

DEPARTMENT OF EMERGENCY SERVICES AND  
PUBLIC PROTECTION

**2017 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](mailto:scott.devico@ct.gov). The full text of these public acts can be accessed at [www.cga.ct.gov](http://www.cga.ct.gov).

**PA-17-4-AN ACT CONCERNING POLICE ASSISTANCE AGREEMENTS BETWEEN MUNICIPALITIES AND THE MASHANTUCKET PEQUOT TRIBE OR THE MOHEGAN TRIBE OF INDIANS OF CONNECTICUT**

*Effective Date: October 1, 2017*

This act authorizes the Mohegan Tribe or Mashantucket Pequot Tribe, through their chief executive officer, to enter into police mutual aid agreements with municipalities on the same terms and conditions as municipalities can already do with each other under existing law. The authorization is valid as long as the tribal-state memoranda establishing the authority of the tribal police departments remain in effect.

**PA-17-11-AN ACT CONCERNING SECURITY OFFICER LICENSES**

*Effective Date: October 1, 2017*

This act extends, by 90 days, the period during which a security guard's license is valid and can be renewed, unless it has been revoked or suspended, and imposes a \$25 late fee on licenses renewed during this 90-day grace period. By law, the license is valid for five years and, under current practice, cannot be renewed after the five-year expiration date thereby requiring a previously licensed applicant to start the licensing process anew as if he or she is a new applicant.

The act also requires the emergency services and public protection commissioner to send a notice of the license expiration date, as well as a renewal application, to licensees, by first class mail, not less than 90 days before the license expires. It prohibits her from renewing any license after the 90-day grace period.

**PA-17-12-AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A DOG ASSIGNED TO A LAW ENFORCEMENT OFFICER**

*Effective Date: October 1, 2017*

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. This act specifies that the statute's rebuttable presumption applies to any officer, employee, or other person paid by or acting as an agent of the State Police, State Capitol Police, municipal police, or Department of Correction. Thus, in an action against a member of any of these law enforcement officer's households for damage done by a dog, the plaintiff has the burden of proving that the household member was the dog's keeper and had exclusive control of the dog when the damage was sustained.

**PA-17-17-AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION CONCERNING A TECHNICAL REORGANIZATION OF STATUTES INVOLVING THE ILLEGAL SALE OF CONTROLLED SUBSTANCES**

*Effective Date: October 1, 2017*

This act makes technical and clarifying changes to the laws on illegal drug sales and certain other crimes related to controlled substances. It does not change any of the existing penalties.

**PA-17-18-AN ACT CONCERNING REVISIONS TO THE STATE'S SAFE HAVEN LAWS**

*Effective Date: October 1, 2017*

This act makes various changes to the state's safe haven law, which requires hospitals to designate a place in their emergency rooms where a parent or a parent's legal agent can surrender an infant up to 30 days old without facing arrest for abandonment. Among its changes, the act:

1. requires the Department of Children and Families (DCF) to identify a prospective adoptive parent for a safe haven infant within one business day of

receiving notice of the infant's surrender to the hospital if such a parent is available;

2. specifies circumstances in which the DCF commissioner may require DNA tests to determine the infant's parentage and otherwise requires the department to get a court order for such testing;

3. limits the circumstances in which DCF may remove a safe haven infant from a prospective adoptive parent's home if the infant has been in his or her care for at least 30 days and allows the prospective adoptive parent to request a hearing before the removal;

4. clarifies the information a hospital employee may disclose about a safe haven surrender if he or she believes the infant was abused or neglected; and

5. prohibits DCF from disclosing information about the parents of a safe haven infant to a prospective adoptive parent or foster parent without a court order unless otherwise required by law.

**PA-17-24-AN ACT CONCERNING INTIMIDATING A WITNESS**

*Effective Date: October 1, 2017*

This act increases, from a class C felony to a class B felony, the penalty for intimidating a witness.

By law, a person intimidates a witness when he or she uses, or threatens or attempts to use, physical force against the witness or another person intending to (1) influence, delay, or prevent the witness's testimony or (2) cause the witness to testify falsely, withhold testimony, elude a summons to testify, or fail to appear. The person must believe that an official proceeding is pending or about to start. The law defines "official proceeding" as one held or that may be held before any legislative, judicial, administrative, or other agency or official authorized to take evidence under oath.

**PA-17-25-AN ACT CONCERNING "SEXTING" BY A CHILD**

*Effective Date: October 1, 2017*

This act removes the lower age limit to the law concerning certain acts of possessing or transmitting child pornography by a minor (“sexting”) so that individuals under age 13 who possess or transmit child pornography as prohibited under these provisions are subject to misdemeanor, rather than felony, charges. Under current law, such acts are class A misdemeanors if the sender is the subject of the depiction and between ages 13 and 15 and the recipient is between ages 13 and 17. Individuals who do not fall within these age ranges are subject to felony charges for such acts and, if convicted, may have to register on the sex offender registry.

The act applies to conduct by a recipient who is under age 17 and sender who is (1) under age 15 and (2) the subject of the depiction. Under the act, as under current law, such conduct (sexting) is

1. the knowing possession of a visual depiction of child pornography that the subject of the depiction knowingly and voluntarily sent to the recipient by an electronic device capable of transmitting a visual depiction, including a cell phone, computer or computer network or system; and
2. the knowing and voluntary transmission, by means of such an electronic device, of a visual depiction of child pornography.

**PA-17-31-AN ACT CONCERNING STRENGTHENING LAWS CONCERNING DOMESTIC VIOLENCE**

*Effective Date: October 1, 2017*

This act makes various changes in laws concerning crimes against an individual:

1. expands the conduct that constitutes stalking to include conduct that causes a reasonable person to suffer “emotional distress;”
2. specifies that electronic or social media are among the methods, devices, or means by which conduct that constitutes 1<sup>st</sup> or 2<sup>nd</sup> degree stalking may occur;
3. broadens the strangulation statutes to include suffocation when a person obstructs another person's nose or mouth;

4. increases the penalty for violations of release conditions when the violation involves certain conduct; and

5. requires a presentence investigation for anyone convicted of a family violence felony for which a prison sentence may be imposed and prohibits such a defendant from waiving the investigation.

The act also further expands the conduct that constitutes stalking to include conduct that causes a reasonable person to suffer emotional distress.

**PA-17-32-AN ACT CONCERNING HUMAN TRAFFICKING**

*Effective Date:* October 1, 2017, except the provision on the attorney general's proposed certification is effective upon passage.

The act makes various changes in laws that pertain to human trafficking. The act:

1. adds to the Trafficking in Persons Council's membership and expands its charge;
2. adds to the types of conduct punishable as a trafficking in persons crime and increases the penalty for the crime;
3. reduces the penalty for patronizing a prostitute when the victim is a trafficking victim;
4. creates a new crime ("commercial sexual abuse of a minor"), punishable as either a class A or class B felony (see Table on Penalties), and repeals the class C felony penalty for the crime of patronizing a prostitute statute for conduct involving a minor;
5. expands the list of people and entities required to post a notice about services for human trafficking victims and imposes a penalty for violations;
6. requires the Department of Children and Families (DCF) commissioner to consult with the Department of Emergency Services and Public Protection (DESPP) commissioner in developing an educational and refresher training program related to human trafficking; and

7. requires the attorney general to develop and report on a proposed certification to include in state contracts to conform, to the extent legally feasible, with the provisions of federal Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts.

**PA-17-49-AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY**

*Effective Date:* October 1, 2017

This act expands the crime of interference with a cemetery or burial ground to include desecrating an abandoned cemetery (see BACKGROUND). It applies to abandoned cemeteries the same actions that constitute interference with a cemetery or burial ground under existing law:

1. intentionally destroying, mutilating, defacing, injuring, or removing all or part of a tomb, monument, gravestone, or other structure placed or designed for a memorial, or any burial fence, railing, curb, or other enclosure or
2. wantonly or maliciously disturbing the contents of any tomb or grave.

Under existing law for cemeteries and burial grounds, the crime does not apply to actions that are authorized by the (1) owner of the burial lot; (2) deceased's lineal descendants; or (3) municipality, cemetery association, or person or authority responsible for controlling or managing the cemetery or burial ground. However, the act does not grant any exceptions for actions taken with respect to abandoned cemeteries.

Under existing law, interference with a cemetery or burial ground is a class C felony, which is punishable by up to 10 years in prison, a fine of up to \$10,000, or both. The law specifies that a person who commits this crime must be fined at least \$500.

**PA-17-52-AN ACT CONCERNING MUNICIPALITIES AND UNMANNED AIRCRAFT**

*Effective Date:* From Passage

This act prohibits municipalities from regulating the ownership, possession, purchase, sale, use, transportation, or operation of commercial unmanned aircraft (i.e., commercial drones), except as allowed under state or federal law

and to the extent the regulations do not conflict with the Connecticut Airport Authority's (CAA) policies and procedures.

The act also creates an exception for any municipality that is also a water company (i.e., one that owns, maintains, operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers or to 25 or more people on a regular basis (CGS § 25-32a)). It allows such municipalities to enact and enforce ordinances or resolutions regulating or prohibiting the use or operation of private and commercial drones over the municipality's public water supply and Class I or Class II land (watershed land and off-watershed land close to reservoirs) as long as the ordinances or resolutions do not conflict with federal law or CAA policies and procedures.

Under the act, a commercial unmanned aircraft is one operated remotely by a pilot in command holding a valid remote pilot certificate with a Federal Aviation Administration-issued (FAA) small unmanned aircraft systems rating.

**PA-17-58-AN ACT CONCERNING TECHNICAL REVISIONS TO STATUTES CONCERNING THE COMMISSIONER OF EMERGENCY SERVICES AND PUBLIC PROTECTION**

*Effective Date: From Passage*

The act makes a technical change, replacing a reference to the public safety commissioner with the emergency services and public protection commissioner.

**PA 17-68-AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES**

*Effective Date of Section 1: Upon Passage*

Section one of the act extends the school security grant program to June 30, 2018 and makes a licensed child care center or preschool that has received threats eligible for the grant.

**PA 17-69-AN ACT CONCERNING AUTONOMOUS VEHICLES**

*Effective Date: Upon Passage*

This act requires the Office of Policy and Management (OPM), in consultation with the departments of Motor Vehicles (DMV), Transportation (DOT), and Emergency Services and Public Protection (DESPP), to establish a pilot program to allow manufacturers and fleet service providers to test fully autonomous vehicles (AVs) in up to four municipalities. It establishes requirements for testing under the program and requires participating municipalities to enter into agreements with AV testers.

The act also establishes a 15-member task force to study AVs and develop legislative recommendations for regulating AVs. The task force must also evaluate the pilot program established under the act.

The act also defines a number of terms related to AVs, much of which conforms to SAE International's "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" (SAE J3016). SAE International is an engineering professional association and standards developing organization. The federal National Highway Traffic Safety Administration (NHTSA) has adopted the SAE definitions for use in its Federal Autonomous Vehicles Policy.

#### **PA 17-72- AN ACT CONCERNING SWATTING**

*Effective Date: October 1, 2017*

This act expands the crime of falsely reporting an incident in the first degree, a class D felony, to include making such a report with the intent to cause a large scale emergency response ("swatting"). Under the act, the court may order individuals convicted of swatting to make financial restitution to the state and local departments and agencies that provided the emergency response.

Under current law, a person is guilty of falsely reporting an incident in the first degree when, knowing the information is false or baseless, he or she:

1. initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, catastrophe, or emergency under circumstances in which it is likely to cause public alarm or inconvenience or
2. reports, by word or action, to any official or quasi-official agency or organization that handles emergencies involving danger to life or property, an

alleged occurrence or impending occurrence of a fire, explosion, or other catastrophe or emergency that did not occur or does not exist.

The act also prohibits any of the above actions with the intent to cause a large scale emergency response. Under the act, the court must order a person convicted of swatting that resulted in a large scale response to make financial restitution for costs associated with the response under terms it determines are appropriate if:

1. any of the agencies or departments that responded request such restitution and
2. the court finds that the requesting agency or department incurred costs associated with the response.

**PA-17-79- AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING INSURANCE POLICIES FOR CERTAIN VEHICLES, YOUTH INSTRUCTION PERMITS, OPERATOR LICENSES, COMMERCIAL MOTOR VEHICLE OPERATION, ADMINISTRATIVE FEES, DIVERSION PROGRAM, STUDENT TRANSPORTATION VEHICLES, ABANDONED MOTOR VEHICLES, HARTFORD WHALER LICENSE PLATES AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES**

*Effective Date: Varies by section*

This act makes a number of changes in the motor vehicle statutes, including:

1. making several changes in laws affecting how garage owners may sell unclaimed vehicles towed to and stored by them,
2. prohibiting DMV from revoking the registration of vehicles subject to the Volkswagen settlement,
3. prohibiting a court from ordering commercial driver's license (CDL) holders or people convicted of using a handheld cellphone while driving from participating in a diversionary program,

4. making optional the display of a “carrying school children” sign for student transportation vehicles (STVs) carrying certain school children participating in transitional programs,
5. changing the expiration of youth instruction permits and certain armed forces members' driver's licenses,
6. creating Hartford Whalers commemorative license plates, and
7. prohibiting people from parking improperly registered vehicles on a highway.

**PA-17-80- AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE STATE FIRE PREVENTION CODE AND LICENSES FOR DEMOLITION**

*Effective Date: July 1, 2017*

This act repeals several statutes that direct the Department of Administrative Services (DAS) commissioner to adopt regulations to address certain fire hazard elements. Many of the repealed statutes predate the state Fire Prevention Code, which now regulates these elements.

The act also repeals (1) obsolete statutes that address the provision of exits in workshops and manufacturing establishments and mandate that the labor commissioner enforce fire prevention statutes related to these issues in such establishments and (2) a statute that imposes explicit liability on building owners whose noncompliance with these statutes results in injury or death. The Fire Prevention Code now addresses fire prevention issues, and the state fire marshal enforces the code.

The act eliminates a requirement for the state fire marshal to annually certify to each municipality the number of fires investigated and reported by its local fire marshal and for the notified municipality to pay any nonsalaried fire marshal at least a \$2 fee for each of these fires. But fire marshals must still submit fire incident reports to the state fire marshal (CGS § 29-303; see BACKGROUND).

The act also exempts the deconstruction or disassembly of swimming pools from state licensing requirements.

**PA 17-87- AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM**

*Effective Date:* October 1, 2017, except the task force provisions are effective upon passage and section 9 is effective July 1, 2017

This act makes the following unrelated changes to criminal laws and procedures:

1. adds alcohol sales to minors to the list of activities that can be the basis for a state action to abate a public nuisance;
2. allows toxicologists, pathologists, and chemists to sign certain chemical analysis test reports electronically;
3. expands the types of law enforcement officers who must be indemnified by their employers and adds Division of Criminal Justice inspectors to the list of professionals who must be indemnified;
4. extends the period in which a person may enforce a court order that an offender provide financial restitution to a victim;
5. makes it a form of 2<sup>nd</sup> degree larceny if someone takes property from a conserved person by embezzlement, false pretenses, or false promise;
6. extends to victims of the crime of sexual assault in a spousal or cohabiting relationship two protections regarding their names and other identifying information;
7. reconstitutes the Eyewitness Identification Task Force and expands its scope to include the use of emerging technologies in law enforcement and adds DESSP's Director of Scientific Services to the Task Force; and
8. repeals a duplicative reporting requirement on Medicaid fraud recoveries.

**PA-17-99-AN ACT CONCERNING COURT OPERATIONS, VICTIM SERVICES, FRAUDULENT FILINGS AND TRANSFERS OF AN INTEREST IN REAL PROPERTY TO A TRUST**

*Effective Date:* October 1, 2017, except (1) January 1, 2018 for the fraudulent reporting provisions and (2) upon passage for the provisions on (a) family support

*magistrates, (b) the Willimantic courthouse, (c) housing matters moving to judicial district courts, and (d) the Reporter of Judicial Decisions publication of sentence review decisions.*

This act makes unrelated changes to various laws, including those about court operations, victim services, fraudulent filings, and transfer of property held in trust.

For court operations, the act primarily establishes the appropriate venue for certain housing matters.

Among other changes the act makes to victim services, it:

1. expands the powers and duties of the Office of Victim Services (OVS);
2. creates a new process for victims seeking enforcement of financial restitution orders;
3. makes more victims eligible for victim compensation from OVS by expanding injuries, crimes, and situations under which a victim may qualify for compensation;
4. allows up to an additional \$5,000 above the maximum \$15,000 personal injury award for certain child-victims; and
5. allows OVS to waive consideration of available health insurance when determining victim compensation and requires health care providers to suspend debt collection from victims in certain circumstances.

The act (1) makes it a crime, punishable as a class D felony, to file a false record on a municipal land record or under the Uniform Commercial Code and (2) gives victims a cause of action to petition the court to have such a record invalidated.

The act also makes changes to various unrelated statutes. It (1) expands the availability of civil protection orders to certain stalking victims, (2) expands victims' access to juvenile records, (3) excuses individuals who have served as federal jurors during the last three preceding jury years from serving as state jurors; and (4) establishes the validity of conveyance of interest in real property by, or to, trusts and trustees.

**PA-17-102- AN ACT CONCERNING HARASSMENT OF A GUIDE OR ASSISTANCE DOG OR THE HANDLER OF SUCH DOG**

*Effective Date: October 1, 2017*

This act makes it a class C misdemeanor, punishable by up to three months in prison, up to a \$500 fine, or both, to intentionally interfere with a blind, deaf, or mobility impaired person's use of a guide or assistance dog. The punishable actions include intentionally harassing or annoying a (1) blind, deaf, or mobility impaired person; (2) guide or assistance dog that accompanies such person; or (3) person training a dog as a guide or assistance dog.

The law grants individuals who are blind, deaf, or mobility impaired and accompanied by a guide or assistance dog the right to travel on any mode of public transportation and enter any place of public accommodation offering its services to the public. This same right extends to individuals accompanied by such dogs for training purposes.

**PA-17-111-AN ACT CONCERNING HATE CRIMES**

*Effective Date: October 1, 2017*

This act makes several changes to the hate crime laws, including enhancing penalties in some cases. Among other things, the bill:

1. imposes minimum fines for certain hate crimes, including deprivation of rights; desecration of property; cross burning; and 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree intimidation based on bigotry or bias;
2. allows the court to cancel or reduce the minimum fines the bill imposes if the court states on the record its reasons for doing so;
3. enhances the penalty for desecration of a house of religious worship;
4. increases the penalty for 1<sup>st</sup> and 2<sup>nd</sup> degree threatening when the threat affects a house of worship, religiously-affiliated community center, or day care center;
5. increases, from a class A misdemeanor to a class E felony, the penalty for 3<sup>rd</sup> degree intimidation based on bigotry or bias;

6. allows the court, as a condition of probation or conditional release, to require hate-crime offenders to participate in certain programs; and
7. replaces the Hate Crimes Advisory Committee with a new State-Wide Hate Crimes Advisory Council within the Office of the Chief State's Attorney.

**PA 17-116-AN ACT CONCERNING BOXING EVENTS AND MIXED MARTIAL ARTS MATCHES**

*Effective Date: October 1, 2017*

The act eliminates mixed martial arts (MMA) promoters' liability to pay the health care costs an MMA competitor incurs from an injury, illness, disease, or condition resulting from an MMA match for the entire duration of the injury, illness, disease, or condition. It instead requires MMA promoters to provide liability insurance and death benefits on the same terms as boxing promoters. The act applies to any person, firm, or corporation that employs or contracts with someone to compete in an MMA match.

The act also eliminates (1) the 5% gross receipt tax that boxing and MMA promoters must pay under current law, (2) the requirement for promoters to file a surety bond with the emergency services and public protection commissioner as a condition of being licensed, and (3) related reporting provisions on matches and event receipts.

**PA-17-129-AN ACT CONCERNING THE RECEIPT OF ANNUAL REPORTS ON ANTI-HUMAN TRAFFICKING FROM LAW ENFORCEMENT AGENCIES**

*Effective Date: July 1, 2017, except the annual report on human trafficking which is effective October 1, 2017*

The act requires the Chief State's Attorney's Office and each municipal police chief to annually report on anti-human trafficking efforts to the Trafficking in Persons Council, instead of requiring each state's attorney and police chief to report this information to the Children's and Judiciary committees. It clarifies that the report must include the number of referrals received, rather than made, on alleged human trafficking.

Under the act, the Chief State's Attorney's Office, rather than each state's attorney, must include in the report information for the previous 12 months on the (1) number of human trafficking cases that resulted in convictions and (2) final disposition of all human trafficking cases, including those that were appealed.

By law, the council must (1) identify criteria for providing services to trafficking victims and (2) consult with governmental and nongovernmental organizations to develop recommendations to strengthen state and local efforts to prevent human trafficking, protect and assist victims of trafficking, and prosecute traffickers.

**PA 17-131-AN ACT PREVENTING PRESCRIPTION OPIOID DIVERSION AND ABUSE**

*Effective Date: July 1 2017, except that the provisions on (1) health insurance coverage for substance use disorder and electronic prescription requirements take effect January 1, 2018; (2) standing orders for opioid antagonists and opioid prescription drug provisions take effect October 1, 2017; and (3) drug monitoring information sharing and drug disposal take effect upon passage.*

The act makes various changes to prevent and treat opioid drug abuse:

1. allows the Department of Consumer Protection (DCP) commissioner to share certain prescription drug monitoring program information with other state agencies for certain drug abuse studies;
2. generally requires prescriptions for controlled substances to be transmitted electronically to a pharmacy, which must have the technology to accept such prescriptions;
3. limits access to controlled substances by (a) allowing certain registered nurses employed by home health care agencies to destroy or dispose of them, (b) creating a process for patients to request to not be prescribed opioids, and (c) generally reducing the amount of opioid drugs a minor may be prescribed;
4. requires practitioners, when prescribing opioids, to discuss with all patients, rather than only minors, the risks associated with opioid drug use;
5. requires the Alcohol and Drug Policy Council (ADPC) to take certain actions to address opioid drug abuse;

6. requires certain individual and group health insurers to cover specified medically necessary, inpatient detoxification services for an insured or enrollee diagnosed with a substance use disorder;
7. requires alcohol or drug treatment facilities to use admissions criteria developed by the American Society of Addiction Medicine;
8. extends the date by which municipalities must amend their local emergency medical services (EMS) plans to require at least one EMS provider likely to arrive first on the scene of a medical emergency to carry an opioid antagonist and complete a training on how to administer it; and
9. allows a prescribing practitioner authorized to prescribe an opioid antagonist to issue a standing order (i.e., non-patient specific prescription) to a licensed pharmacist for an opioid antagonist under certain conditions.

**PA-17-134-AN ACT CONCERNING LEGAL PROTECTIONS FOR PERSONS ENTERING PASSENGER MOTOR VEHICLES TO RENDER EMERGENCY ASSISTANCE TO CHILDREN**

*Effective Date: October 1, 2017*

Under certain circumstances, the act provides an affirmative defense against civil damages or criminal penalties to someone who enters another person's passenger motor vehicle, including by force, to remove a child who he or she reasonably believes is in imminent danger of serious bodily injury. It covers the person's actions or omissions in removing the child as long as he or she:

1. uses no more force than reasonably necessary, under the circumstances the person knows at the time, to enter the vehicle to remove the child;
2. reports the entry and related circumstances to a law enforcement or public safety agency within a reasonable time after entering the vehicle; and
3. takes reasonable steps to ensure the safety, health, and well-being of the child after removal from the vehicle.

The affirmative defense provided under the act is in addition to defenses or immunities available under federal, state, or common law but does not apply to

acts or omissions constituting gross, willful, or wanton negligence. Under the act, a person may still be liable for civil damages if he or she attempts to provide aid to the child in addition to the actions the act authorizes.

**PA-17-145- AN ACT CONCERNING PRETRIAL JUSTICE REFORM**

*Effective Date: July 1, 2017, except the study provisions are effective upon passage*

This act makes various changes in laws concerning pretrial detention for certain crimes. These include, among other things:

1. limiting the circumstances in which a court can impose financial conditions of release for someone charged only with a misdemeanor that is not a family violence crime;
2. barring courts from prohibiting a bond from being posted by surety for certain crimes (in other words, barring courts from requiring cash-only bail for such crimes);
3. generally shortening the period within which defendants who cannot make bail and who were charged only with a misdemeanor must receive a bail review hearing, from within 30 days after the person's detention to within 14 days after his or her arraignment; and
4. requiring the court, at a bail review hearing for such a defendant, to remove the financial conditions on the person's release unless the court makes certain findings.

The act also requires the Office of Policy and Management's under secretary for criminal justice policy and planning to study the feasibility of establishing an assistance program for indigent criminal defendants being detained before trial in connection with allegedly having committed minor crimes. He must undertake the study in consultation with the Connecticut Sentencing Commission, the Bail Association of Connecticut's board of directors, and licensed surety bail bond agents and tenured property bail agents who are not members of the association.

The study must explore possible funding sources for the program. By January 1, 2018, the undersecretary must report on the study's results to the Judiciary Committee.

**PA-17-163- AN ACT CONCERNING NOTIFICATION TO SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION OF RESTRAINING ORDERS, CIVIL PROTECTION ORDERS AND STANDING CRIMINAL PROTECTIVE ORDERS AFFECTING STUDENTS**

*Effective Date: January 1, 2018*

This act makes changes to laws that govern the court's notification to schools or institutions of higher education when it issues certain protection orders.

Under current law, a court, upon the request of a victim, must notify the victim's school or institution of higher education when it issues a civil restraining order, civil protection order, family violence protective order, or criminal protective order. The act, instead, requires the court to do so only if the applicant provides the court with the school's or institution's name and address.

For civil restraining orders, the act additionally requires the court to provide such notice under the conditions described above, to the school or institution in which the victim's minor child protected by the order is enrolled.

The act also expands the court's duty to provide court notification to schools or institutions of higher education by requiring the court to do so, under the conditions described above, when it issues standing criminal protection orders and orders prohibiting harassment of a witness in a criminal case. Such notices are not required in these cases under current law.

**PA- 17-166-AN ACT CONCERNING TRAINING PROGRAMS FOR STATE AND LOCAL POLICE REGARDING JUVENILES WITH AUTISM SPECTRUM DISORDER OR NONVERBAL LEARNING DISORDER**

*Effective Date: October 1, 2017*

This act requires each police review and basic or field training program conducted or administered on and after January 1, 2018, by the State Police, Police Officer Standards and Training Council (POST), or a municipal police department, to include techniques for handling incidents, such as wandering, that involve juveniles with autism spectrum disorder or nonverbal learning disorder.

The requirement applies only if the curriculum for such techniques is available at no cost to the Division of State Police from (1) higher education institutions, health care professionals, or advocacy organizations concerned with juveniles who have these disorders or (2) a collaboration of such institutions, professionals, or organizations.

**PA-17-175- AN ACT CONCERNING MUNICIPAL FIRE APPARATUS SAFETY AND TESTING**

*Effective Date: October 1, 2017*

This act requires municipal and volunteer fire departments to maintain their pump and aerial fire apparatus components in compliance with the National Fire Protection Association standard 1911. Standard 1911 sets minimum requirements for inspecting, maintaining, testing, and retiring fire apparatus.

The act also requires that such departments maintain their fire apparatus in compliance with specified federal regulations concerning safety, maintenance, and inspections. Existing state regulations already require compliance with the same federal regulations

Under Department of Motor Vehicles regulations, a motor vehicle is regulated as “fire apparatus” if it is used as an emergency vehicle and weighs at least 18,001 pounds or is registered as fire apparatus and bears fire apparatus license plates.

**PA-17-180- AN ACT CONCERNING NOTIFICATION TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL**

*Effective Date: October 1, 2017*

This act requires law enforcement units to inform the Police Officer Standards and Training Council (POST) if they know that a former police officer is applying for a police job after the officer was dismissed for malfeasance or serious misconduct

calling into question his or her fitness to serve, or retired or resigned during an investigation of such. Law enforcement units are (1) already required by law to make such reports to another unit to which the officer is applying and (2) barred from hiring such officers.

For purposes of the law and the act, (1) “malfeasance” has its common meaning, and (2) “serious misconduct” means an officer's improper or illegal actions connected with official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, evidence fabrication, repeated use of excessive force, bribe acceptance, or fraud. The bill does not apply to an officer exonerated of all malfeasance or serious misconduct allegations.

The act, like existing law, applies to state, municipal, or other government entities whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It also applies to the two tribal police departments.

**PA-17-185- AN ACT CONCERNING THE PROVISION OF INFORMATION ABOUT THE USE OF THERAPY DOGS TO COMFORT AND SUPPORT TESTIFYING WITNESSES IN CERTAIN CRIMINAL PROSECUTIONS**

*Effective Date: October 1, 2017*

This act requires the judicial branch to maintain on its website:

1. notice that the court may, in its discretion, permit a dog to comfort and support a testifying witness;
2. a link to the website of an organization that provides information on animal-assisted therapy resources; and
3. if applicable, a link to information on the Division of Criminal Justice's website about such resources.

**PA 17-190- AN ACT CONCERNING CHILDREN'S ADVOCACY CENTERS**

*Effective Date: July 1, 2018*

This act defines “children's advocacy center” and allows it to assist multidisciplinary teams that investigate alleged child abuse, neglect, or trafficking.

Existing law permits the Department of Children and Families (DCF) and the appropriate state's attorney to establish multidisciplinary teams for various purposes related to child abuse, neglect, and trafficking. The act specifies that the purposes of such teams include (1) providing protection to abused, neglected, or trafficked children and their families, not just to children as under prior law, and (2) advancing and coordinating the prompt investigation of alleged child trafficking as well as alleged child abuse or neglect as under existing law.

Under existing law, a multidisciplinary team consists of various professionals, including DCF, law enforcement, and health care representatives. The act also requires inclusion of a forensic interviewer and a child advocate, both of whom must be designated by the team members.

**PA-17-193-AN ACT REQUIRING A CRIMINAL CONVICTION FOR CERTAIN OFFENSES BEFORE ASSETS SEIZED IN A LAWFUL ARREST OR LAWFUL SEARCH MAY BE FORFEITED IN A CIVIL PROCEEDING**

*Effective Date: October 1, 2017*

The act makes changes to the laws governing civil forfeiture of property seized in connection with criminal offenses, including certain controlled substances, drug sales, money laundering, identity theft, sexual exploitation, prostitution, and human trafficking offenses. Under the act, property seized during a lawful search associated with these offenses may only be subject to forfeiture proceedings if the search results in an arrest. It also requires the court to return seized property to its owner unless there is a:

1. guilty plea or nolo contendere to any offense charged as a result of the same criminal information;
2. guilty verdict after a trial to the forfeiture-eligible offense under which the property was seized and the property (a) was possessed, controlled, designed, or intended for use in the offense; (b) was or had been used in committing the offense; or (c) constitutes the proceeds of such an offense; or
3. dismissal from completing a pretrial diversionary program.

**PA-17-205- AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE ENHANCED COMMUNITY SERVICES TO THOSE IN THE CRIMINAL JUSTICE SYSTEM**

*Effective Date: October 1, 2017*

This act requires the chief state's attorney to (1) create a pilot program to identify and track homeless, addicted, or mentally ill individuals entering the criminal justice system; (2) establish policies and procedures to implement the program; and (3) report to the Judiciary Committee by February 1, 2019, on its implementation.

Under the act, the pilot program must serve the geographical area (GA) courts for Hartford, New Haven, New London, and Norwich in the judicial districts of Hartford, New Haven, and New London (which includes the Norwich GA court).

The act requires the state's attorney for these judicial districts to:

1. screen cases to identify and track homeless, drug addicted, or mentally ill arrestees for intensive assistance and
2. refer the arrestees to diversion programs, counseling, treatment, housing assistance, and reentry programs to stabilize them and prevent future arrests.

Under the act, the (1) state's attorney for each judicial district retains the discretion to dispose of cases in any manner, focusing on incarceration alternatives, and (2) court keeps jurisdiction over the cases to ensure compliance with any ordered treatment or counseling.

**PA-17-216- AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL JUSTICE STATUTES AND THE REPORTING OF THE DEATH OF ANY PERSON IN STATE CUSTODY**

*Effective Date: October 1, 2017*

This act makes various changes to laws concerning certain crimes and criminal investigations, including:

1. clarifying that the maximum prison term for a first conviction of aggravated sexual assault of a minor is 50 years;

2. making it an affirmative defense, rather than a standard defense, that an assault of a health care employee was a direct manifestation of the defendant's disability;
3. prohibiting the above affirmative defense for individuals with a disability manifested only by repeated criminality or antisocial conduct;
4. changing certain procedures concerning court filings after law enforcement officials are granted ex parte court orders compelling disclosure of cell phone and internet records;
5. expanding the circumstances under which courts must disclose erased criminal records, such as requiring disclosure to counsel in habeas proceedings if evidence of erased charges may become relevant; and
6. eliminating a requirement that the chief state's attorney adopt certain regulations.

Additionally, the act requires any executive branch department head and the state Supreme Court's chief justice to promptly notify the Division of Criminal Justice if someone dies while in the care, custody, or control of anyone under the department head's or chief justice's jurisdiction.

**PA-17-217- AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION**

*Effective Date: October 1, 2017*

This act requires courts to make more information available to crime victims about sentencing and proposed plea bargains. It also requires the Department of Correction (DOC) to make general offender sentencing information available to the public (e. g. , information on eligibility for, and application of, earned risk reduction credits).

Under the state constitution, crime victims have a right to be notified of court proceedings and information about the arrest, conviction, sentence, imprisonment, and release of the accused (Conn. Const. Art 1, § 8(b)). The act specifies the information the court must provide the victim at sentencing when a

convicted defendant receives a definite or total effective prison term of more than two years. The court must indicate (1) the maximum period of imprisonment that may apply to the defendant and (2) whether the defendant may be eligible to earn risk reduction credits or apply for release on parole.

The act also requires the state's attorney, assistant state's attorney, or deputy assistant state's attorney in charge of a case to provide the above information if the terms of a proposed plea agreement provide for the imprisonment term stated above. By law, the state's attorney must provide the victim, on request, with the terms of a proposed plea agreement in writing before the court accepts it.

**PA-17-221- AN ACT CONCERNING THE USE OF CELL SITE SIMULATOR DEVICES BY LAW ENFORCEMENT OFFICIALS TO CONDUCT CELLULAR TELEPHONE SURVEILLANCE**

*Effective Date: October 1, 2017*

This act allows law enforcement officials to install and use a cell site simulator device to obtain geo-location data) only for up to:

1. two weeks under an ex parte court order (without notice to anyone except the applicant) issued under a probable cause standard or
2. 48 hours without a court order in exigent circumstances.

The act also specifies that the wiretapping and electronic surveillance law applies to interceptions of wire communications using cell site simulator devices. Under this law, a prosecutor can ask a three-judge panel to approve a wiretap in connection with investigating certain crimes. The panel may issue an ex parte wiretap order if its members unanimously agree that the application contains sufficient factual allegations to establish probable cause that several factors are met.

**PA-17-223- AN ACT CONCERNING COMPUTER EXTORTION BY USE OF RANSOMWARE**

*Effective Date: October 1, 2017*

This act creates a specific class E felony offense for computer extortion involving ransomware. The punishable actions include introducing ransomware into a computer, computer system, or computer network and demanding payment to (1) remove the ransomware; (2) restore access to the computer, system, or network or data contained therein; or (3) otherwise remediate the ransomware's impact. A class E felony is punishable by up to three years in prison, up to a \$3,500 fine, or both. Individuals who commit this crime may also be charged with certain other computer crimes, computer-related offenses, and extortion under existing law.

The act defines “ransomware” as any computer contaminant or lock placed or introduced without authorization into a computer, system, or network, that restricts the authorized person's access to the affected computer, system, network, or data contained therein. It does not include (1) authentication required to upgrade or access purchased content or (2) blocking access to subscription content in the case of nonpayment.

A “computer contaminant” is any set of computer instructions designed to modify, damage, destroy, record, or transmit data held by a computer, system, or network without the data owner's intent or permission.

**PA-17-225- AN ACT CONCERNING CAMERA AND RECORDING DEVICES AND EQUIPMENT USED BY POLICE**

*Effective Date: October 1, 2017*

This act expands a grant program administered by the Office of Policy and Management (OPM) secretary that reimburses municipalities for, among other things, purchasing body cameras for use by sworn members of municipal police departments. Generally, it (1) expands the types of equipment and law enforcement personnel eligible for the program to include electronic defense weapon recording equipment and first time purchases of dashboard cameras and (2) extends the program by one year, to FY 19. Under the act, however, the reimbursement is provided within available resources.

The act also establishes a 26-member task force to examine the use of body cameras by state and municipal police. It must report its findings and recommendations to the Judiciary and Public Safety committees by February 1, 2018.

**PA-17-230- AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION REGARDING THE NOTIFICATION OF STATE CONSTRUCTION CONTRACT OPPORTUNITIES BY THE UNIVERSITY OF CONNECTICUT AND THE COMMISSIONER OF TRANSPORTATION, PARKING SPACES, WAYSIDE HORNS, THE DISPOSITION OF EXCESS STATE PROPERTY, HEAVY DUTY TRAILERS, FLASHING LIGHTS ON MOTOR VEHICLES, CHILD RESTRAINT SYSTEMS, PESTICIDE APPLICATION BY RAILROAD COMPANIES, THE "MOVE OVER" LAW, ROAD DESIGN STANDARDS, AND ROAD AND BRIDGE DESIGNATIONS.**

*Effective Date: October 1, 2017*

**Section 11-CHILD RESTRAINTS**

The act strengthens child restraint system (car seat) requirements and subjects violators to the penalties under existing law. Among other things, it increases (1) the threshold age or weight under which a child must be placed in a rear facing car seat and (2) from six to seven, the maximum age at which children must be secured in either a child restraint or booster seat secured by a seat belt. It prohibits people from placing a child in a rear facing car seat in the front passenger seat of any vehicle with a functional air bag on that side.

*Child Restraint System Requirements*

Prior law required children:

1. under age one or weighing less than 20 pounds to be secured in a rear-facing child restraint,
2. age six and younger or weighing less than 60 pounds to be secured in a child restraint, and
3. age seven through 15 and weighing at least 60 pounds to either use such a restraint or wear a seat belt.

The act increases the age and weight thresholds for child restraint systems (see Table 1, below) and requires that such restraints be equipped with a five-point harness. As under existing law, all child restraint systems must meet federal motor vehicle safety standards.

**Table 1: Child Restraint Requirements under the Act**

<b><i>Age and Weight</i></b>	<b><i>Restraint Requirements</i></b>
Under age 2, or less than 30 pounds, regardless of age	Rear-facing child restraint
Ages 2 through 4, or weighing 30 through 39 pounds, regardless of age	Rear- or forward-facing child restraint
Ages 5 through 7, or weighing 40 through 59 pounds, regardless of age	Rear- or forward-facing child restraint or a booster seat secured by a seat belt. (As under existing law, the booster seat must be secured by a lap-and-shoulder seat belt. )
Ages 8 through 15 and weighing 60 pounds or more	Child restraint or seat belt

Under the act, if a child's age and weight fall in two different categories (e. g. , a child is less than two years old but weighs more than 30 pounds) the more restrictive requirement (rear-facing car seat in this instance) applies.

As under existing law, a first violation of the child restraint provisions is an infraction and a second violation is punishable by a fine of up to \$199. Each subsequent violation is a class A misdemeanor (see Table on Penalties).

The DMV commissioner must require anyone who commits a first or second violation to attend a DMV-approved child car seat safety course. The commissioner, after providing notice and an opportunity for a hearing, may suspend for up to two months the driver's license of a violator who fails to attend or successfully complete the course.

**Section 14- MOVE OVER LAW**

The act requires a driver traveling in the lane next to the shoulder, lane, or breakdown lane of a highway, when approaching a stationary vehicle located on such shoulder, lane, or breakdown lane, to move over one lane, unless doing so would be unreasonable or unsafe. A violation is an infraction.

Existing law, unchanged by the act, requires drivers to immediately reduce speed when approaching an emergency vehicle that is stationary or traveling significantly below the speed limit on the shoulder, lane, or breakdown lane, and to move over one lane, if they can do so safely, if they are traveling in the lane next to the shoulder, lane, or breakdown lane where the emergency vehicle is located.

