designated child advocacy center and one of whom shall be a psychiatrist or psychologist specializing in the mental health care of children exposed to family violence;

(4) Two appointed by the majority leader of the Senate, one of whom shall represent the Connecticut Police Chiefs Association and one of whom shall be a currently appointed guardian ad litem;

(5) Two appointed by the minority leader of the House of Representatives, one of whom shall represent the Department of Mental Health and Addiction Services and one of whom shall be a youth victim exposed to family violence;

(6) Two appointed by the minority leader of the Senate, one of whom shall represent the Department of Children and Families and one of whom shall represent the Office of the Chief Public Defender;

(7) Three appointed by the Governor, one of whom shall represent the Office of Early Childhood, one of whom shall represent the Office of the Chief State's Attorney and one of whom shall represent the Department of Emergency Services and Public Protection; and

(8) Two appointed by the Chief Court Administrator, one of whom shall be a judge of the Superior Court assigned to hear family matters and one of whom shall represent the Judicial Branch Court Support Services Division.

(c) Any member of the task force appointed under subdivisions (1) to (8), inclusive, of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select two chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to human services shall serve as the administrative staff of the task force.

(g) Not later than January 15, 2016, the task force shall submit a report on its findings and recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to human services and children, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 15, 2016, whichever is later.

SA 15-13 – AN ACT CONCERNING A STUDY OF CYBERSECURITY

EFFECTIVE DATE: Upon passage

This act requires the Department of Administrative Services, in consultation with the Department of Emergency Services and Public Protection, shall, within available appropriations, conduct a study to identify cybersecurity issues facing the state and to make recommendations regarding specific actions that the state can implement to promote and coordinate communication between government entities, law enforcement, institutions of higher education, the private sector and the public to improve cybersecurity preparedness.

(b) Not later than January 1, 2017, the Department of Administrative Services shall submit the results of such study and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, in accordance with the provisions of section 11-4a of the general statutes.

PA 15-20 – AN ACT CONCERNING LOCAL EMERGENCY PLANS OF OPERATION

EFFECTIVE DATE: October 1, 2015

Beginning January 1, 2017, this act reduces, from annually to biennially, the frequency with which a town must submit its emergency plan of operations to the emergency services and public protection commissioner.

By law, every town must have a current plan approved by the commissioner to be eligible for certain state or federal emergency management benefits. The plan must be approved by the local emergency management director and chief executive before it is submitted to the commissioner. If the previously submitted plan has not changed, the town may submit it with a notice to that effect.

PA 15-24 – AN ACT CONCERNING ALCOHOLIC LIQUOR

EFFECTIVE DATE: Upon passage; except July 1, 2015, for the bowling alley, farm winery dispensing, and nonalcoholic drink provisions; and October 1, 2015, for the powdered alcohol provision.

This act makes several unrelated changes to the Liquor Control Act by:

1. Banning powdered alcohol;
2. Expanding the hours a bowling establishment permittee may sell alcohol outside of its bar area by allowing alcohol sales in the bowling alley area after 11:00 a.m., rather than after 2:00 p.m.;
3. Generally allowing those age 16 and 17, rather than age 18, to be employed by businesses holding an alcoholic permit;
4. (a) limiting licensed farm wineries that offer tastings of free wine or brandy samples to dispensing such samples out of bottles or containers that hold up to two gallons and (b) allowing wineries to sell on their premises brandy manufactured from Connecticut-harvested fruit and distilled in-state but off the premises;
5. (a) allowing manufacturer permittees who produce less than 25,000 gallons to sell alcoholic liquor at retail, (b) limiting wholesale distribution to manufacturer permittees who sells less than 10,000 gallons a year, (c) eliminating a manufacturer permittee's ability to obtain a wholesaler permit, and (d) changing certain tasting requirements;
6. Allowing cider manufacturer permittees to offer free samples of cider and apple wine;
7. Requiring certain manufacturer permittees to offer nonalcoholic beverages;
8. Allowing package stores to sell cigars; and
9. Creates a farmers' market beer sales permit.

BANNING POWDERED ALCOHOL

The act bans anyone from knowingly purchasing, possessing, or selling powdered alcohol. Powdered alcohol means molecularly encapsulated alcohol in powdered form that may be used in such form or reconstituted as an alcoholic beverage.

Anyone who knowingly (1) purchases or possesses powdered alcohol is subject to a \$100 fine for the first offense, \$250 for the second offense, and \$500 for subsequent offenses or (2) sells powdered alcohol is subject to a \$250 fine for the first offense, \$500 for the second offense, and \$1,000 for subsequent offenses.

AGE 16 AND 17 TO WORK IN BUSINESSES WITH ALCOHOLIC PERMITS

The act generally allows those age 16 and 17 to be employed by businesses holding an alcoholic permit. Under current law, employees must be over age 18 to work at businesses with an alcoholic permit, except those over age 15 may work at businesses with a grocery store beer permit. The bill also prohibits those under age 18, including those under the grocery store beer permit, from serving or selling alcoholic liquor.

ALCOHOLIC MANUFACTURER LICENSE

Retail Sales for Off-premises Consumption

The act allows manufacturer permittees that produce less than 25,000 gallons of alcoholic liquor a calendar year to sell alcoholic liquor they manufacture at retail from their premises, in sealed bottles or other containers for off-premises consumption. Permittees must not sell to any individual more than (1) 1.5 liters of alcoholic liquor per day or (2) five gallons in a two month period. (The bill does not specify how the permittees must keep track of such sales.)

Retail sales are only allowed during the allowable hours of alcohol sales for off-premises consumption. By law, off-premises sale and dispensing of alcohol are only allowed from Monday to Saturday between 8:00 a.m. and 9:00 p.m. and Sundays between 10:00 a.m. and 5:00 p.m. The law also prohibits permittees from selling or dispensing alcohol on Thanksgiving Day, New Year's Day, and Christmas Day.

Wholesale Distribution

Under current law, manufacturer permittees may wholesale distribute their own product to retailers. The act limits this ability to manufacturers, either alone or in combination with any parent or subsidiary business or related or affiliated party that sells less than 10,000 gallons in a calendar year, who can continue to wholesale distribute their own product in the state.

The act eliminates manufacturer permittees' ability to apply for and obtain a wholesaler permit, which allows them to distribute other alcohol permittees' products.

Tastings

Current law allows manufacturer permits to offer free tastings of up to 0.5 ounces. The act allows manufacturers to charge for the tastings and increases the tasting amount to two ounces, but it limits such tastings to a once daily basis per person.

CIDER TASTING

The act allows manufacturer permittees for cider to offer free on-premises samples of cider and apple wine that is manufactured on-premises. The cider manufacturers may limit these tastings to visitors who have taken a tour of the premises.

The tastings must not be more than two ounces per patron and only be conducted on the premises between (1) 10:00 a.m. and 8:00 p.m. Monday through Saturday and (2) 11:00 a.m. and 8:00 p.m. on Sunday. Permittees must not offer or allow tasting consumption by any minor or intoxicated person. By law, any permittee that sells or delivers alcoholic liquor to a minor or drunkard may be subject to a maximum civil fine of \$1,000 and a criminal penalty of up to a \$1,000 fine, up to one year imprisonment, or both.

NONALCOHOLIC DRINKS

The act requires manufacturer permittees for beer, cider, apple brandy and eau-de-vie, farm wineries, brewpubs, and beer and brew pubs to offer either (1) free potable water to anyone who requests it or (2) nonalcoholic beverages for sale.

Permittees are only required to provide these nonalcoholic beverages during hours alcoholic liquor may be sold for on-premises consumption. By law, these activities are allowed between 9:00 a.m. and 1:00 a.m. the next morning on Monday through Thursday, 9:00 a.m. and 2:00 a.m. the next morning for Friday and Saturday, and 11:00 a.m. and 1:00 a.m. the next morning on Sunday.

The potable water must meet all federal and state requirements for drinking water purity and be served in a container that holds at least six ounces. The Department of Consumer Protection may suspend, revoke, or refuse to grant or renew an alcoholic permit if the department has reasonable cause to believe the permittee has violated any portion of the bill's nonalcoholic drink requirements.

FARMERS' MARKET BEER SALES PERMIT

The act creates a farmers' market beer sales permit that allows manufacturer permittees for beer, brewpubs, and beer and brewpubs, to sell beer they manufacture at up to three farmers' market locations a year for an unlimited number of appearances. The bill requires the DCP commissioner to issue such manufacturer permittees a farmers' market beer sales permit. The permit is valid for one year and requires a \$250 annual fee, with a \$100 nonrefundable filing fee.

In order to sell at a farmers' market, the permittee must (1) have an invitation from the farmers' market; (2) sell only sealed bottles of beer for off-premises consumption; and (3) be present, or have an authorized representative present, anytime beer is sold. The permittee may only sell up to five liters of beer per day to any one person.

Any town or municipality may, by ordinance or zoning regulation, prohibit a farmers' market beer sales permittee from selling beer at a farmers' market held in such town or municipality.

COMMENT

Holding Two Liquor Permits

The law generally prohibits holders of one class of permit from also holding another class of permit, unless they are specifically allowed by statute to do so (CGS § 30-48(a)).

For example, the holder of a manufacturing class permit cannot also hold a retail class permit. Thus, the act should specifically allow manufacturers of beer, brewpubs, and beer and brewpubs to also hold the farmers' market beer sales permit.

PA 15-26 –AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A POLICE DOG

EFFECTIVE DATE: October 1, 2015

The law imposes strict liability on the owner or “keeper” of a dog for any damage to a person or property the dog causes, except in cases where the damage was done to someone who was teasing, tormenting, or abusing the dog or committing trespass or another tort (CGS § 22-357). By law, a “keeper” is any person, other than the owner, harboring or possessing a dog (CGS § 22-327(6)).

This act creates a rebuttable presumption that a member of a law enforcement officer's household where the officer keeps a dog assigned to him or her by the town, state, or federal government is not the dog's keeper. Therefore, in any action against such a household member for damage done by the dog, the plaintiff has the burden of proof to establish that the household member was the dog's keeper and had exclusive control of the dog. (A “rebuttable presumption” is an assumption of fact accepted by the court until disproved).

PA 15-41- AN ACT CONCERNING BICYCLE SAFETY

EFFECTIVE DATE: July 1, 2015

This act makes several changes in laws pertaining to bicycle operation and bikeways. It expands the circumstances when a bicyclist is not required to ride as close to the right side of the road as practical.

The act allows motorists to overtake and pass, including in a marked no-passing zone, pedestrians, parked or standing vehicles, animals, bicyclists, mopeds, scooters, vehicles moving slowly, or obstructions on the right side of the road. They may pass only if they can do so safely, with adequate sight distance, and without interfering with oncoming traffic or endangering other vehicles, pedestrians, or other conveyances.

Under current law, motorists parking on curbed highways must park their vehicles so that their right-hand wheels are 12 inches or less from the curb. On highways with a bikeway or a buffer area for a bikeway, as described in federal standards, between the parking lane and the curb, the bill requires a motorist to park so that the vehicle's right-hand wheels are within 12 inches from the edge of the bikeway or buffer area.

The act requires the Department of Transportation (DOT), when updating design standards for roads in the state, to include, where appropriate, standards from the National Association of City Transportation Officials (NACTO) Urban Bikeway and Urban Street design guides. It also requires DOT to consider implementing the American Association of State Highway Transportation Officers (AASHTO) minimum standard lane width if it would allow the addition of a bicycle lane that conforms to AASHTO or NACTO standards. In doing so, DOT must consult with municipal officials and consider any municipally approved transportation plans.

The act also: (1) eliminates a provision allowing motorist to cross a road's centerline to pass a bicyclist or other vehicles and objects; (2) adds a number of vehicles and obstructions that motorists may pass in a no passing zone; (3) requires motorists to park within 12 inches of, rather than at least 12 inches from, a bikeway; and (4) requires DOT to consider implementing AASHTO's minimum standard lane width to accommodate bikeways.

Under current law, bicyclists must ride as close to the right side of the road as practical, except when turning left; avoiding areas closed to traffic; or overtaking or passing moving or parked vehicles, pedestrians, animals, or obstructions on the right side of the highway.

The act instead requires a bicyclist traveling slower than traffic to ride as close to the right side as he or she determines to be safe, except when:

1. Overtaking or passing a vehicle traveling in the same direction;
2. Preparing for a left turn;
3. Reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or lanes too narrow for a bicycle and a vehicle to travel safely side by side;
4. Approaching an intersection with a dedicated right turn lane, in which case a bicyclist may ride on the left side of the dedicated lane, even if not intending to turn right;

5. Riding on a one-way road, in which case a bicyclist may ride as close to the left side of the road as he or she determines to be safe; or
6. Riding on parts of roadways dedicated exclusively for bicycle use.

PA 15-42-AN ACT REGULATING THE TOWING OF MOTOR VEHICLES, THE USE OF WHEEL-LOCKING DEVICES AND THE REPOSSESSION BY LENDING INSTITUTIONS OF MOTOR VEHICLES.

EFFECTIVE DATE: October 1, 2015

This act regulates the use of a “wheel locking device to render immovable” (i.e., “booting”) on an unauthorized vehicle on private property. Among other things, it:

1. specifies signage and notification requirements,
2. limits boot removal fees to \$50 or less and requires 10 percent of the fee to be remitted to local police, and
3. requires entities that boot vehicles to be available during specified times to remove the boot.

The act also expressly permits lending institutions to repossess vehicles by contracting with a licensed wrecker or an entity that is exempt from licensure. In doing so, it applies a number of provisions governing the towing of unauthorized vehicles to vehicles repossessed by towing.

Finally, the act (1) requires the placement of signs on private property where vehicles may be booted or towed and state property where vehicles may be towed and (2) specifies the information the signs must contain. It also allows municipalities to require the posting of signs containing this information where vehicles may be booted or towed.

PA 15-46 – AN ACT CONCERNING THE DEPARTMENT OF MOTOR VEHICLES' RECOMMENDATIONS WITH RESPECT TO AUTO-CYCLES AND THREE-WHEELED MOTORCYCLES

EFFECTIVE DATE: July 1, 2015

This act allows (1) the Department of Motor Vehicles (DMV) to register auto-cycles and (2) drivers to operate auto-cycles without obtaining a special license endorsement. An auto-cycle is a three-wheeled vehicle, which the bill defines as a type of motorcycle. Auto-cycles differ from three-wheeled motorcycles, which DMV already registers. The act expands the definition of motorcycle and applies to auto-cycles some of the laws that apply to motorcycles.

It also:

1. Creates a license endorsement that allows people to drive three-wheeled, but not two-wheeled, motorcycles;
2. Requires passengers under age 18 to wear helmets when riding on (a) motorcycles; (b) motor scooters; or (c) bicycles with attached motors, when these vehicles have motors that displace less than 50 cubic centimeters;
3. Subjects motorcycles, including auto-cycles, to laws on odometer tampering and towing from private property; and
4. Extends a sales-and-use tax exemption to certain commercial motor vehicles that carry hazardous waste.

PA 15-83- **AN ACT CONCERNING THE ENFORCEMENT OF ORDINANCES**

EFFECTIVE DATE: October 1, 2015

Existing law allows local police officers and certain other law enforcement officers to pursue someone outside of their precincts into any part of the state while in immediate pursuit of someone the officers have authority to arrest. This act specifies that this does not apply if the person is alleged to have violated only a municipal ordinance.

The act applies to local police officers, the State Capitol Police, and certified constables and state marshals who perform law enforcement duties.

PA 15-84 –**AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES**

EFFECTIVE DATE: October 1, 2015

This act makes a number of changes related to sentencing and parole release of offenders who were under 18 at the time they committed the crimes. Among other things, it:

1. Retroactively eliminates (a) life sentences for capital felony and arson murder, and (b) convictions for murder with special circumstances, for offenders who committed these crimes when they were less than 18 years of age;
2. Establishes alternative parole eligibility rules that can make someone eligible for parole sooner if he or she (a) committed a crime when he or she was under 18 and (b) was sentenced to more than 10 years in prison;

3. Requires criminal courts, when sentencing someone convicted of a class A or B felony committed when he or she was between ages 14 and 18, to (a) consider certain mitigating factors of youth and (b) indicate the maximum prison term that may apply and whether the person may be eligible for release under the bill's alternative parole eligibility rules; and

4. Prohibits a child convicted of a class A or B felony from waiving a presentence investigation or report and requires the report to address the same sentencing factors the bill requires a criminal court to consider.

The act also requires the Sentencing Commission to study how to notify victims of the parole eligibility laws and release mechanisms available to people sentenced to more than two years in prison. The commission must report on its study and any recommendations to the Judiciary Committee by February 1, 2016.

§§ 6-9—SENTENCES FOR OFFENDERS UNDER AGE 18

Under current law, juveniles can be sentenced to life imprisonment without possibility of release for committing a capital felony and adults to either death or life imprisonment without possibility of release. By law, capital felony punishes crimes committed before April 25, 2012. The bill prohibits sentencing someone for a capital felony if he or she was under 18 when the crime was committed and overturns prior sentences of this type.

The bill prohibits convicting someone of murder with special circumstances unless the offender was at least 18 at the time of the offense. It overturns any prior convictions of this crime for offenders who were under 18 at the time of the crime. By law, this crime is punishable by life imprisonment without the possibility of release.

The bill lowers the penalty for arson murder when the offender is under 18 from life imprisonment, statutorily defined as 60 years without parole, to 25 to 60 years. It applies this change retroactively to decrease the prison sentence of any offender previously convicted of committing this crime when under 18.

The bill also makes conforming changes.

§ 2—CONSIDERATIONS AT SENTENCING

The act requires a criminal court to consider certain factors when sentencing someone convicted of a class A or B felony committed when he or she was between ages 14 and 18. In addition to other information relevant to sentencing, the bill requires the court to consider scientific and psychological evidence showing the differences between a child's and an adult's brain development, including evidence showing that a child, as compared to an adult:

1. Lacks maturity and has an underdeveloped sense of responsibility, including evidence of recklessness, impulsivity, and risk-taking tendencies;

2. Is vulnerable to negative influences and outside pressures from peers, family members, or both peers and family members;
3. Has an increased capacity for change and rehabilitation; and
4. Has reduced competency to appreciate the risks and consequences of actions, negotiate the criminal justice system's complexities, and assist in his or her defense.

If the court proposes a lengthy sentence under which it is likely the defendant will die in prison, the bill requires the court to consider how evidence of the difference between a child's and adult's brain development counsels against such a sentence.

The bill requires the Judicial Branch's Court Support Services Division to compile reference material on adolescent psychology and brain development to help courts sentence children.

§ 1—PAROLE ELIGIBILITY

Under existing law, someone is generally eligible for parole after serving (1) 50% of his or her sentence minus any risk reduction credits earned if convicted of a nonviolent crime and (2) 85% of his or her sentence if convicted of a violent crime, home invasion, or 2nd degree burglary. Someone convicted of the following crimes is ineligible for parole: murder, capital felony, murder with special circumstances, felony murder, arson murder, or 1st degree aggravated sexual assault.

The act establishes alternative parole eligibility rules that can make someone eligible for parole sooner if he or she (1) commits a crime when he or she is under 18 and (2) is sentenced to more than 10 years in prison. The eligibility rules do not apply to any portion of a sentence imposed for a crime committed when the person was 18 or older. Existing parole eligibility rules apply to such a sentence.

The rules apply if they make someone eligible for parole sooner than under existing law and they also apply to someone convicted of a crime that would otherwise be ineligible for parole.

Under these rules, someone sentenced to:

1. Up to 50 years in prison is eligible for parole after serving the greater of 12 years or 60% of his or her sentence or
2. More than 50 years in prison is eligible for parole after serving 30 years.

The bill applies to offenders incarcerated on and after October 1, 2015, regardless of when the crime was committed or the offender sentenced.

Required Hearing

The act requires (1) a parole hearing when someone becomes parole-eligible under the bill's provisions and (2) the board to notify, at least 12 months before the hearing, the Chief Public Defender's Office, appropriate state's attorney, Department of Correction's (DOC) Victim Services Unit, Office of Victim Advocate, and Judicial Branch's Office of Victim Services. The Chief Public Defender's Office must provide counsel for an indigent person.

At the hearing, the bill requires the board to allow:

1. The inmate to make a statement;
2. The inmate's counsel and state's attorney to submit reports and documents; and
3. Any victim of the person's crime to make a statement, as with other parole hearings.

Release Decisions

After the hearing, the act allows the board to release someone on parole if:

1. The release (a) holds the offender accountable to the community without compromising public safety, (b) reflects the offense's seriousness and makes the sentence proportional to the harm to victims and the community, (c) uses the most appropriate sanctions available, including prison, community punishment, and supervision, (d) could reduce criminal activity, impose just punishment, and provide the offender with meaningful and effective rehabilitation and reintegration, and (e) is fair and promotes respect for the law;
2. It appears from all available information, including DOC reports, that (a) there is a reasonable probability the offender will not violate the law again and (b) the benefits of release to the offender and society substantially outweigh the benefits from continued confinement; and
3. It appears from all available information, including DOC reports, that the offender is substantially rehabilitated, considering his or her character, background, and history, including (a) the offender's prison record, age, and circumstances at the time of committing the crime; (b) whether he or she has shown remorse and increased maturity since committing the crime, (c) his or her contributions to others' welfare through service; (d) his or her efforts to overcome substance abuse, addiction, trauma, lack of education, or obstacles he or she faced as a child or youth in prison; (e) the opportunities for rehabilitation in prison; and (f) the overall degree of his or her rehabilitation considering the nature and circumstances of the crime.

The act requires the board to articulate reasons for its decision on the record. If the board denies parole, the bill allows the board to reassess the person's suitability for a hearing at a later time determined by the board but no sooner than two years after the board's denial.

The act specifies that the board's decisions under these provisions are not appealable.

PA 15-161- AN ACT CONCERNING NOTIFICATION BY LAW ENFORCEMENT AGENCIES TO DAY CARE CENTERS

EFFECTIVE DATE: October 1, 2015

This act requires each day care center licensee to give the center's contact information to the local police department and State Police troop that has jurisdiction where the center is located.

It requires the police department or troop to notify licensees that submit this information about any conditions caused by fire; a criminal act; emergency; or act of nature, such as an earthquake, tornado, storm, or hurricane in the vicinity of the day care center that may endanger the children's safety or welfare. It sets no timeframes for the notifications.

The contact information must be in writing and include the center's name, address, and telephone number. The centers must verify and update the information, as appropriate.

DAY CARE CENTERS

The act applies to:

1. Child day care centers, which offer or provide supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis;
2. Group day care homes, which offer or provide supplementary care (a) to seven to 12 related or unrelated children on a regular basis or (b) that meet the definition of a family day care home except that they do not operate in a private family home; and
3. Family day care homes.

A family day care home is a private family home that generally provides care, on a regularly recurring basis, for up to six children, including the provider's children, not in school full time, between three and 12 hours during a 24-hour period (CGS § 19a-77).

PA 15-164- AN ACT CONCERNING THE REQUIREMENT FOR DISCLOSURE OF ARREST RECORDS UNDER THE FREEDOM OF INFORMATION ACT

EFFECTIVE DATE: October 1, 2015

This act modifies law enforcement agencies' disclosure obligations under the Freedom of Information Act (FOIA) for records relating to a person's arrest. By law, when a person is arrested, a law enforcement agency must disclose the "record of the arrest" under FOIA unless it pertains to the arrest of a juvenile or has been erased in accordance with the law. Under current law, the "record of the arrest" consists of (1) the arrestee's name and address; the date, time, and place of the arrest; and the offense for which the person was arrested (i.e., "blotter information") and (2) at least one additional report designated by the agency. The additional

report may be the arrest report, incident report, news release, or other similar report of the arrest.

The act modifies both components of the record of the arrest. It (1) requires that the “blotter information” also include the arrestee's race and (2) eliminates the requirement to disclose the one additional report and instead requires the law enforcement agency to disclose certain other records describing the arrest. Under the bill, the agency must disclose the (1) arrest warrant application and supporting affidavits, if the arrest was made by warrant, or (2) official arrest, incident, or similar report, if the arrest was made without a warrant. If a judicial authority orders the affidavits or report sealed, in whole or in part, then the agency must disclose (1) the unsealed portion, if applicable, and (2) a report summarizing the circumstances that led to the arrest, without violating the judicial authority's order. The bill specifies that the “record of the arrest” does not include any investigative files a law enforcement agency compiles in connection with investigating a crime that results in an arrest.

The act prohibits law enforcement agencies from redacting the record of the arrest except for (1) witnesses' identities; (2) specific information about the commission of a crime, if the agency reasonably believes it may prejudice a pending prosecution or a prospective law enforcement action; or (3) information ordered sealed by a judicial authority. Under current law, the law enforcement agency may redact information from the additional report (but not the blotter information) in accordance with FOIA's eight law enforcement records exemptions. The bill also requires that, during the period in which a person's prosecution is pending, law enforcement agencies disclose under FOIA any public record that documents or depicts a person's arrest or custody, unless there is an applicable statutory exemption from disclosure. A law enforcement agency that receives a FOIA request for such a record must notify the state's attorney for the judicial district where the arrest occurred. The bill allows the state's attorney to intervene in any proceeding before the Freedom of Information Commission concerning the requested record.

Lastly, the bill specifies that it applies only when a prosecution is pending against the person who is the subject of the record. At all other times, the applicable provisions of FOIA govern disclosure of the record; i.e., the record must be disclosed unless there is a statutory exemption from disclosure.

PA 15-175 – AN ACT CONCERNING THE USE OF A GLOBAL POSITIONING SYSTEM

EFFECTIVE DATE: October 1, 2015

This act creates the crime of electronic stalking and makes it a class B misdemeanor punishable by imprisonment for up to six months, a fine of up to \$1,000, or both. A person commits this crime when he or she willfully and repeatedly uses a global positioning system (GPS) or similar electronic monitoring system to remotely determine or track another person's position or movement, thereby recklessly causing the individual to reasonably fear for his or her physical safety.

Under a separate law, unchanged by the act, a person is guilty of 3rd degree stalking when he or she recklessly causes someone to reasonably fear for his or her physical safety by willfully and repeatedly following or lying in wait for the other person. This crime is a class B misdemeanor.

PA 15-182 – AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES, EXAMINATIONS FOR STATE EMPLOYMENT AND STATE WORKERS' COMPENSATION PAYMENTS TO REFERRING PRACTITIONERS

EFFECTIVE DATE: July 1, 2015

This act makes several changes to the laws governing examinations for state employment. It increases, from one year to two years, the maximum amount of time for which the Department of Administrative Services (DAS) can extend the effective period for a candidate list for state employment. By law, candidate lists are effective for between three months and one year but may be extended by the DAS commissioner based on the state's needs.

PA 15-195- AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING

EFFECTIVE DATE: October 1, 2015

This act makes changes in the statutes related to human trafficking by:

1. Expanding the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor (under age 18);
2. Requiring the Department of Public Health (DPH) to provide human trafficking victims the same services it must provide certain sexual assault victims under existing law;
3. Expanding the conditions under which a court must order the erasure of a juvenile's police and court records;
4. Expanding the list of crimes, including human trafficking, for which wiretapping may be authorized;
5. Increasing, from 20 to 22, the membership of the Trafficking in Persons Council; and
6. Specifically allowing the Office of Victim Services (OVS), under certain circumstances, to waive the two-year limitation on crime victim compensation applications for minors who are victims of human trafficking.

The act also makes technical and conforming changes.

§ 4 — ELEMENTS OF THE CRIME OF HUMAN TRAFFICKING

The act expands the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor.

Under existing law, a person commits human trafficking when he or she:

1. Compels or induces another person, regardless of age, to (a) engage in conduct involving more than one occurrence of sexual contact with one or more third persons or (b) provide labor or services that he or she has a legal right to refrain from providing and
2. Does so through coercion, fraud, or the use or threatened use of force against the other person or a third person.

Under the act, human trafficking also includes compelling or inducing a minor to engage in conduct involving more than one occurrence of sexual contact with one or more third persons that constitutes (1) prostitution or (2) sexual contact for which the third person may be charged with a criminal offense.

By law, human trafficking is a class B felony.

§ 1 — DPH SERVICES TO TRAFFICKING VICTIMS

The act requires DPH to provide victims of human trafficking the same services it must provide under existing law to certain sexual assault victims and victims of risk of injury to minor involving sexual acts. These services are:

1. Counseling about HIV and AIDS,
2. HIV-related testing, and
3. Referrals for appropriate health care and support services.

The law requires DPH to provide such services (1) whether or not anyone is convicted or adjudicated delinquent for the violation and (2) through counseling and testing sites the department funds.

§ 3 — ERASURE OF POLICE AND COURT RECORDS

The act expands the conditions under which a court, upon request, must order the erasure of a juvenile's police or court records after discharge from court supervision or court-ordered custody. It requires a court to do so if the court finds that the child has a criminal record as a result of being a victim of human trafficking or related federal crimes.

By law, after such discharge, the child or his or her parent or guardian may petition the Superior Court to have the child's police and court records erased for (1) a delinquency conviction, (2) an adjudication as a member of a family with service needs, or (3) admitting to committing a delinquent act. Under existing law, for the court to erase a juvenile's record in this situation, the following conditions must exist:

1. At least two years (four years for a serious juvenile offense) must have elapsed since the child was discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or any other agency or institution,
2. No subsequent juvenile proceeding or adult criminal proceeding is pending against the child,
3. The child has not been convicted as an adult of a felony or misdemeanor or of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during the two- or four-year period; and
4. The child has reached adulthood.

§ 5 — WIRETAPPING

The act adds aggravated sexual assault of a minor, enticing a minor, human trafficking, and obscenity concerning minors to the list of crimes for which wiretapping may be authorized.

Under existing law, wiretaps may be authorized for the crimes of gambling; bribery; racketeering; manufacturing or selling illegal drugs; or felonies involving violence, unlawful or threatened use of physical force, or violence committed with intent to intimidate or coerce the civilian population or a government unit.

§ 2 — TRAFFICKING IN PERSONS COUNCIL

The act increases, from 20 to 22, the membership of the Trafficking-in-Persons Council by increasing, from one to three, the number of public members appointed by the governor. Under existing law, the governor appoints a representative from Connecticut Sexual Assault Crisis Services, Inc. The act requires the governor to appoint two additional members, one each representing victims of (1) commercial exploitation of children and (2) child sex trafficking.

§ 6 — CRIME VICTIM COMPENSATION

By law, crime victims (including those who suffer pecuniary loss as a result of the victim's injury) are generally eligible for crime victim compensation if they (1) apply within two years after the date of personal injury or death from a qualifying incident or crime and (2) report the crime to the police either within five days after it occurs or within five days after a report reasonably could have been made. The maximum awards are \$15,000 for personal injuries and \$25,000 for death.

Existing law allows OVS to waive the two-year limitation on crime victim compensation applications for minors if the office finds that the minor is not at fault for missing the deadline. The act specifies that this includes minors who are victims of human trafficking or related federal crimes.

PA 15-198 – AN ACT CONCERNING SUBSTANCE ABUSE AND OPIOID OVERDOSE PREVENTION

EFFECTIVE DATE: Upon passage

This act makes various changes affecting prescription drugs, drug abuse prevention, and related topics. Among other things, it:

§§ 6 & 8 — OPIOID ANTAGONISTS

Prescriptive Authority for Pharmacists

Under certain conditions, the bill allows licensed pharmacists to prescribe opioid antagonists. To do so, the pharmacist must (1) have been trained and certified by a program approved by the DCP commissioner and (2) act in good faith.

Under the act, when such a pharmacist dispenses an opioid antagonist, he or she must provide training to the person on how to administer it. The pharmacist must also maintain a record of the dispensing and training under the law's recordkeeping requirements. The bill prohibits a pharmacist from delegating to or directing another person to prescribe an opioid antagonist or provide this training.

The act specifies that a pharmacist who prescribes an opioid antagonist and meets these requirements is not deemed to have violated any standard of care for pharmacists (see below on immunity from liability).

The DCP commissioner may adopt implementing regulations.

By law, an “opioid antagonist” is naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the federal Food and Drug Administration has approved for treating a drug overdose.

Immunity from Liability

The act expands the current civil and criminal immunity for licensed health care professionals authorized to prescribe an opioid antagonist, when prescribing, dispensing, or administering it to treat or prevent a drug overdose. (The immunity applies to these actions or the subsequent use of the antagonist.)

The act removes the condition that the immunity applies only if the professional acts with reasonable care. It also makes a technical change to clarify that these professionals may prescribe, dispense, or administer the antagonist to any individual.

The act also specifies that a professional who prescribes, dispenses, or administers an opioid antagonist in accordance with these provisions is deemed not to have violated the applicable standard of care.

PA 15-202- **AN ACT LEGALIZING INDUSTRIAL HEMP**

EFFECTIVE DATE: July 1, 2015

This act legalizes industrial hemp by removing it from the state “marijuana” and “cannabis-type substances” definitions, thereby removing its status as a controlled substance. Thus, the act allows industrial hemp to be grown, used, and sold under state law.

Under current law, except for authorized medical purposes, anyone manufacturing or selling marijuana may be subject to felony penalties. Anyone possessing marijuana for non-medical purposes is subject to penalties ranging from a civil fine to a felony, depending on the amount.

The act incorporates the definition of industrial hemp from a recent federal law. Under that law, industrial hemp means the plant *Cannabis sativa L.* and any part of the plant whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3% on a dry weight basis.

PA 15-205- **AN ACT PROTECTING SCHOOL CHILDREN**

EFFECTIVE DATE: October 1, 2015, except that the provisions regarding DCF's training program (§ 1); rapid response teams (§ 9); rehiring prohibitions (§ 10); and SBE's certification, authorization, and permit practices (§§ 12 & 13) take effect July 1, 2015.

This act increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter who fails to report suspected child abuse or neglect to the Department of Children and Families (DCF) if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault (see Table on Penalties).

The act extends the mandated reporter law's protection to high school students age 18 and older who are not enrolled in an adult education program. It also expands the reporting requirement for school employees and subjects violators to the penalties described above. The act requires school employees to report to DCF suspected sexual assault of any student not enrolled in adult education by a school employee. It also establishes the factors on which all mandated reporters may base their suspicion. Under the act, it is a class D felony for anyone, other than a child or a student not enrolled in an adult education program, to intentionally and

unreasonably interfere with or prevent such reporting or conspire or attempt to do so (see Table on Penalties).

By law, (1) DCF must make available educational and refresher training to all mandated reporters of child abuse and neglect and (2) school employees must participate in the training when hired and every three years. Under the act, the principal for each school under the jurisdiction of a local or regional board of education must annually certify to the superintendent that school employees completed such training, and the superintendent must certify compliance to the State Board of Education (SBE).

The act extends DCF's investigation and notification requirements under existing law in reported child abuse or neglect cases to include cases of reported sexual assault of students by school employees.

It requires each local or regional board to (1) update its written policy, by February 1, 2016, to include the new school employee reporting requirements and (2) establish a confidential rapid response team, by January 1, 2016, to coordinate with DCF to ensure prompt reporting. It also prohibits the boards from hiring noncompliant or convicted employees who were terminated or resigned and requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

The act also makes technical and conforming changes.

§§ 2 & 11 — MANDATED REPORTING

Reporters and Penalties

By law, it is a crime for mandated reporters to fail to report suspected child abuse or neglect to DCF (see BACKGROUND). Under prior law, failure to report was a class A misdemeanor. The act increases this penalty to a class E felony if the:

1. Violation is a subsequent violation;
2. Violation is willful, intentional, or due to gross negligence; or
3. Mandated reporter has actual knowledge that a child was abused or neglected or a student was a victim of sexual assault (see below).

The act expands the reporting requirements for school employees (see BACKGROUND) and subjects violators to the penalties as described above. It requires a school employee to report to DCF if he or she, in the ordinary course of his or her employment or profession, has reasonable cause to suspect or believe that a student enrolled in a technical high school or a school under the local or regional board of education's jurisdiction (other than an adult education program) is a victim of any of the following crimes committed by a school employee: 1st, 2nd, 3rd, or 4th degree sexual assault, 1st degree aggravated sexual assault, or 3rd degree

sexual assault with a firearm. The reporter must notify DCF in the same manner and within the same timeframes required of mandated reporters of child abuse and neglect under existing law. Under the act, these victims are children for the purpose of the mandated reporter statutes, including provisions on oral and written reports to DCF, investigatory activities, and notification to law enforcement and prosecutorial authorities (§§ 3-5, 7, & 8).

Under the act, a mandated reporter's suspicion or belief does not require certainty or probable cause and may be based on observations; allegations; facts; or statements by a child, victim, or third party.

By law, it is a class D felony to intentionally and unreasonably interfere with or prevent a mandated reporter from reporting abuse or neglect. The act specifies that it is a class D felony for anyone, other than a child under age 18 or a student not enrolled in an adult education program, to intentionally and unreasonably interfere with or prevent a mandated reporter from carrying out his or her reporting duty or attempt or conspire to do so.

By law, the DCF commissioner must promptly notify the chief state's attorney if she believes that a mandated reporter failed to make a report.

§ 6 — DCF INVESTIGATION

The act extends the application of DCF's child abuse or neglect investigation and notification requirements to reported sexual assault cases.

By law, within five days after completing an investigation of a report of child abuse or neglect by a school employee, the DCF commissioner must notify the employing superintendent and the education commissioner of the results and provide them with any investigation records. The act requires the DCF commissioner to do the same after completing an investigation of a report of 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in an adult education program by a school employee. The DCF commissioner must do so whether or not the child or the victim is a student in the employing school or school district. Under the act, if the DCF commissioner has reasonable cause to believe that a student is a victim as described above, the superintendent must suspend the reported school employee.

§§ 6, 9, & 10 — LOCAL AND REGIONAL SCHOOL BOARDS' PRACTICES

§ 6 — Written Policy

Under prior law, each local and regional board of education had to have a written policy on school employees reporting suspected child abuse or knowingly making false reports of such abuse. The act requires the policy, by February 1, 2016, to also address the reporting of suspected (1) child neglect and (2) the sexual assault crimes noted above.

By law, the board must annually distribute the policy to all school employees and document that they have received it and completed the required training.

§ 9 — Rapid Response Team

Under the act, each local and regional board of education, by January 1, 2016, must establish a confidential rapid response team to coordinate with DCF to:

1. Ensure prompt reporting of suspected child abuse or neglect, or the sexual assault crimes noted above and
2. Provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team must consist of:

1. A local or regional board of education teacher and superintendent,
2. A local police officer, and
3. Any other person the board deems appropriate.

The act requires DCF, along with a multidisciplinary team, to take immediate action to investigate and address each report of child abuse or neglect in any school.

§ 6 — Hiring Convicted Former Employees Prohibited

The act prohibits a local or regional board of education from employing anyone who was terminated or resigned after a license suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect or (2) any of the sexual assault crimes noted above.

§ 10 — Hiring Violators of Mandated Reporting Law Prohibited

The act prohibits a local or regional board of education from employing a school employee who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

§§ 6, 12, & 13 — STATE'S ATTORNEY NOTICE AND SBE CERTIFICATION REVOCATION

By law, if a school employee, or anyone who holds an SBE-issued certificate, permit, or authorization, is convicted of certain crimes, the state's attorney for the judicial district where the conviction occurred must notify, in writing, the (1) school district's superintendent or private school's supervisory agent and (2) education commissioner. Under prior law, the crimes were limited to:

1. Child abuse or neglect,
2. Risk of injury to a child, or
3. 2nd or 4th degree sexual assault against anyone.

The act broadens the range of criminal convictions for which the state's attorney's notification is required to include convictions for intentionally or unreasonably interfering with a mandated reporter's reporting duty.

It also adds convictions of a school employee, or anyone who holds an SBE-issued certificate, permit, or authorization, for (1) 1st or 3rd degree sexual assault, (2) 1st degree aggravated sexual assault, or (3) 3rd degree sexual assault with a firearm against a student who is not enrolled in an adult education program.

By law, the education commissioner, upon receipt of the state's attorney's notification, must revoke any such person's certificate, permit, or authorization. The law prohibits the commissioner from issuing or reissuing a certificate, permit, or authorization to such a person.

PA 15-206 – AN ACT REGULATING ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS

EFFECTIVE DATE: October 1, 2015

This act imposes restrictions on the use of “electronic nicotine delivery systems” and “vapor products” (“e-cigarettes”) in certain establishments and public areas that are similar to existing restrictions on smoking tobacco products in such areas. In doing so, it:

1. Prohibits the use of e-cigarettes in state buildings, restaurants, places serving alcohol, schools, child care facilities, and health care facilities, among other areas;
2. Makes exceptions for e-cigarette use in certain areas and facilities, including designated smoking areas, tobacco bars, and outdoor areas in establishments serving alcohol;
3. Permits hotel and motel operators to allow e-cigarette use in up to 25% of their rooms;

4. Requires, in areas where e-cigarette use is prohibited, signs to that effect;
5. Establishes penalties for violations of the act; and
6. Specifies that nothing in the act requires the designation of an area in a building for e-cigarette use.

Under the act, the Public Health Committee must hold a hearing to determine whether any state legislation is needed after the federal Food and Drug Administration (FDA) finalizes a rule that could impose federal regulations on e-cigarettes.

Finally, the act specifies that it supersedes and preempts municipal laws and ordinances on e-cigarette use.

ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS

Under the act and existing law, an “electronic nicotine delivery system” is an electronic device used to simulate smoking in delivering nicotine or another substance to a person who inhales from it. Such systems include electronic (1) cigarettes, (2) cigars, (3) cigarillos, (4) pipes, (5) and hookahs. It also includes related devices, cartridges, or other components.

A “vapor product” uses a heating element; power source; electronic circuit; or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor the user inhales. The vapor may or may not include nicotine.

E-CIGARETTE USE IN CERTAIN ESTABLISHMENTS AND PUBLIC AREAS

Where Use Is Prohibited

The act generally prohibits e-cigarette use in the following places:

1. Buildings owned or leased and operated by the state or its political subdivisions,
2. Health care institutions,
3. Retail food stores,
4. Restaurants (see below),
5. Places that serve alcohol under specified permits (see below),
6. School buildings during school or student activities,
7. Specified child care facilities (see below),
8. Passenger elevators,

9. Dormitories at public or private higher education institutions, and

10. Dog race tracks or facilities equipped with screens for simulcasting off-track betting racing programs or jai alai games.

Under the act, a restaurant is a space, in a suitable and permanent building, kept, used, maintained, advertised, and held out to the public as a place where meals are regularly served to the public.

E-cigarette use is prohibited in establishments that serve alcohol under the following permits: university; hotel; resort; restaurant; café; juice bar; tavern; railroad; airline; coliseum or coliseum concession; special sporting facility; nonprofit theater or public museum; airport; or airport restaurant, bar, concession, or airline club. E-cigarette use is also prohibited in (1) any club issued a permit after May 1, 2003 to serve alcohol and (2) the bar areas of bowling establishments that hold such a permit.

Additionally, under the act, a “child care facility” is a child day care center, group or family day care home, or any child care facility that must be licensed by the Department of Children and Families. The act specifies that the prohibition on e-cigarette use in family day care homes applies only when a child enrolled in day care is present.

Exceptions

Under the act, the prohibition on e-cigarette use does not apply to:

1. Correctional facilities;
2. Designated smoking areas in psychiatric facilities;
3. Public housing projects;
4. Classrooms, during e-cigarette demonstrations that are part of a medical or scientific experiment or lesson;
5. Employee smoking rooms provided by employers;
6. Outdoor portions of places serving alcohol, under certain circumstances (see below); and
7. Tobacco bars, provided they do not expand or change their location as of October 1, 2015.

Establishments serving alcohol where using e-cigarettes is generally prohibited under the act may allow e-cigarette use in outdoor areas (i. e., areas with no roof or other ceiling enclosure). If they choose to do so, they must prohibit e-cigarette use in at least 75% of outdoor areas where food is served and designate such areas with a “nonsmoking” sign. Any temporary

seating area for special events in such establishments is not subject to the prohibition on e-cigarette use or signage requirements.

Under the act, a “tobacco bar” is a bar that has a permit to sell alcohol and, in the calendar year ending December 31, 2015, generated 10% or more of its annual gross income from on-site tobacco product sales and humidor rentals.

The act also permits hotel, motel, or similar lodging operators to allow guests to use e-cigarettes in up to 25% of rooms offered as guest accommodations.

Signage

In each room, elevator, area, or building in which e-cigarette use is prohibited by the act, the person in control of the premises must post or have someone post a sign indicating that state law prohibits e-cigarette use. Generally, the signs must have letters at least four inches high with principal strokes at least one-half inch wide. The act exempts elevators, restaurants, establishments that serve alcohol, hotels, motels, other lodgings, and healthcare institutions from the letter-size requirements.

Penalties

Under the act, a person commits an infraction if he or she is found guilty of (1) using an e-cigarette where prohibited by the act, (2) failing to post required signs, or (3) removing the signs without authorization. The act specifies that a person may be arrested for using an e-cigarette in an elevator only if there is a sign indicating that such use is prohibited.

HEARING FOLLOWING FINAL FDA RULE

The act requires the Public Health Committee to hold a public hearing within 30 days after the finalization of the FDA's proposed rule on tobacco products deemed subject to the federal Food, Drug, and Cosmetic Act. The federal act gives the FDA the authority to regulate cigarettes, smokeless tobacco, and any other tobacco products that the FDA determines, by regulation, to be subject to the law. Part of the proposed FDA rule deems e-cigarettes to be tobacco products, thus subjecting them to many of the restrictions that currently apply to cigarettes; e.g., requiring submission of ingredient lists and reporting of harmful and potentially harmful ingredients).

At the hearing, the committee must review the FDA rule and determine whether to recommend legislation on tobacco products, including e-cigarettes, in response to the rule.

PA 15-207 – AN ACT CONCERNING THE TIMELY TRANSFER AND PROCESSING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS

EFFECTIVE DATE: October 1, 2015

This act makes various changes affecting evidence in sexual assault cases and establishes deadlines for transferring and processing sexual assault evidence police obtain from health care facilities that collect such evidence.

If an accused seeks to introduce evidence of a victim's sexual conduct in a sexual assault case, the bill requires the hearing on the motion to be held in camera (i.e., in private), rather than allowing the court to grant a motion to hold the hearing in that manner. By law, evidence of a victim's sexual conduct in these cases is admissible only in certain limited circumstances.

The act requires motions, supporting documents, and related court documents concerning these hearings to be sealed and unsealed only if the court rules that the evidence is admissible and the case goes to trial.

If the state discloses any such evidence, the bill limits further disclosure of that evidence by defense counsel.

The act requires sexual assault evidence collected from a person who chooses to remain anonymous to be held for at least five years, instead of 60 days; and sets a five-day deadline for police to notify the Division of Scientific Services about a victim who reports a sexual assault to the police after the collection of the evidence.

MOTION ON ADMISSIBILITY OF EVIDENCE IN SEXUAL ASSAULT CASES

Under the act, any motion and supporting documents seeking to admit evidence of a victim's sexual conduct must be filed under seal. These documents may be unsealed only if the court rules that the evidence is admissible and the case proceeds to trial. If the court determines that only part of the evidence is admissible, only the pertinent part of the motion or documents may be unsealed. If the case is appealed, the court must maintain these documents under seal for delivery to the Appellate Court.

The act sets similar requirements for the court regarding transcripts, records, and recordings of proceedings on these hearings. The court must seal them, and may unseal them only if it rules that the evidence in the document or recording is admissible and the case proceeds to trial. If the court determines that only part of the evidence is admissible, it may unseal only the related portion of the document or recording.

The act specifically allows courts to set other terms and conditions as to such evidence of a victim's sexual conduct. For evidence disclosed by the state, the bill prohibits the defendant, defense counsel, or agent of the defendant or defense counsel from further disclosing the evidence to anyone except to people employed by the attorney in connection with the case investigation or defense, without the prior approval of the prosecutor or the court. (Presumably this provision does not prohibit disclosure by the attorney to the defendant.)

DEADLINES FOR PROCESSING AND TRANSFERRING SEXUAL ASSAULT EVIDENCE

By law, when a health care facility collects sexual assault evidence, it must “contact” a police department (in effect, provide the evidence to the police department), which must transfer it to the state Division of Scientific Services or Federal Bureau of Investigation (FBI) laboratory. Current law requires the agency that receives the evidence to hold it for 60 days. But if the victim reports the assault to the police, the agency must analyze it at the request of the police department that transferred it, and the police department or agency must hold it until any criminal proceedings end.

The act adds transfer and processing deadlines for police departments and the division. Specifically, it requires a police department that receives sexual assault evidence from a health care facility to transfer the evidence to the Division of Scientific Services or the FBI within 10 days after the health care facility collects it.

If the evidence is transferred to the division, the bill requires the division to analyze it within 60 days after it is collected, unless the victim chose to remain anonymous and not report the assault to the police at the time the evidence was collected, in which case, the division must hold the evidence for at least five years after the collection. If the victim reports the assault to the police department after the evidence is collected, the department must notify the division of the report not later than five days after the victim files it, and the division must analyze the evidence not later than 60 days after getting the notification. The agency must hold any evidence received and analyzed until the end of any criminal proceedings.

Under the act, a department's failure to transfer the evidence or the division's failure to process it within the deadlines does not affect the admissibility of the evidence in any suit, action, or proceeding if the evidence is otherwise admissible.

PA 15-211 – AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES, AND CONCERNING THE PSYCHIATRIC SECURITY REVIEW BOARD, DOMESTIC VIOLENCE, CONDOMINIUM ASSOCIATIONS AND DEPOSITIONS OF PERSONS LIVING OUT-OF-STATE

EFFECTIVE DATE: October 1, 2015, except the provisions on (1) the extradition cost task force, PRSB, U.S. marshals, domestic violence council, and termination of master associations are effective upon passage; (2) family violence victim confidentiality are effective July 1, 2015; and (3) family violence intervention units are effective January 1, 2016.

This act makes a number of changes in criminal laws. Among other things, it:

1. Requires a person's probation term to begin after he or she serves any prison sentence;
2. Creates a task force to study ways to reduce extradition costs and the feasibility of vacating bond forfeiture orders under certain circumstances;

3. Expands the crime of felony murder;
4. Makes it a form of 2nd degree assault to intentionally cause physical injury to someone by striking or kicking the other person in the head while the person is in a lying position, thus increasing the penalty for this conduct from a class A misdemeanor to a class D felony;
5. Increases the penalty for 2nd degree assault from a class D felony to a class C felony when serious physical injury results;
6. Specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community;
7. Expands the infraction of simple trespass;
8. Expands the crimes of tampering with evidence to cover activities while a criminal investigation, in addition to an official proceeding, is pending or anticipated;
9. Excludes from participation in accelerated rehabilitation (AR) health care providers or vendors participating in the state's Medicaid program who are charged with (a) 1st degree larceny or (b) 2nd degree larceny involving defrauding a public community of \$2,000 or less;
10. Excludes from participation in the pretrial alcohol education program people charged with 2nd degree manslaughter with a vessel or 1st degree reckless vessel operation while under the influence and makes other changes to eligibility based on prior convictions and program usage;
11. Requires the drug education program portion of the pretrial drug education and community service program be a 15-session, rather than a 15-week, program (§ 12);
12. Allows people who would otherwise participate in the family violence education program to participate in the supervised diversionary program when the court finds it is appropriate;
13. No longer requires the Psychiatric Security Review Board (PSRB), when conditionally releasing someone under its jurisdiction, to require that the person have outpatient treatment (although treatment is still required);
14. Makes assaulting a state or municipal animal control officer or a licensed and registered security officer a class C felony;
15. Makes changes affecting sentencing for 1st degree sexual assault and 1st degree aggravated sexual assault, such as expanding when the court can order probation for these crimes and increasing the mandatory minimum for the latter crime in some circumstances;
16. Expands the definition of a “peace officer” to include U.S. marshals and deputy marshals;

17. Creates a 16-member Domestic Violence Offender Program Standards Advisory Council to promulgate, review, update, and amend the domestic violence offender program standards;
18. Changes the scope of the Superior Courts' local family violence intervention units' role in the provision of victim and offender treatment services;
19. Extends to family violence victims the right to keep certain information confidential, as existing law allows for sexual assault victims and victims of injury or risk of injury to, or impairing the morals of, children;
20. Increases the penalty for drivers who fail to stop after being involved in accidents causing serious physical injury or death; and
21. Prevents land subject to a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession.

The bill makes three additional changes, not related to criminal laws. It:

1. Narrows the applicability of a law allowing for certain master associations under the Common Interest Ownership Act (CIOA) to terminate and transfer their assets to a new nonstock corporation,
2. Expands when CIOA executive boards can act without a meeting, and
3. Establishes procedures for someone who receives a subpoena related to a civil or probate action in another state or a foreign country and who is not a party to that proceeding to object to the subpoena as an undue or unreasonable burden or expense and the court to rule on a request to enforce the subpoena.

§ 1 — SERVING PROBATION TERMS

When a person is sentenced to a period of probation or conditional discharge to be served after a prison sentence, the law requires the probation or conditional discharge period to begin when the person is released from prison. Under case law, the court can delay the start of a probation or conditional discharge term only when a person is in prison under a sentence for the same crime; it cannot delay the probation or conditional discharge period if the person is in prison due to a sentence on a different conviction (*State v. Moore*, 85 Conn. App. 7 (2004)).

The act requires any probation or conditional discharge term to begin when the defendant is released from prison, regardless of when the prison sentence is imposed.

§ 2 — TASK FORCE ON EXTRADITION AND BONDS

The act creates a task force to examine:

1. Ways to reduce costs to extradite someone to the state for criminal proceedings and
2. The feasibility of a court vacating bond forfeiture orders when a professional bondsman, surety bail bond agent, or insurer pays the extradition costs.

It must report its recommendations to the Judiciary Committee by January 15, 2016, and it terminates on the later of that date or when it submits its report.

Members and Staff

The task force consists of the following nine members:

1. A Connecticut surety bail bond agent or professional bondsman appointed by the House speaker;
2. A representative of an insurer who does bail bond business, appointed by the Senate president pro tempore;
3. One member each appointed by the Senate majority and minority leaders and the House majority and minority leaders, who may be legislators;
4. The emergency services and public protection commissioner, or her designee;
5. A representative of the U.S. Marshals Service, appointed by the U.S. Marshal for the Connecticut district; and
6. The chief state's attorney.

The bill requires appointing authorities to (1) make their appointments within 30 days of the bill's passage and (2) fill any vacancies.

The bill makes the chief state's attorney the task force chairman and requires him to schedule the first meeting within 60 days of the bill's passage. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

§ 3 — FELONY MURDER

The act expands the crime of felony murder to include when a person commits or attempts to commit home invasion and, during or in furtherance of the crime, or while fleeing the crime, the person or any other participant in the crime causes the death of someone not participating in the crime.

By law, felony murder includes causing a death as described above related to the crime of robbery, burglary, kidnapping, 1st or 3rd degree sexual assault, 1st degree aggravated sexual assault, 3rd degree sexual assault with a firearm, or 1st and 2nd degree escape.

By law, felony murder is punishable by 25 to 60 years in prison, a fine of up to \$20,000, or both.

§ 4 — 2ND DEGREE ASSAULT

Conduct

The act increases the penalty for intentionally causing physical injury to someone, from a class A misdemeanor to a class D felony, when a person causes the injury by striking or kicking another person in the head while the person is in a lying position. It does so by making this conduct a 2nd degree assault. Currently, someone who intentionally causes physical injury in any manner commits the class A misdemeanor of 3rd degree assault (CGS § 53a-61). By law, a class A misdemeanor is punishable by up to one year in prison, a fine of up to \$2,000, or both. Class D felonies are punishable by up to five years in prison, a fine of up to \$5,000, or both.

By law, a person commits 2nd degree assault when he or she does any of the following to someone:

1. Intentionally causes serious physical injury;
2. Intentionally causes physical injury by using a deadly weapon or dangerous instrument other than a firearm;
3. Recklessly causes serious physical injury by using a deadly weapon or dangerous instrument;
4. For a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same;
5. While on parole, intentionally causes physical injury to a Board of Pardons and Paroles employee or member; or
6. Without provocation, strikes a person in the head intentionally causing serious physical injury and rendering him or her unconscious.

Penalty

The act increases the penalty, from a class D felony to a class C felony, when a 2nd degree assault results in serious physical injury. By law, class C felonies are punishable by up to 10 years in prison, a fine of up to \$10,000, or both. By law, a “serious physical injury” is one that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

§ 5-7 — SEX OFFENDER REGISTRATION PERIOD

The act specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community. By law, offenders convicted of 4th degree sexual assault, voyeurism, or crimes designated as sexual offenses against a minor must register for 10 years. The court may require an offender convicted of a felony committed for a sexual purpose to register for 10 years.

By law, a person convicted of a violent crime or a subsequent conviction of 4th degree sexual assault, voyeurism, or a sexual offense against a minor must register for life.

§ 8 — TRESPASS

By law, a person commits simple trespass by entering any premises knowing he or she is not licensed or privileged to enter, without intent to harm the property. The bill expands this infraction to include when a person remains in or on the premises.

§ 9 — TAMPERING WITH OR FABRICATING EVIDENCE

The act expands the scope of this crime to cover conduct that occurs when a person believes a law enforcement criminal investigation is pending or about to begin. Under current law, a person tampers with or fabricates evidence when he or she:

1. Believes an official proceeding is pending or about to begin and
2. (a) Alters, destroys, conceals, or removes a record, document, or thing in order to impair its verity or availability in a proceeding or (b) makes, presents, or uses a record, document, or thing knowing it is false in order to mislead a public servant who is or may be engaged in the official proceeding.

The act expands this crime to cover these actions when a criminal investigation is pending or about to begin. In ruling on a related statute, the Connecticut Supreme Court ruled that the evidence tampering crime did not cover situations where a person believes that only an investigation but not an official proceeding is likely (*State v. Jordan*, 314 Conn. 354 (2014)).

By law, this crime is a class D felony.

§ 10 — ACCELERATED REHABILITATION (AR) AND 1ST AND 2ND DEGREE LARCENY

The law excludes people charged with class B felonies from participating in AR, with some exceptions. Currently, someone charged with the class B felony of 1st degree larceny can participate in AR only if he or she:

1. (a) Committed larceny by depriving someone of property or services valued at over \$20,000 or of any value if obtained through by extortion and (b) did not use, attempt to use, or threaten to use force or

2. (a) Committed larceny by depriving a public community of property valued at over \$2,000 by fraud; (b) did not use, attempt to use, or threaten to use force; and (c) is not a public official or state or municipal employee.

The act additionally excludes someone charged with 1st degree larceny if he or she is a health care provider or vendor participating in the state's Medicaid program.

The law allows someone charged with a class C felony to participate in AR for good cause. The bill excludes from AR participation someone charged with the class C felony of 2nd degree larceny when it involves defrauding a public community of \$2,000 or less and the person is a health care provider or vendor participating in the state's Medicaid program.

By changing eligibility for AR, the bill also affects eligibility for the supervised diversionary program for people with psychiatric disabilities and certain veterans (see § 13).

§ 11 — PRETRIAL ALCOHOL EDUCATION PROGRAM

If a defendant meets the eligibility criteria for this program, the court has discretion to allow his or her participation and he or she is placed in an alcohol intervention or a state-licensed substance abuse treatment program after an evaluation. If the defendant satisfactorily completes the program, the court dismisses the charges.

Eligibility

The act excludes from eligibility for this program people charged with:

1. 2nd degree manslaughter with a vessel (operating a vessel while under the influence of alcohol or drugs and causing another's death) or

2. 1st degree reckless vessel operation while under the influence (operating a vessel while under the influence of alcohol or drugs or with an elevated blood alcohol content and causing serious physical injury or more than \$2,000 property damage).

By law, unchanged by the act, a defendant is generally eligible for this program if he or she is charged with driving under the influence (DUI), violating rules for safe boating (including drunken boating), or 2nd degree reckless vessel operation while under the influence.

Currently, someone is ineligible for participating in this program if he or she is (1) charged with driving under the influence and used the program in the previous 10 years for a DUI violation or (2) charged with DUI while under age 21 and has used the program for either type of DUI crime. The bill instead makes someone ineligible if he or she (1) is charged with DUI, DUI while under

age 21, drunken boating, or 2nd degree reckless vessel operation while under the influence and (2) has used the program for any one of these charges within the previous 10 years.

Currently, someone is also ineligible if he or she has a prior conviction of DUI, 2nd degree manslaughter with a motor vehicle (which involves DUI), 2nd degree assault with a motor vehicle (which involves DUI), or a similar crime in another state. The bill also makes ineligible someone previously convicted of DUI while under age 21, 2nd degree manslaughter with a vessel (which involves operating under the influence), drunken boating, 1st degree reckless operation of a vessel under the influence, or 2nd degree reckless vessel operation while under the influence, or a similar crime in another state.

The law also makes ineligible, except for good cause, someone charged with DUI or DUI while under age 21 if the conduct caused serious physical injury to another. The bill also makes ineligible, except for good cause, someone charged with drunken boating if it caused serious physical injury to another.

By law, a person is also ineligible if he or she is charged with DUI and was operating a commercial vehicle or holds a commercial driver's license or instruction permit.

Reporting Program Usage

Current law requires the Judicial Branch's Court Support Services Division (CSSD) to report to the Department of Energy and Environmental Protection when someone charged with one of the boating crimes successfully completes the program. The act restricts when CSSD must report on people charged with violating rules for safe boating to instances when the safe boating violation involved drunken boating.

§ 13 — PRETRIAL SUPERVISED DIVERSIONARY PROGRAM

By law, this criminal diversion program is for people with psychiatric disabilities or certain veterans with mental conditions amenable to treatment.

Currently, someone is ineligible for this program if he or she has used this program twice before or is charged with a crime that makes him or her ineligible for AR. Currently, someone is ineligible for AR, and thus this program, if he or she could participate in the pretrial family violence education program. The bill allows such a person to participate in the supervised diversionary program if it is the more appropriate program for the person under the circumstances.

§ 14 — CONDITIONAL RELEASE BY THE PSRB

By law, unless discharged, the court commits someone who is found not guilty of a crime because of mental disease or defect to the PSRB for a term up to the maximum sentence authorized for the crime. The board has authority, based on findings about the person's mental condition, to conditionally release him or her under the board's jurisdiction.

Currently, the board can conditionally release someone for supervision and treatment on an outpatient basis. The bill specifies that release is from a hospital for psychiatric disabilities and no longer requires the treatment to be on an outpatient basis.

The act refers to someone with a “psychiatric disability” rather than a “mental illness” and specifies that a psychiatric disability does not include an abnormality manifested only by repeated criminal or other antisocial conduct.

The act also makes technical changes.

§ 15 — ASSAULT OF A STATE OR MUNICIPAL ANIMAL CONTROL OFFICER, SECURITY OFFICER, OR RAIL PERSONNEL

Animal Control and Security Officers

The act makes assault of a state or municipal animal control officer or a licensed and registered security officer a class C felony, the same penalty as for assault of public safety, emergency medical, and public transit personnel and liquor control agents, among others. A person commits this crime by assaulting a reasonably identifiable state or municipal animal control or a security officer performing his or her duties, with intent to prevent them from performing their duties, by doing any of the following to the officer:

1. Causing injury;
2. Throwing objects capable of causing harm;
3. Using tear gas, mace, or a similar harmful agent;
4. Throwing paint, dye, or any other offensive substance; or
5. Throwing bodily fluid, such as feces, blood, or saliva.

Current law does not have a specific crime for assaulting these animal control or security officers. Generally, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor to a class A felony.

Rail Personnel

By law, assaulting a public transit employee under the circumstances described above is also a class C felony as described above. Currently, public transit employees include those operating a vehicle providing rail service or performing duties directly related to operating it. The bill instead includes train operators, conductors, inspectors, signal people, and station agents involved in public rail service as public transit employees.

§§ 16 & 17 — SEXUAL ASSAULT

The act makes changes affecting sentencing for 1st degree sexual assault and 1st degree aggravated sexual assault.

It expands when courts can order probation for these crimes by allowing them to do so even when the crimes are class A felonies. This allows courts to impose what is often referred to as a “split sentence” (i.e., a term of imprisonment, part of which is suspended, followed by probation). The bill does not reduce any mandatory minimums.

By law, there is a mandatory minimum prison term of two, five, or 10 years for 1st degree sexual assault, depending on the particular violation. Currently, the sentence must also include a term of imprisonment and special parole that totals at least 10 years. As an alternative, the bill allows a 10-year or longer term of imprisonment, any non-mandatory portion of which may be suspended.

For aggravated sexual assault, the bill (1) raises the mandatory minimum in certain circumstances involving victims who are minors and (2) eliminates the current requirement of five years or more of special parole.

By law, the mandatory minimums for these crimes may be higher if the person falls under the persistent offender statutes (CGS § 53a-40).

Below we describe these changes in more detail.

Probation for 1st Degree and 1st Degree Aggravated Sexual Assault

First degree sexual assault and 1st degree aggravated sexual assault are generally class B felonies; they are class A felonies in some circumstances involving victims who are minors.

Current law prohibits courts from ordering probation for class A felonies. The bill creates an exception by allowing probation for 1st degree or 1st degree aggravated sexual assault even when they are class A felonies.

Under existing law, probation for these crimes when class B felonies must generally be for at least 10 years and no more than 35 years. This applies as well under the bill when these crimes are class A felonies (CGS § 53a-29(f)).

First-Degree Aggravated Sexual Assault

By law, a person is guilty of this crime when the person commits 1st degree sexual assault and one of four aggravating factors are involved (e.g., the use or threat of a deadly weapon or intentionally causing certain serious injuries).

The act generally raises the mandatory minimum prison term, from five to 10 years, when this crime is a class A felony (i.e., when the victim is under age 16). Unchanged by the bill, the mandatory minimum is 20 years if the crime involves forcible rape of a victim under age 16.

In all cases of 1st degree aggravated sexual assault, current law requires at least five years of special parole in addition to the mandatory minimum prison term. The bill instead allows the court to (1) suspend any non-mandatory portion of the sentence and impose probation or (2) impose imprisonment and at least one year of special parole.

§ 18 — U.S. MARSHALS AS PEACE OFFICERS

The act expands the definition of a “peace officer” to include U.S. marshals and deputy marshals. Among other things, this gives them certain arrest powers under state law; access to certain information; and legal protections when using force to apprehend someone, prevent an escape, or protect themselves or others.

§§ 19 & 20 — DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS

The act creates a Domestic Violence Offender Program Standards Advisory Council to promulgate, review and, as needed, update and amend the domestic violence offender program standards presented to the Criminal Justice Policy Advisory Committee (CJPAC) on September 25, 2014.

Council Members, Appointment, and Reporting

The 16-member council includes:

1. One representative of the Connecticut Coalition Against Domestic Violence, Inc., appointed by the House speaker;
2. One representative of a community-based organization that provides group counseling or treatment to people who committed acts of domestic violence, appointed by the Senate president pro tempore;
3. A community-based practicing psychologist or a licensed clinical social worker who provides individual counseling or treatment services to people who committed acts of domestic violence, appointed by the House majority leader;
4. One representative of the Connecticut Police Chiefs Association, appointed by the Senate majority leader;
5. One representative of a community-based organization that provides services to adults with mental health or substance use disorders, appointed by the House minority leader;

6. One representative of a community-based organization the provides direct services to people impacted by domestic violence, appointed by the Senate minority leader;
7. One representative each of the Judicial Branch's Court Support Services Division (CSSD) and the Office of Victim Services, both appointed by the chief court administrator;
8. The Board of Pardons and Paroles' chairperson or his designee;
9. The chief state's attorney or his designee;
10. The chief public defender or her designee;
11. The children and families, correction, mental health and addiction services, and public health commissioners, or their designees; and
12. The victim advocate or her designee.

All appointments must be made within 30 days after the bill passes and any vacancies must be filled by the appointing authority. The representatives of the Connecticut Coalition Against Domestic Violence, Inc. and CSSD must chair the council. The chairpersons must schedule and hold the council's first meeting within 60 days after the bill passes. Subsequent meetings must be held when called by the chairpersons or a majority of council members. The Judiciary Committee's administrative staff must serve as the council's administrative staff.

The council, starting by February 1, 2016, must annually report its activities to the Judiciary Committee, including any updates or amendments to the domestic violence offender program standards adopted in the previous calendar year.

Accessibility of Program Standards

The act requires CJ PAC, by 30 days after the bill passes, to submit to the chief court administrator the program standards presented to CJ PAC on September 25, 2014. He must ensure that such program standards and any updates or revisions adopted by the council are accessible electronically on the Judicial Branch's website.

§§ 21 & 22 — FAMILY VIOLENCE INTERVENTION UNITS

By law, under CSSD's oversight, the local family violence intervention units within the Superior Courts accept referrals of family violence cases from judges or prosecutors. The bill changes the scope of the intervention unit's role in the provision of victim and offender services.

Victim Service Needs

Under current law, the intervention units must (1) identify victim service needs and (2) contract with victim service providers to provide appropriate care to victims, including trauma-informed care. The bill instead allows the Judicial Branch to contract with such providers.

Offender Treatment Programs

Under current law, the intervention units must identify appropriate offender services and, where possible, by contract, provide treatment programs for offenders. The bill instead (1) requires the intervention units to assess offenders to identify appropriate services and (2) allows the Judicial Branch to contract with providers of domestic violence offender treatment programs which must comply with the domestic violence offender program standards. The bill specifies that this provision does not apply to the pretrial family violence education program (see BACKGROUND).

The act requires the intervention units to monitor compliance of offenders participating in the pretrial family violence education program requirements.

Prosecutor's Nolle Prosequi

By law, a nolle prosequi is an official action by the prosecutor declining to prosecute a charge. Under the act, if a family violence case initiated on or after July 1, 2016, is not referred to the local family violence intervention unit, the prosecutor may not nolle an action involving a family violence crime unless he or she states in court:

1. The reasons for doing so and
2. If such reasons include consideration of the defendant's participation in a counseling or treatment program, that such program complies with the domestic violence offender program standards.

§§ 23 & 24 — FAMILY VIOLENCE VICTIM CONFIDENTIALITY

The act extends to family violence victims two protections existing law gives to certain sexual assault victims.

First, it gives family violence victims the right to withhold their addresses or telephone numbers during any trial or pretrial evidentiary hearing arising from such crime if the presiding judge finds the:

1. Information is not material to the proceeding,
2. Identity of the victim has been satisfactorily established, and

3. 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.

Second, the act requires the names, addresses, and other identifying information of family violence victims be kept confidential, but requires that this information be (1) available to the accused in the same manner and time as such information is available to people accused of other crimes and (2) entered in the protective orders registry, if such an order is issued.

§ 28 — FAILING TO STOP AFTER ACCIDENT INVOLVEMENT

The act increases the penalty for drivers who fail to stop after being involved in certain accidents.

By law, drivers knowingly involved in accidents causing serious physical injury or death must stop, render assistance, and give their identifying information to an officer or witness. The bill increases the penalty for failing to do so by increasing the:

1. Prison penalty of between one and 10 years to between two and 20 years and
2. Maximum fine from \$10,000 to \$20,000.

§ 29 — SUBPOENAS FROM OUT-OF-STATE ACTIONS

Existing law allows taking the deposition of someone living in Connecticut for a civil or probate proceeding in a federal court or another state's or country's court. The Superior Court can quash, modify, or enforce a subpoena for the deposition.

This act allows someone who receives a subpoena related to a civil or probate action in another state or a foreign country and is not a party to that proceeding to serve a written objection on the party who requested the subpoena that the subpoena causes him or her undue or unreasonable burden or expense. It applies to a subpoena that either requires the person to appear at a deposition or produce, provide copies of, or allows inspection of books, papers, documents, and other things. The subject of the subpoena must serve the subpoena issuer with the objection and an affidavit of costs with the estimated or actual costs of complying with the subpoena, which can include attorneys' fees and electronic discovery costs.

The act requires the subject of the subpoena to serve the objection and affidavit on the subpoena issuer within the earlier of 15 days after being served with the subpoena or the date specified for complying with the subpoena. The bill requires service by certified or registered U.S. mail, postage paid and return receipt requested and prohibits using a state marshal or other officer.

Under the act:

1. The party who requested the subpoena must obtain an order from the Superior Court to compel compliance and can, after notice, file a motion in Superior Court to order compliance;
2. On such a motion, the Superior Court must determine whether the subpoena imposes an undue or unreasonable burden or expense; and
3. If the court finds such an undue or unreasonable expense or burden, any order must protect the person from it and, except for a subpoena related to medical records, the order can include at least reimbursement or reasonable compliance costs according to the affidavit of costs.

The act's provisions do not apply to personal injury or wrongful death actions alleging health care provider or institution professional malpractice.

PA 15-213- **AN ACT CONCERNING INVASIONS OF PRIVACY**

EFFECTIVE DATE: October 1, 2015

§§ 1-2 — VOYEURISM CRIME AND PENALTIES

Criminal Conduct

The act expands the crime of voyeurism in two ways. First, it punishes someone who:

1. Intends to arouse or satisfy his or her sexual desire;
2. Commits simple trespass (entering property knowing he or she is not entitled to do so without intent to harm any property, which is punishable as an infraction);
3. Observes another person who is inside a dwelling and not in plain view under circumstances where there is a reasonable expectation of privacy; and
4. Does not have the other person's knowledge or consent and the observation is not casual or cursory.

Second, it punishes someone who:

1. Intends to arouse or satisfy his or her or someone else's sexual desire;
2. Knowingly photographs, films, videotapes, or records the victim's genitals, pubic area, buttocks, or undergarments or stockings used to clothe them, when they are not in plain view; and
3. Records such an image without the victim's knowledge and consent.

Under existing law, a person commits voyeurism when (1) he or she knowingly photographs, films, videotapes, or records the victim's image; (2) he or she acts maliciously or intends to satisfy his or her or another's sexual desire; and (3) the victim is not in plain view, has a reasonable expectation of privacy under the circumstances, and does not know of, or consent to, the conduct.

Penalty

Under current law, voyeurism is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both. Under the act, it is a class C felony when (1) the victim is under age 16 or (2) it is a subsequent voyeurism conviction or the offender has a prior conviction of:

1. Risk of injury to a minor involving sexual contact with a child under age 16;
2. 1st, 2nd, or 3rd degree sexual assault; 1st degree aggravated sexual assault; 3rd degree sexual assault with a firearm; or sexual assault in a spousal or cohabiting relationship;
3. Enticing a minor, promoting a minor in an obscene performance, or importing child pornography; or
4. 1st, 2nd, or 3rd degree possessing child pornography.

By law, a class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

Statute of Limitation

Currently, any voyeurism prosecution must begin within five years after the date of the offense. The act extends the time period for prosecuting the types of voyeurism crimes involving recording the victim's image and allows these prosecutions to begin within five years from the date the victim discovers the recording's existence.

Probation Term

Currently, a court can impose a three-year probation term after a voyeurism conviction, but the court has discretion to increase this term to five years. The act increases the possible probation term to a minimum of 10 years, up to a maximum of 35 years, when the voyeurism conviction involves (1) the types of voyeurism added by the bill or (2) recording the victim's image when the victim is not in plain view with intent to satisfy the actor's or another's sexual desire.

§§ 3-4 — SEX OFFENDER REGISTRATION

The act designates committing the types of voyeurism added by the bill as a “nonviolent sexual offense” subject to 10-years sex offender registration. The bill allows the court to exempt a person from registration if it is not required for public safety. Existing law subjects to this same

requirement and possible exemption, voyeurism committed by recording the victim's image when the victim is not in plain view with intent to satisfy the actor's or another's sexual desire.

As under current law, lifetime registration is required for someone who commits a subsequent nonviolent sexual offense or a crime designated as a “criminal offense against a victim who is a minor.”

§§ 5-7 — PROTECTIONS FOR VOYEURISM VICTIMS' NAMES AND ADDRESSES

The act extends to voyeurism victims three protections existing law gives to certain sexual assault victims regarding their names and addresses.

First, the act allows agencies to exempt from disclosure to the public, under the Freedom of Information Act (FOIA), law enforcement records that disclose the name and address of a voyeurism victim if the agency determines that:

1. The record was created in connection with detecting or investigating a crime and is not otherwise available to the public and
2. Disclosure would not be in the public interest because it discloses a victim's name and address.

Second, the act prohibits requiring a voyeurism victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing arising from the voyeurism incident if the judge finds the (1) information is not material, (2) victim's identity is satisfactorily established, and (3) victim's current address will be given to the defense in the same way as with other offenses.

Third, the act makes confidential a voyeurism victim's name, address, and other information the court determines is identifying but allows:

1. A court to order disclosure;
2. The accused to have access to the information in the same way as for other offenses; and
3. For a protective order issued in the prosecution, the victim's name and address and information may be entered in the protective order registry (which makes the information available to certain officials and others but it cannot otherwise be disclosed except under court order and a victim can place certain limitations on its use).

By law, these three protections already apply to the names, addresses, and information of victims of:

1. 1st, 2nd, 3rd, or 4th degree sexual assault;

2. 1st degree aggravated sexual assault;
3. 3rd degree sexual assault with a firearm;
4. Risk of injury to a minor; or
5. An attempt to commit one of these crimes.

§ 8 — UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE

The act creates a new crime to punish someone who harms another person by intentionally disseminating certain photos, film, videos, or other recorded images of the other person without that person's consent and knowing the person understood the images would not be disseminated. The disseminated image must be of the (1) other person engaged in sexual intercourse or (2) other person's genitals, pubic area, or buttocks with less than fully opaque covering or, if a female, breast with less than a fully opaque covering of any portion below the top of the nipple. The act applies to using electronic or other means to sell, give, provide, lend, trade, mail, deliver, transfer, publish, circulate, present, exhibit, advertise, or otherwise offer the image.

The act does not apply to disseminating an image if:

1. It serves the public interest,
2. The person voluntarily (a) exposed himself or herself or (b) engaged in sexual intercourse in a public place (a public or privately owned area used or held out for use by the public) or commercial setting, or
3. The person is not clearly identifiable.

The bill makes this crime a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

The act specifies that it does not impose liability on certain service providers for content provided by another. This applies to anyone who provides:

1. An interactive computer service, which is an information service, system, or access software enabling computer access by multiple users to a computer server, such as an Internet access system or a system operated by a library or educational institution;
2. An information service, which generally offers capability to generate, acquire, store, transform, process, retrieve, use, or make available information by telecommunications, such as electronic publishing; or

3. A telecommunication service, which is generally an electromagnetic transmission (such as through fiber optics or satellite) of information chosen by the user between points chosen by the user, without any change in the information's form or content.

PA 15-216 – AN ACT CONCERNING RISK REDUCTION CREDITS, CARRY PERMITS AND PAROLE OFFICER ACCESS TO STATE FIREARMS DATABASE

EFFECTIVE DATE: October 1, 2015

This act, among other things, requires a pistol or revolver permit holder to present his or her permit when a law enforcement officer (1) observes the person carrying a pistol or revolver and (2) has reasonable suspicion of a crime for purposes of verifying the validity of person's permit and his or her identity. Current law requires permit holders to carry their permits while carrying a pistol or revolver.

It also allows parole officers, in performance of their duties, to access the names and addresses of people (1) issued permits to carry or sell handguns, handgun or long gun eligibility certificates, assault weapon possession certificates, or ammunition certificates and (2) who declared possession of large capacity magazines.

PA 15-244 – AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, AND MAKING APPROPRIATIONS THEREFOR, AND OTHER PROVISIONS RELATED TO REVENUE, DEFICIENCY APPROPRIATIONS AND TAX FAIRNESS AND ECONOMIC DEVELOPMENT

§ 170 — RESIDENT STATE TROOPER PROGRAM

Under current law, towns participating in the resident trooper program must pay (1) 70% of the regular cost and expense of having a trooper assigned to the town and (2) 100% of any overtime costs and the portion of the fringe benefits directly associated with those costs. The act instead requires participating towns to pay (1) 85% of the compensation, maintenance, and other expenses of the first two troopers assigned to the town; (2) 100% of such costs for any additional troopers assigned there; and (3) 100% of the overtime costs and the portion of the fringe benefits directly associated with those costs.

EFFECTIVE DATE: July 1, 2015