

OFFICE OF CHIEF PUBLIC DEFENDER

Summaries of 2011 Public Acts

The following is a summary of the public acts adopted during the 2011 Legislative Session.

All Acts are effective October 1, 2011 unless otherwise noted. Thank you to Michael Alevy, George Coppolo and Chris Rapillo for their contributions to this Summary. Contact Deborah Del Prete Sullivan at (860) 509-6405 or deborah.d.sullivan@jud.ct.gov with questions.

ACCELERATED REHABILITATION

P.A. No. 11-158 AN ACT CONCERNING ELIGIBILITY FOR THE ACCELERATED REHABILITATION PROGRAM

Section 1 Youthful Offender Eligible for AR (Effective October 1, 2011)

This act amends *subsection (b) of C.G.S. §54-56e, Accelerated pretrial rehabilitation*. The act removes the prohibition of eligibility for persons who have been adjudged a youthful offender within five years of the application for Accelerated Rehabilitation. As a result, having been a prior youthful offender will no longer act as a potential bar to the granting of the Accelerated Rehabilitation Program.

ANIMAL CRUELTY

P.A. No. 11-194 AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY

Section 1 Mandated Reporter for Animal Abuse/Notice to DCF (Effective October 1, 2011)

This is new legislation which requires animal control officers to file a report with the Commission of Agriculture whenever he/she files a petition suspecting animal abuse in violation of *C.G.S. §53-247, Cruelty to animals. Animals engaged in exhibition of fighting. Intentional injury or killing of police animals or dogs in volunteer canine search and rescue teams*, with the Superior Court pursuant to *C.G.S. §22-329a, Seizure and custody of neglected or cruelly treated animals. Animal abuse cost recovery account*. The Act then

requires the Commissioner of Agriculture to send a report pertaining to the information received from animal control officers to DCF.

**Section 2 Cross Referencing of Addresses
(Effective October 1, 2011)**

This is new legislation that requires DCF to cross reference the addresses of individuals being investigated for abuse or neglect to the list of addresses in the report submitted by the Commissioner of Agriculture. If the cross referencing reveals the same address, the information is required to be provided to the investigator for DCF.

**Section 3 48 hours for DCF to Report Animal Abuse/Neglect
(Effective October 1, 2012)**

This is new legislation that requires DCF employees to make oral reports, (no later than 48 hours) to the Commissioner of Agriculture of any suspected animal abuse or neglect and requires DCF employees to undergo training on the issue.

**Section 4 Training
(Effective October 1, 2011)**

This is new legislation which requires DCF to make training available to animal control officers regarding the reporting of child abuse and neglect.

BAIL/BOND AGENTS

See also:

P.A. No. 11-152 An Act Concerning Domestic Violence

***P.A. No. 11-45 AN ACT CONCERNING SURETY BAIL BOND AGENTS
AND PROFESSIONAL BONDSMEN***

This legislation makes numerous changes to those statutes governing surety bail bond agents who are licensed and regulated by the Insurance Department and professional bondsmen who are regulated by the Department of Public Safety.

**Section 1 Law Enforcement Cannot Be Surety Bail Bond Agents or D Felony and
Expansion of Disqualifying Offenses
(Effective October 1, 2011)**

This section amends *C.G.S. §38a-660, Bail bond insurance and agents. Licensing. Examinations. Fees.* Current law requires surety bail bond agents to be licensed by the

Insurance Commissioner. The act prohibits law enforcement personnel or persons with police powers from being licensed as a surety bail bond agent. Committing a violation of this section subjects a person to a D felony conviction.

This section also expands the definition of disqualifying offense. Current law prohibits a person convicted of an A felony or a “misdemeanor if an element of the offense involves dishonesty or misappropriation of money or property” from being a bail bond agent. The act adds to these disqualifiers the following list of offenses for which a conviction of any would disqualify a person from being a bail bond agent:

- C.G.S. §21a-279 Penalty for illegal possession. Alternative sentences (misdemeanor only)
- C.G.S. §53a-58 Criminally negligent homicide: A misdemeanor
- C.G.S. §53a-61 Assault in the 3rd degree: A misdemeanor
- C.G.S. §53a-61a Assault of an elderly, blind disabled, pregnant or mentally retarded person in the 3rd degree: A misdemeanor: 1 year not suspendible
- C.G.S. §53a-62 Threatening in the second degree: A misdemeanor
- C.G.S. §53a-63 Reckless endangerment in the 1st degree: A misdemeanor
- C.G.S. §53a-96 Unlawful restraint in the 2nd degree: A misdemeanor
- C.G.S. §53a-173 Failure to appear in the 2nd degree: A misdemeanor
- C.G.S. §53a-175 Riot in the 1st degree: A misdemeanor
- C.G.S. §53a-176 Riot in the 2nd degree: B misdemeanor
- C.G.S. §53a-178 Inciting to riot: A misdemeanor
- C.G.S. §53a-181d Stalking in the 2nd degree: A misdemeanor

The act requires surety bail bond agents to provide notification to various entities in writing of any name change or changes to their business name, residential or business address or telephone number. Notice is also required to be given if the agent is involved in bankruptcy proceedings, has been arrested or has entered a guilty or nolo contendere plea, in this or any other state, to a disqualifying offense as defined.

Section 3 Agents Required to Charge Premium Rate (Effective October 1, 2011)

This new legislation requires a surety bail bond agent to charge the “premium rate” which has been approved by the Insurance Commissioner under the statutes. The agent is required to certify under oath that he/she has not charged more or less than the premium rate and requires insurers to conduct audits of the surety bond agents.

Section 3 does not prohibit or limit “premium financing arrangement” so long as it is in accordance with section 4 of this Act.

**Section 4 Premium Financing Arrangements and Civil Suits
(Effective October 1, 2011)**

This is new legislation that permits a surety bail bond agent to enter into a “premium financing arrangement” and extend credit. The legislation requires a minimum down payment of 35% of the premium due “at the premium rate approved by the Commissioner” and the execution of a promissory note for the balance. The section also requires the agent to file a civil suit against any person to collect the amount due if the person is 60 days in arrears.

**Section 5 Retention Periods for Agent’s Records
(Effective October 1, 2011)**

This section proscribes retention periods for the agent’s books and account records. Any agent who misappropriates or diverts funds received can be prosecuted for larceny.

**Sections 8-9 Collateral Security or Other Indemnity
(Effective October 1, 2011)**

This section permits a surety bail bond agent to take collateral security or “other indemnity” on a bail bond, proscribes limitations for such and requires providing a receipt. Any collateral must be maintained separately from the agent’s funds or assets and collateral must be returned in the same condition as received. Restrictions and procedures are prescribed for any collateral or other indemnity received in excess of \$50,000.

Collateral or indemnity that is acceptable for the bail bond agent to take is identified as cash, promissory note, mortgages for real property or Uniform Commercial Code filings. These two sections detail what the agent must do upon taking the collateral or indemnity or if the bail bond is forfeited and prohibits the agent from receiving any financial gain if deposited in a bank and interest is accrued.

**Section 11 No Solicitation on Correctional Grounds or In Police Station or Courthouse
(Effective October 1, 2011)**

This section defines solicitation or business by a surety bail bond agent or insurer and prohibits it at DOC facilities, in police stations or courthouses unless a defendant or potential indemnitor has made a request for such. Among other things, the new language also prohibits the agent or insurer from suggesting, in exchange for a fee, any particular attorney and prohibits them from paying a fee to anyone who is holding the defendant in custody or to an attorney, or acting as an attorney.

**Section 16-18 Licensing of Professional Bail Bondsmen
(Effective October 1, 2011)**

These sections amend C.G.S. §29-145, C.G.S. §29-148 and C.G.S. §29-149 to require the professional bondsmen to inform the Commissioner of Public Safety of any change in name, residence address or telephone number within 30 days of such and permits disclosure of such to the court and municipalities.

**Section 19 Penalty for Violating
(Effective October 1, 2011)**

This section amends C.G.S. §29-152, Anyone who violates Section 16 - 18 can be fined up to \$1000, imprisoned up to 2 years or both and be prohibited from being a professional bondsman forever.

**Section 20 Mandatory Inspection of Records by Public Safety Permitted
(Effective October 1, 2011)**

This is new language that authorizes the Department of Public Safety to inspect the books and records of any professional bondsman.

**Section 21 No Solicitation on Correctional Grounds or In Police Station or
Courthouse
(Effective October 1, 2011)**

This section defines solicitation or business by a professional bondsman and prohibits it at DOC facilities, in police stations or courthouses unless a defendant or potential indemnitor has made a request for such. Among other things, the new language also prohibits the professional bondsman from suggesting, in exchange for a fee, any particular attorney and prohibits them from paying a fee to anyone who is holding the defendant in custody or to an attorney, or acting as an attorney.

**Section 22 Collateral Security or Other Indemnity
(Effective October 1, 2011)**

This section permits a professional bondsman to take collateral security or “other indemnity” on a bail bond, proscribes limitations for such and requires providing a receipt. The section provides that a fee cannot be deducted from the collateral or indemnity and provides an exception for when it can. Violation of this section is can be prosecuted pursuant to the larceny statutes.

**Section 24 Vacating Bond Forfeitures
(Effective October 1, 2011)**

This is new legislation that details when the court shall vacate a bond forfeiture order and release the bondsman.

BOATING & BOATING UNDER THE INFLUENCE

***P.A. No. 11-74 AN ACT CONCERNING BOATING UNDER THE
INFLUENCE AND OTHER REVISIONS TO
ENVIRONMENT RELATED STATUTES***

**Section 1 Reckless Operation Vessel 1st/Suspension Boating Rights
(Effective July 1, 2011)**

Section 1 of the act amends C.G.S. §15-140l, *Reckless operation of a vessel in the first degree while under the influence of intoxicating liquor or drugs*, by specifying that a conviction for first degree reckless boating under the influence will result in the suspension of the person's safe boating certificate or certificate of personal watercraft operation (which are required for legal boating) or the person's right to operate a vessel that requires a safe boating certificate.

**Section 2 Reckless Operation Vessel 2nd/Suspension Boating Rights
(Effective July 1, 2011)**

Section 2 amends C.G.S. §15-140n, *Reckless operation of a vessel in the second degree while under the influence of intoxicating liquor or drugs*, by specifying that a conviction for second degree reckless boating under the influence will result, in the suspension of the person's safe boating certificate or certificate of personal watercraft operation (which are required for legal boating) or the person's right to operate a vessel that requires a safe boating certificate.

**Section 3 Standards For Suspending/Administrative Hearings Before The
Environmental Protection Commissioner
(Effective July 1, 2011)**

Section 3 amends C.G.S. §15-140q, *Consent for chemical analysis. Suspension of safe boating certificate. Procedures. Hearing on suspension. Penalties for conviction*, which establishes the standards the Environmental Protection Commissioner, must follow when determining whether to suspend the safe boating certificate of a person who was operating a

vessel that was involved in an accident where someone suffered or allegedly suffered physical injury in such accident and who was subsequently arrested for:

- *C.G.S. 15-133(d), Rules for safe operation. Operation of vessel while under the influence of liquor or drugs. Penalties. Records of conviction;*
- *C.G.S. 15-140l, Reckless operation of a vessel in the first degree while under the influence of intoxicating liquor or drugs;*
- *C.G.S. 15-140n, Reckless operation of a vessel in the second degree while under the influence of intoxicating liquor or drugs; or*
- *C.G.S. 15-132a, Manslaughter in the second degree with a vessel.*

In order to suspend the Certificate under prior law, the Commissioner had to find, after a hearing, that the blood sample of the operator was obtained in accordance with the admissibility standards specified in *C.G.S. §15-140r (b), Evidence of alcohol or drugs in blood*. These standards require that the Commissioner of Public Safety ascertain the reliability of each method and type of device offered for chemical testing and analysis of blood, of breath and of urine and certify those methods and types which the Commissioner of Public Safety finds suitable for use in testing and analysis of blood, breath and urine, respectively. The Commissioner of Public Safety, after consultation with the Commissioner of Public Health, must adopt regulations governing the conduct of chemical tests, the operation and use of chemical test devices and the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as the Commissioner of Public Safety finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results.

This act eliminates this requirement for a finding in an administrative hearing and instead requires that the sample was obtained in accordance with conditions for admissibility as set forth in *C.G.S. §15-140s, Seizure and admissibility of chemical analysis of hospital blood sample of injured operator*, which refers to samples taken by a hospital (or pursuant to section 5 of this act as summarized below) at the accident scene or at the way to a hospital by medical personnel.

Section 4 Minimum Time Between Blood Alcohol Tests Reduced to 10 Minutes/ When Prosecutor Required to State Reasons for Reducing, Entering a Nolle, or Dismissing Charges (Effective July 1, 2011)

Section 4 amends *C.G.S. §15-140r, Seizure and admissibility of chemical analysis of hospital blood sample of injured operator*, by reducing the minimum time between blood alcohol tests involving vessel operators and hunters. Current law specifies the standards that

must be followed for a blood alcohol test result to be admissible in a criminal prosecution for the following offenses:

- C.G.S. §15-133(d) Boating under the influence or with an elevated blood alcohol content in the first degree;
- C.G.S. §15-140l Reckless operation of a vessel in the first degree while under the influence;
- C.G.S. §15-140n Reckless operation of a vessel in the second degree while under the influence;
- C.G.S. §15-132a Manslaughter in the second degree with a vessel; and,
- C.G.S. §53-206d Hunting under the influence.

An admissibility standard under prior law required that an additional test had to have been performed at least 30 minutes after the first test was performed. **Section 4** reduces the minimum required time between tests from 30 minutes to 10 minutes.

Subsection (c) of Section 4 amends C.G.S. §15-140r. The following are additional offenses for which a prosecutor is prohibited from reducing, entering a nolle, or dismissing a criminal charge for any of the following offenses unless the prosecutor states in open court his/her reasons:

- *C.G.S. §15-132a, Manslaughter in the second degree with a vessel;*
- *C.G.S. §15-140l, Reckless operation of a vessel in the first degree while under the influence of intoxicating liquor or drugs; and*
- *C.G.S. §15-140n, Reckless operation of a vessel in the second degree while under the influence of intoxicating liquor or drugs*

The law already requires the prosecutor to state a reason in open court if he/she reduces, nollees or moves for a dismissal of the offense of Boating under the influence or with elevated blood alcohol content in the first degree pursuant to *C.G.S. §15-13(d), Pilots; qualifications; license fee; bond; suspension or revocation of license; inactive status; limited licenses; regulations.*

Section 5 Test Results on Blood and Urine Samples (Effective July 1, 2011)

Section 5 amends *C.G.S. §15-140s, Seizure and admissibility of chemical analysis of hospital blood sample of injured operator*, by expanding the circumstances under which blood test results are admissible for boating related offenses and by allowing the admissibility of urine blood alcohol content tests under certain circumstances.

By law, evidence respecting the amount of alcohol or drug in the blood of an operator of a vessel involved in an accident who has suffered or allegedly suffered physical injury in such accident, which evidence is derived from a chemical analysis of a blood sample taken

from such person at a hospital after such accident, is competent evidence to establish probable cause for the arrest by warrant of such person for a violation for operating a vessel while under the influence or with an elevated blood alcohol content *C.G.S. §15-133, Rules for safe operation. Operation of vessel while under the influence of liquor or drugs. Penalties. Records of conviction*, and is admissible and competent in any subsequent prosecution for such offense if certain standards are followed. One of those standards is that the blood sample was taken in the regular course of business of the hospital for diagnosing and treating such injury. **Section 5** allows for a blood or urine sample taken at the accident scene and en route to the hospital evidence to be admissible under the current statutes if the standards for taking such are met.

It also adds pursuant to *C.G.S. §15-133(d), Rules for safe operation. Operation of vessel while under the influence of liquor or drugs. Penalties. Records of conviction* for which this section is applicable, the following offenses:

- C.G.S. §15-132a Manslaughter in the second degree with a vessel
- C.G.S. §15-140l Reckless operation of a vessel in the first degree while under the influence
- C.G.S. §15-140n Reckless operation of a vessel in the second degree while under the influence.

**Section 6 Administration of Oaths - DEP Officers
(Effective July 1, 2011)**

Section 6 adds sworn law enforcement officers within the Department of Environmental Protection to the list of state employees that may administer oaths, within their employment duties.

**Section 7 Penalties - Dismissal
(Effective October 1, 2011)**

Section 7 amends *C.G.S. §26-64, Fine for violations*, as it relates to a fine for a violation and specifically suspends the fine and requires a dismissal of the charge whenever a person has violated *C.G.S. §26-27(a), Junior licenses*, and is a 1st time violator who shows proof of obtaining the relevant license prior to the imposition of the fine.

**Section 8 Sport Fishing
(Effective October 1, 2011)**

Section 8 requires the Commissioner of Environmental Protection to designate 1 day a year for sport fishing without a license.

BULLYING

P.A. No. 11-232 AN ACT CONCERNING THE STRENGTHENING OF SCHOOL BULLYING LAWS

Section 1 Bullying Redefined & Cyber bullying (Effective July 1, 2011)

This amends C.G.S. §10-222d, *Policy on bullying behavior*, by redefining bullying, and providing definitions for *cyber bullying*, *mobile electronic device*, *electronic communication*, *hostile environment*, *outside of school setting*, *school employee* and *school climate*. The legislation requires schools to develop and implement a “safe school climate plan” to address bullying, create protocols for filing written reports, investigations and maintenance of records pertaining to bullying and to prohibit discrimination and retaliation against persons who assist in investigations regarding bullying.

Sections 3-7 Bullying Training & Monitoring (Effective July 1, 2011)

This amends various statutes to (1) require dissemination and collection of information to monitor bullying prevention efforts; (2) establish a state wide safe school climate resource network to identify, prevent and educate persons regarding school bullying; and, (3) training requirements for school employees including new teachers and in service training for the prevention of youth suicide and the identification and response to bullying.

Section 10 Immunity from Civil Suit Extended (Effective July 1, 2011)

This is new legislation and provides immunity from civil suit to school employees who report, investigate or respond to bullying so long as the school employee (as defined) was “acting in good faith in the discharge of his or her duties or within the scope of his or her employment”. Immunity is also extended to students, parents or guardians or anyone else who reports bullying to a school employee as long as the person was acting in good faith and to the Board of Education acting in good faith in the discharge of its duties.

CHILDREN/JUVENILE

P.A. No. 11-6 AN ACT CONCERNING THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2013 AND OTHER PROVISIONS RELATING TO REVENUE

Section 50 Male Youth Leadership Pilot Program (Effective upon passage)

This section details certain funds that will be transferred from one agency to another including \$500,000 from the Probate Court Administration Fund to Court Support Services Division for a “male youth leadership pilot program to provide services in targeted communities to high-risk males with low academic achievement”.

Section 74 Transfer of Parole DCF to Judicial (Effective upon passage)

This section requires the Department of Children and Families (DCF) and the Judicial Department to enter into an agreement regarding the transfer from DCF to Judicial of the parole functions for children for fiscal years 2011-12 and 2012-13.

SPECIAL ACT NO. 11-12 AN ACT ESTABLISHING A TASK FORCE TO STUDY GRANDPARENTS’ VISITATION RIGHTS

Section 1 Grandparents’ Standing and Visitation (Effective upon passage)

This Act was passed in lieu of another bill that would have amended C.G.S. §46b-59, *Court may grant right of visitation to any person*, in an effort to counteract the holdings of the United States and Connecticut Supreme Courts in *Troxell v. Granville* and *Roth v. Weston*, which, on constitutional grounds, severely restrict grandparents’ standing to seek court-ordered visitation with a grandchild in the custody of a fit parent. It may have the potential to affect juveniles, since the Commissioner of DCF or her designee is designated to be a member of this Task Force.

P.A. No. 11-51 AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS

**Sections 1–20 Child Protection Transferred To Public Defender Services
(Effective July 1, 2011)**

Sections 1 through 20 transfer all of the duties and obligations of the Commission on Child Protection (CCP) to the Division of Public Defender Services (DPDS) effective July 1, 2011. The act makes numerous changes to the enabling statutes of the Division to allow for the representation of children and parents or guardians in child protection and family relations matters, indigent respondents in paternity proceedings and contempt proceedings, legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters. Some CCP employees were also transferred to the DPDS. The Director of Juvenile Delinquency and Child Protection Matters and the Director of the Assigned Counsel Unit (formerly the Special Public Defender Unit) coordinate the appointment of counsel in those cases in which assigned counsel is warranted.

Private attorneys appointed as "Special Assistant Public Defenders", commonly known in the courts as **Special Public Defenders**, are now designated as "**Assigned Counsel**" (See Section 19). Assigned Counsel appointed after July 1, 2011 in Child Protection Matters are also included in the definition of the indemnification and immunity statutes. (See Sections 9 and 10).

**Section 12 Privileged Communications and Freedom of Information
(Effective July 1, 2011)**

The new legislation mandates that oral and written confidential communications between the employees of the Division of Public Defender Services, Assigned Counsel and their clients in furtherance of the rendition of legal advice is privileged and not disclosable in any proceeding unless the client provides informed consent.

**Section 16 No Automatic Counsel For Indigent Relative Interveners
(Effective July 1, 2011)**

This section adds a new section (d)(5) to C.G.S. §46b-129(d)(1)(C), *Commitment of child or youth. Petition for neglected, uncared-for, dependent child or youth. Hearing re temporary custody, order to appear or petition. Review of permanency plan. Cost of care and maintenance of child or youth; reimbursement. Revocation of commitment. Applicability of provisions re placement of child from another state and Interstate Compact on the Placement of Children*, and prohibits automatic eligibility for Assigned Counsel to indigent relative interveners. However, the law permits such persons to have a court appointed

lawyer in an interest of justice case pursuant to *C.G.S. §46b-136, Appointment of attorney to represent child or youth and parent or guardian.*

**Section 17 GALs
(Effective July 1, 2011)**

This section amends *C.G.S. §46b-129a, Examination by physician. Appointment of counsel and guardian ad litem*, and allows in a proceeding pursuant to *§46b-129, Commitment of child or youth. Petition for neglected, uncared-for, dependent child or youth. Hearing re temporary custody, order to appear or petition. Review of permanency plan. Cost of care and maintenance of child or youth; reimbursement. Revocation of commitment. Applicability of provisions re placement of child from another state and Interstate Compact on the Placement of Children*, for the appointment of any attorney who already is serving as an attorney or guardian ad litem for a child in an ongoing probate or family matter provided such attorney is knowledgeable about neglect proceedings and the court notifies the Chief Public Defender of the juvenile court appointment.

Attorneys for children can no longer presumptively act in the dual capacity as attorney and GAL for every child. **Section 17** allows the court or the child’s attorney to determine if a child cannot adequately protect his or her best interests. If the court or the attorney determines that adhering to the child’s legal wishes could lead to substantial physical, financial or other harm, the child’s attorney may request, and the court may order, that a separate GAL be assigned. Either an attorney or a volunteer may be appointed as GAL by the court and is subject to cross-examination.

DPDS is given the authority to assess costs to parents or legal guardians who are able to pay for court appointed counsel. If the Court appoints Assigned Counsel in a delinquency case for a family who is not indigent, the family can be charged a “state rate” for the cost of providing the child with an attorney.

**Section 20 Chief Public Defender Report Required Re: Consolidation
(Effective July 1, 2011)**

This section requires the Chief Public Defender to submit a report no later than January 2012 to the legislature concerning the status of the transfer of CCP to her office.

**Section 21 Intensive Pretrial Supervision Services
(Effective From Passage)**

This is new legislation which requires probation officers to provide “intensive pretrial supervision services” when the court orders it. Alternative Sentencing plans must be completed by probation officers when the court orders such for any person who has pled guilty pursuant to a plea agreement which carries a term of imprisonment of 2 years or less.

This section also permits probation officers to evaluate persons serving a term of imprisonment of 2 years or less once the person has served 90 days and has been compliant with the rules of DOC and to develop a community release plan for them. If a community release plan is developed, the probation officer is then required to apply for a Sentence Modification hearing pursuant to the statutes.

**Sections 22-26 Risk Reduction Credits
(Effective July 1, 2011)**

This is new legislation which permits discretion to the Commissioner of DOC to award "risk reduction credits" in an amount not to exceed 5 days a month for certain conduct, back to April 1, 2006. Inmates earn "risk reduction credits" only if they are compliant with their accountability plan, participate in certain programs and activities that are eligible for such and for "good conduct and obedience" to the DOC rules.

Credit cannot be earned to reduce a mandatory minimum sentence and is earned only while incarcerated for a specific sentence.

Persons sentenced to incarceration for any of the following offenses are prohibited from earning "risk reduction credits":

- C.G.S. §53a-54a Murder
- C.G.S. §53a-54b Capital felony
- C.G.S. §53a-54c Felony murder
- C.G.S. §53a-54d Arson murder
- C.G.S. §53a-70a Aggravated sexual assault in the first degree:
Class B or A felony
- C.G.S. §53a-100aa Home invasion: Class A felony

**Sections 26/27 House Arrest
(Effective July 1, 2011)**

This section permits the Commissioner of DOC to release a person to house arrest who had been sentenced to incarceration for violating subsection (g) of *C.G.S. §14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content, §14-215, Operation while registration or license is refused, suspended or revoked. Penalty, subsection (c) of C.G.S. §21-279, Penalty for illegal possession. Alternative sentences, or §21a-267, Prohibited acts re drug paraphernalia.* GPS monitoring may also be made a condition as well as continuous monitoring for alcohol consumption.

**Sections 28/29 Obligation to Provide General and Special Education
(Effective July 1, 2011)**

This is new legislation which requires the local Board of Education to be responsible for providing general and special education for juveniles in that jurisdiction's detention facilities. The act amends *C.G.S. §10-253, School privileges for children in certain placements, nonresident children and children in temporary shelters*, to codify current State Department of Education practices regarding the provision of education services in juvenile detention centers and community residential centers (a/k/a ADPs) run by the Judicial Branch. The local or regional board of education for the district in which a juvenile detainee is normally enrolled, or should be enrolled, is responsible for providing general and special education to children detained in such a facility. The services can be provided directly or through contract with public or private educational service providers. Tuition may be charged to the local or regional board of education where the child would otherwise be attending school if not in detention, notwithstanding any suspension, expulsion or previous withdrawal from school enrollment.

The Judicial Branch must notify the local school in writing within one business day of any child's admission to detention. Prior to the child's discharge, an assessment of the school work completed by the child shall be conducted by the local or regional board of education providing the education in the detention center to determine an assignment of academic credit for work completed. The child's home school shall accept the transfer of credit assigned by the board where the detention center is located.

**Section 30 Juvenile Access Pilot Program Advisory Board
(Effective July 1, 2011)**

This section amends *C.G.S. §46b-122, Juvenile matters separated from other court business if practicable. Exclusion of persons from hearing; exception for victim in delinquency proceedings. Pilot program to increase public access to certain proceedings*. The legislation adopted language as recommended by the Juvenile Access Pilot Program Advisory Board in regard to opening juvenile courts to the public. The new subsection (c) allows a juvenile judge in a child protection case to permit any person whom the court finds has a legitimate interest in the hearing or the work of the court to attend such hearing. Such a person includes a party, relative of the child, service providers or a representative of any agency, entity or association, including the news media.

The judge may prohibit any person or representative allowed in the courtroom from disclosing any information that would identify the child, the custodian or caretaker of the child or members of the child's family involved in the hearing. Delinquency and FWSN cases, and juvenile records, are not affected by this change. *C.G.S. §46b-122(b), Juvenile matters separated from other court business if practicable. Exclusion of persons from hearing; exception for victim in delinquency proceedings*.

The pilot program at the Middletown CPS is now officially terminated, and consequently, the standing order and rule promulgated no longer have any force or effect.

**Section 33 Children and Firearms
(Effective October 1, 2011)**

This is new language which creates a new Class A Misdemeanor. Under this legislation a parent or guardian can be charged if they know that their minor child is in possession of a firearm and is not eligible to be in possession of such and they fail to “make reasonable efforts to halt” the possession. If the child causes injury or death to another, the parent can be charged with a Class D Felony.

**Section 34 Juvenile Jurisdictional Policy and Operations Oversight Council
(Effective upon passage)**

This section rejuvenates this Council which monitors and assists in the implementation of the *Raise the Age* law and reports to the general assembly.

**Section 35 Unified Community Corrections Agency Review
(Effective upon passage)**

This section requires a report from the Commissioners of DOC and DCF, OPM, and the JJPOCC on the feasibility of establishing a unified community corrections agency that would serve adult and juvenile offenders in community-based programs. An attempt to transfer all DCF juvenile justice programming (other than the training school) was unsuccessful during this session.

**Section 216 Interlock Ignition Devices
(Effective January 1, 2012)**

Sections 216 through 222 are identical to legislation passed in Sections 51 through 57 in P.A. 11-48, *An Act Implementing Provisions of the Budget Concerning General Government*.

**Section 216 Operator License Suspension-Ignition Interlocks
(Effective January 1, 2012)**

Subsection (g) of *C.G.S. §14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, is amended to reduce the period of license suspension and mandate the use of ignition interlock devices.

Currently, a 1st conviction carries a license suspension of one year. Under the amended statute, the license suspension period is reduced to 45 days. A new condition of

license restoration requires the operator to install and operate a vehicle with an ignition interlock device for a period of one year following restoration.

For a 2nd conviction the license suspension period is also reduced from either three years or one year, to 45 days. In the case of a person under the age of 21 such suspension is either for 45 days or, until the date of such person's 21st birthday, whichever is longer. Again, a condition of license restoration requires that the operator install and operate any vehicle with an ignition interlock device, in this case, for a period of three years following license restoration.

There are no changes in the case of a third or subsequent conviction within the 10 year period.

Section 218 Ignition Interlock - Costs And Fees (Effective January 1, 2012)

Subsection (i) of C.G.S. §14-227a, *Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, is amended in several respects. First, the new language permits a person whose license has been suspended for a conviction of subsections (1) or (2) of C.G.S. §14-227a to have their license restored even though they may not have completed serving a suspension period imposed by the administrative per se suspension process under §14-227b.

Secondly, the act adds language that expressly prohibits the court from waiving any fees and costs associated with the installation and maintenance of the ignition interlock device.

The act also grants the Department of Motor Vehicle (DMV) Commissioner broad discretion to establish regulations regarding the installation and use of ignition interlock equipment, to define specific acts and conduct that would constitute noncompliance and to extend the period of time an individual is required to use such equipment as a consequence of such noncompliance.

Finally, although the act does not take effect until January 1, 2012, DMV is allowed, at the request of anyone convicted of DUI whose license is suspended on that date, to reduce the suspension period and instead require such person to drive only a vehicle equipped with the ignition interlock for the remainder of the suspension period.

Section 218 Operator's Licenses (Effective January 1, 2012)

Subsection (g) of C.G.S. §14-36, *Motor vehicle operator's license* is amended to make conforming changes to reflect the new periods of license suspensions.

**Section 219 Restoration of Revoked License
(Effective January 1, 2012)**

Subsection (k) of *C.G.S. 14-111, Suspension or revocation of registration, license or right to operate* is amended and changes the time frames related to license revocation, restoration and the use of ignition interlocks.

Currently, someone whose license has been revoked following a 3rd DUI conviction may, after six years, request a reduction or reversal of their operator license revocation. If certain requirements are met, the DMV Commissioner may restore the driving privileges of such person if they agree to use an ignition interlock device for a period of 10 years. Current law provides that the 10 year period begins on the date of the initial license revocation.

The act now requires that the ignition interlock remain in place for a period of 10 years from the date the DMV Commissioner grants the reversal of license revocation.

**Section 220 Ignition Interlock - Penalties
(Effective January 1, 2012)**

C.G.S. §14-227k, Avoidance of or tampering with ignition interlock device is amended to subject drivers who violate ignition interlock restrictions, imposed by the court or by the DMV Commissioner, to the same penalties imposed for a violation of *§14-215(c) Operation while registration or license is refused, suspended or revoked*, (see Section 56 below). These penalties are, for a 1st offense, fines of between \$500 and \$1000 and imprisonment of up to one year, 30 days of which may not be suspended. For a 2nd offense, fines of between \$500 and \$1000 and imprisonment of up to two years, 120 days of which may not be suspended can be imposed. For a 3rd or subsequent offense, fines of between \$500 and \$1000 and imprisonment of up to three years, one year of which may not be suspended, can be imposed. In each case the court may consider mitigating factors and impose a sentence without mandatory jail time.

Prior to this act, conviction under this section was a class C misdemeanor.

**Section 221 Ignition Interlock - Penalties
(Effective January 1, 2012)**

Subsection (c) of *C.G.S. §14-215 Operation while registration or license is refused, suspended or revoked*, is amended and now provides the penalties for violations of ignition interlock restrictions. (See Section 55, above)

**Section 222 Ignition Interlocks – Expansion Of Use
(Effective from passage)**

This is new legislation which requires the Judicial Branch and DMV to jointly develop and submit to the Judiciary and Transportation committees plans to implement the use of ignition interlock devices for anyone convicted of DUI beginning January, 2014. Such implementation plan is to be submitted by February 1, 2012.

**Section 307 Mandated Treatment Program
(Effective January 1, 2012)**

This section repeals *C.G.S. §14-222f Alcohol and drug addiction treatment program. Waiver. Appeal. Regulations*, eliminating the requirement that anyone whose license has been suspended for DUI or for two or more administrative per se suspensions to take a DMV - approved substance abuse treatment program in order to have his/her license reinstated.

P.A. No. 11-93 AN ACT CONCERNING THE RESPONSE OF SCHOOL DISTRICTS AND DEPARTMENTS OF EDUCATION AND CHILDREN AND FAMILIES TO REPORTS OF CHILD ABUSE AND NEGLECT AND THE IDENTIFICATION OF FOSTER CHILDREN IN A SCHOOL DISTRICT

**Section 1 Criminal Record & Child Abuse and Neglect Registry Checks
(Effective July 1, 2011)**

This Section amends *C.G.S. §10-221d, Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal*, and requires, prior to hiring, all teacher applicants to submit to a records check of the Department of Children and Families (DCF) child abuse and neglect registry after July 1, 2011 (if the school requires a certificate, authorization or permit) or after July 1, 2012 (for schools that do not require a certificate, authorization or permit).

In addition, the section also requires persons seeking an initial issuance or renewal of a certificate, authorization or permit to submit to a records check of the (DCF) child abuse and neglect registry.

**Section 2 Disclosure of Persons on DCF Child Abuse & Neglect Registry
(Effective July 1, 2011)**

This section amends *C.G.S. §17a-28(f), Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations*, to require DCF to disclose whether a person is on the (DCF) child abuse and neglect registry to local and regional boards of education without a person's consent.

**Section 3 Mandated Reporters-School Employee Defined
(Effective July 1, 2011)**

This section amends *C.G.S. §17a-101, Protection of children from abuse. Mandated reporters. Educational and training programs*, by placing a “coach of intramural or interscholastic athletics, school superintendent, school teacher, school principal, school guidance counselor, school paraprofessional, school coach” into one category, “school employee, as defined in the statutes, specifically, *C.G.S. §53a-65, Definitions*. This section also requires all mandated reporters to attend a “refresher training program” as developed by DCF. New employees are required to attend training as well, within available appropriations.

In addition, a new subsection (e) requires DCF and the State Department of Education to develop a “model mandated reporting policy for use by the local and regional boards of education” on or before October 1, 2011.

**Section 4 Suspension Procedures/Training
(Effective July 1, 2011)**

This section amends *C.G.S. §17a-101i, Abuse of child by school employee or staff member of public or private institution or facility providing care for children. Suspension. Notification of state's attorney re conviction. Boards of education to adopt written policy re reporting of child abuse by school employee*, clarifies the procedures after a school employee is investigated for abuse or neglect of a child in his/her care including the time period within which to place the school employee on the registry and an automatic suspension with pay until the matter is resolved “satisfactorily” by the employer or the disposition of an appeal determining that the employee is “not responsible for the abuse or neglect or does not pose a risk to the health, safety or well-being of children.”

This section also provides the period of time within which school employees and new hires must complete the required training and refresher training and the refresher training must be taken at least one time every three years.

**Section 6 Maintenance of Abuse/Neglect Records
(Effective July 1 , 2011)**

This section amends *C.G.S. §10-221, Boards of education to prescribe rules, policies and procedures*, and requires the Boards of Education to maintain records of any allegations, investigations and reports of child abuse or neglect by a school employee in a central location. All records shall be accessible to the Department of Education.

**Section 7 Policies Regarding Delayed Reports of Child Abuse/Neglect
(Effective July 1, 2011)**

This is new legislation and requires the DCF Commissioner to develop a policy for investigating delayed reports of child abuse and neglect by mandated reporters including when to report such to law enforcement and a database containing information regarding any delay in mandated reporting.

**Section 8 Failure to Report - Referral to Chief State's Attorney
(Effective July 1, 2011)**

This section amends *C.G.S. §17a-101a, Report of abuse, neglect or injury of child or imminent risk of serious harm to child. Penalty for failure to report*, to provide that any failure to report child abuse or neglect or delay in making a report by any mandated reporter must be investigated by DCF and a failure to report shall result in a prompt referral to the Chief State's Attorney.

**Section 12 Personnel File of Teacher Disclosable to DCF in Investigation
(Effective July 1, 2011)**

This section requires Boards of Education to disclose records maintained in a teacher's personnel file to DCF upon request in investigations for abuse and neglect.

**Section 15 Criteria Required in Written Reports
(Effective July 1, 2011)**

This section amends *C.G.S. §17a-101d, Contents of oral and written reports*, details the content for all mandated reporter written reports (not just those emanating from schools) as required under *C.G.S. §17a-101, Protection of children from abuse. Mandated reporters. Educational and training programs*, and expands the type of information contained to include the reasons a person is *suspected* of neglect or abuse and any information concerning prior cases in which such person has been suspected of neglect or abuse.

**Section 17 Providing Information in Investigations
(Effective July 1, 2011)**

This section amends *C.G.S. §17a-101h, Coordination of investigatory activities. Interview with child. Consent*, and requires that any person reporting child abuse or neglect shall provide the investigator with all information in their possession except as expressly prohibited by state or federal law.

**Section 19 Attempt Not a Prohibition for Certificate
(Effective Upon Passage)**

This section amends *C.G.S. §10-145i, Limitation on issuance and reissuance of certificates authorizations or permits to certain individuals* and removes from the prohibition for a certificate a conviction for attempting to commit an offense, *C.G.S. §53a-49, Criminal attempt: Sufficiency of conduct, renunciation as defense*.

**Section 21 Disclosure of Information by DCF to Board of Education
(Effective October 1, 2011)**

This section amends *C.G.S. §17a-16a, School placement for children in out-of-home care*, and requires DCF, upon request, to provide the Board of Education with the name, date of birth and school of origin for any child in DCF custody who is placed in foster care and enrolls in a new school.

***P.A. No. 11-105 AN ACT CONCERNING A REGIONAL STRUCTURE
FOR THE DEPARTMENT OF CHILDREN AND FAMILIES
AND MISCELLANEOUS CHANGES TO THE GENERAL
STATUTES CONCERNING THE DEPARTMENT OF
CHILDREN AND FAMILIES***

**Section 2 Connecticut Juvenile Training School (CJTS) Public Safety
Committee Transferred
(Effective July 1, 2011)**

This section repeals the Connecticut Juvenile Training School (CJTS) Public Safety Committee and transfer its responsibility to review safety and security issues affected the host municipality (Middletown) to the existing CJTS Advisory Group.

**Section 3 Subsidized Guardianship
(Effective July 1, 2011)**

This section makes technical changes to the subsidized guardianship statute to conform state law to federal requirement for foster care programs.

**Section 6 Regional Service Delivery Structure for DCF
(Effective July 1, 2011)**

This legislation allows the DCF Commissioner to appoint up to two program directors and up to six regional directors in the unclassified service. It established a regional service delivery structure.

**Section 11 Kinship Navigator Program Report
(Effective July 1, 2011)**

This section repeals *C.G.S. §17a-27f, Connecticut Juvenile Training School. Public safety committee. Security and alert system* and *C.G.S. §17a-91, Commissioner of Children and Families' report on children committed to him and establishment of central registry and monitoring system*, regarding the reporting requirement for the Kinship Navigator Program and annual report on the status of children.

***P.A. No. 11-112 AN ACT CONCERNING THE RIGHTS OF A PARENT OR
GUARDIAN IN AN INVESTIGATION BY THE
DEPARTMENT OF CHILDREN AND FAMILIES***

**Section 1 Rights of Parents/Guardians When Abuse/Neglect Complaint
(Effective October 1, 2011)**

This is new legislation which upon receipt of an abuse or neglect complaint, requires DCF to provide the parents or guardian of the child at the initial meeting written notice, in a language the parent or guardian understands, of the following:

- “(1) The parent or guardian is not required to permit the representative of the department to enter the residence of the parent or guardian;
- (2) the parent or guardian is not required to speak with the representative of the department at that time;
- (3) the parent or guardian is entitled to seek the representation of an attorney and to have an attorney present when the parent or guardian is questioned by a representative of the department;
- (4) any statement made by the parent, guardian or other family member may be used against the parent or guardian in an administrative or court proceeding;
- (5) the representative of the department is not an attorney and cannot provide legal advice to the parent or guardian;
- (6) the parent or guardian is not required to sign any document presented by the representative of the department, including, but not limited to, a release of claims or a service agreement, and is entitled to have an attorney review such document before agreeing to sign the document; and
- (7) a failure of the parent or guardian to communicate with a representative of the department may have serious consequences, which may include the department's filing of a petition for the removal of the child from the home of the parent or guardian, and therefore it is in the parent's or guardian's best interest to either speak with the representative of the department or immediately seek the advice of a qualified attorney.”

The parent or guardian will be requested to sign the notice upon receipt.

P.A. No. 11-115 AN ACT CONCERNING JUVENILE REENTRY & EDUCATION

**Section 1 Unified District Transfers
(Effective July 1, 2011)**

This section amends *C.G.S. §10-186, Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission*, to require the immediate enrollment of a student who transfers from either Unified District # 1 or #2 to the school district the child had attended prior to attending the either of the Unified District schools as long as the appropriate grade level exists.

**Section 3 Expulsion To Run Concurrent to Commitment
No Expulsion After Serving Time in Commitment
(Effective July 1, 2011)**

This section provides that the period of expulsion for any student who commits an expellable offense and is subsequently placed in a juvenile detention center, committed to the Connecticut Juvenile Training School, or any other residential placement for the expellable offense, shall run concurrently with the student's commitment to the detention center, the CJTS or residential placement. The intent of this bill is to eliminate those situations where in a school would wait to expel a student until after the child served he/her time in a detention or residential placement.

In addition, if the student committed an expellable offense but was not expelled by the board of Education for such, he/she cannot be expelled upon his/her return to the school district after serving time in a detention center, the Connecticut Juvenile Training School or other residential placement.

P.A. No. 11-154 AN ACT CONCERNING DETENTION OF CHILDREN AND DISPROPORTIONATE MINORITY CONTACT IN THE JUVENILE JUSTICE SYSTEM

**Section 1 Court Order to Detain Juvenile Required
(Effective October 1, 2011)**

This section amends *C.G.S. §46b-133, Arrest of child. Release or detention of arrested child. Alcohol or drug testing or treatment as condition of release. Admission of child to overpopulated juvenile detention center*, to provide that a child cannot be held in a detention center unless pursuant to the court order. Current law provides for the officer to "immediately" turn the child over to a detention center without any order whatsoever. The new language clearly requires that a child cannot be detained unless probable cause exists

that the child committed the criminal conduct and no less restrictive alternative is available and one of the following exists:

*“(A) a strong probability that the child will run away prior to the court hearing or disposition,
(B) a strong probability that the child will commit or attempt to commit other offenses injurious to the child or to the community prior to the court disposition,
(C) probable cause to believe that the child's continued residence in the child's home pending disposition poses a risk to the child or the community because of the serious and dangerous nature of the act or acts the child is alleged to have committed,
(D) a need to hold the child for another jurisdiction,
(E) a need to hold the child to assure the child's appearance before the court, in view of the child's previous failure to respond to the court process, or
(F) a finding by the court that the child has violated one or more of the conditions of a suspended detention order.”*

Section 2 Disproportionate Minority Contact Reports (Effective upon passage)

This is new legislation which requires certain state agency heads to report to the Office of Policy and Management (OPM) biennially starting on September 30, 2011, pertaining to the plans developed and steps taken during the previous two fiscal years to address *Disproportionate Minority Contact* in the juvenile justice system. In addition to the Chief Public Defender, other agency heads are:

1. Commission of the Department of Children and Families;
2. Commissioner of Public Safety;
3. Chief State's Attorney;
4. Chief Court Administrator; and,
5. Police Officer Training Council.

The Act requires the DCF and the Chief Court Administrator, and others responsible for providing child welfare services, including services provided in abuse and neglect cases, to report to the Office of Policy and Management (OPM) as to efforts undertaken to address disproportionate minority contact in the child welfare system and evaluate the relationship between the two systems as it relates to disproportionate Minority Contact.

OPM will compile the reports and submit a report to the Governor and General Assembly beginning December 31, 2011 and every 2 years thereafter.

“Disproportionate minority contact” is defined as the “disproportionate number of juvenile members of minority groups” that “come into contact with the juvenile justice system.”

P.A. No. 11-156 AN ACT CONCERNING CHILDREN CONVICTED AS DELINQUENT WHO ARE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES

**Section 1 Waiver of 60 Day Evaluation/Risk Assessment
(Effective October 1, 2011)**

This section amends *C.G.S. §17a-7a, Standard leave and release policies for delinquent children committed to department*, to provide discretion to the Commissioner of the Department of Children and Families to waive the 60 day evaluation and risk assessment when a juvenile is transferred from one facility to another and the child already had a satisfactory evaluation.

**Section 2 Retention of Plan for 1 year Eliminated
(Effective October 1, 2011)**

This section deletes subsection (c) of *C.G.S. 17a-7a, Standard leave and release policies for delinquent children committed to department*, which had required DCF to prepare and retain for 1 year, a plan for children convicted as delinquent, committed to DCF and placed in the Connecticut Juvenile Training School.

P.A. No. 11-157 AN ACT CONCERNING JUVENILE JUSTICE

**Section 1 Missing Child Reports For Persons Under 18 Years Old
(Effective October 1, 2011)**

This section amends *C.G.S. §7-282c, Filing and dissemination of reports re missing children and certain missing persons*. Current law requires law enforcement to take a missing child (under 15 years of age) report and communicate such to all on duty officers and other law enforcement immediately. This Act changes the age from 15 to 18 years to trigger these duties for those persons 18 years and under that are missing.

**Section 2 Notification Upon Arrest of Student
(Effective October 1, 2011)**

This section amends and clarifies *C.G.S. §10-233h, Arrested students. Reports by police, disclosure, confidentiality. Police testimony at expulsion hearings*, to require notification of the superintendent of schools by law enforcement, not only where the student resides, but where the student attends school, upon the student's arrest. The Act changes the age of the student from 16 to 18 years for purposes of restricting disclosure of information that is confidential.

**Section 3 Raise the Age Definitions
(Effective October 1, 2011)**

This section changes certain definitions to coincide with the Raise the Age laws in regard to the age of a child subject to juvenile jurisdiction.

**Section 4 20 years of Age is Limit
(Effective October 1, 2011)**

This section amends *C.G.S. §17a-3, Powers and duties of department. Comprehensive strategic plan*, by restricting the age for which services or placements shall commence or continue for delinquent children to 20 years of age.

**Section 5 Duration of DCF Custody Defined
(Effective October 1, 2011)**

This section amends *C.G.S. §17a-8, Custody of children and youths committed as delinquent to commissioner; term, escape, violation of parole, return to custody. Vocational parole*, to provide for how long children and youths committed to DCF shall remain in custody. Current law provides for custody until the “custody” expires or terminates as ordered by the court.

This section of the Act provides for the custody to end on the **earliest** of the following: (1) expiration of the commitment date as ordered by the court; (2) termination of the commitment date as ordered by the court; or, (3) when the child or youth becomes 20 years of age.

**Section 6 DCF Commitment = DCF Custody
(Effective October 1, 2011)**

This section provides that children committed to DCF by the Court are deemed in DCF custody until custody terminates as provided by Section 5 of this Act.

**Sections 7/8 DOC Jurisdiction Terminates Upon Expiration of DCF
Commitment
(Effective October 1, 2011)**

This amends subsection (a) of *C.G.S. §17a-12, Transfer of child or youth to other program, agency, organization or facility*, and *C.G.S. §17a-13, Jurisdiction over person transferred to correctional facility at Cheshire or Niantic*, to terminate a transfer to or the jurisdiction of DOC once the person’s DCF commitment expires.

**Sections 9/10 Delinquent Act Exemptions
(Effective October 1, 2011)**

This section amends subdivision (5) of *C.G.S. §46b-120, Definitions*, and subdivision (1) of *C.G.S. §46b-120, Definitions*, to exempt from being a delinquent act, a violation of *C.G.S. §53a-172, Failure to appear in the first degree: Class D felony*; *C.G.S. §53a-173, Failure to appear in the second degree: Class A misdemeanor*; *C.G.S. §53a-222, Violation of conditions of release in the first degree: Class D felony*; *C.G.S. §53a-222a, Violation of conditions of release in the second degree: Class A misdemeanor*; *C.G.S. §53a-223, Criminal violation of a protective order: Class D felony*.

**Section 11 Strangulation and Home Invasion are SJOs
(Effective October 1, 2011)**

This amends subdivision (11) of *C.G.S. §46b-120, Definitions*, to add to the definition of a serious juvenile offense a violation of *C.G.S. §53a-64aa, Strangulation in the first degree: Class C felony*. Strangulation in the first degree: Class C felony; *C.G.S. §53a-64bb, Strangulation in the second degree: Class D felony*. Strangulation in the second degree: Class D felony; and, *C.G.S. §53a-100aa, Home invasion: Class A felony* Home invasion: Class A felony.

**P.A. No. 11-166 AN ACT CONCERNING PLACEMENT OF CHILDREN
WITH SPECIAL STUDY FOSTER PARENTS**

**Section 1 No More 10 Year Minimum Age For Special Study Foster
Home Placement
(Effective July 1, 2011)**

This amends subsection (c) of *C.G.S. §17a-114, Licensing of persons for child placement required. Criminal history records checks. Exemption for temporary placement of children with relatives, nonrelatives and special study foster parents. Regulations*, and eliminates the 10 year minimum age requirement with which DCF must comply to temporarily place a child with a special study foster parent. Prior law required that only children 10 years old or older could be considered for placement in a special study foster home.

P.A. No. 11-180 AN ACT CONCERNING NOTIFICATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES WHEN A YOUTH IS ARRESTED FOR PROSTITUTION AND OUT OF STATE PLACEMENTS OF CHILDREN AND YOUTH

**Section 1 Arrest for Prostitution Triggers Mandated Report by Police
(Effective October 1, 2011)**

This amends C.G.S. §46b-133(c), *Arrest of child. Release or detention of arrested child. Alcohol or drug testing or treatment as condition of release. Admission of child to overpopulated juvenile detention center*, to require law enforcement, as a mandated reporter, to notify DCF of suspected abuse or neglect whenever a youth is arrested for prostitution.

**Section 2 Court Approval for Out of State Adoptions
(Effective October 1, 2011)**

This amends C.G.S. §45a-717(j), *Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination*, and requires court approval before a child can be placed for an out of state adoption.

**Section 3 Reasons for Out of State Placement Required
(Effective October 1, 2011)**

This amends C.G.S. 46b-129(q), *Commitment of child or youth. Petition for neglected, uncared-for, dependent child or youth. Hearing re temporary custody, order to appear or petition. Review of permanency plan. Cost of care and maintenance of child or youth; reimbursement. Revocation of commitment. Applicability of provisions re placement of child from another state and Interstate Compact on the Placement of Children*, and requires at the proceedings that the court state its reasons for placing a child in another state.

P.A. No. 11-240 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION AND A REPORT ON EPISODES OF UNAUTHORIZED ABSENCES OF CHILDREN AND YOUTH IN THE DEPARTMENT'S CARE

**Section 1 Lower Risk Children Who Are Subject of Abuse/Neglect Report
(Effective July 1, 2011)**

This amends C.G.S. §17a-101g, *Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm*, to permit a referral for a family assessment and services if the

Commissioner of DCF has classified a child, the subject of an abuse or neglect report, as “lower risk”. Thereafter, if there are safety concerns, the report is required to be referred and handled as a child protection case.

The legislation also permits the Commissioner of DCF to create a differential response program in cases of abuse and neglect with referrals to community providers for services, criminal background checks on all adults involved, and the sharing of information between DCF and the service provider which includes all information gathered consistent with the provisions of *C.G.S. §17a-28, Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations.*

**Section 2 Neglected Child Redefined
(Effective July 1, 2011)**

This amends *C.G.S. §46b-120, Definitions*, eliminates the definition of a “dependent child” and the court’s ability to adjudicate a child as “dependent” in any petition brought pursuant to *C.G.S. §46b-121, Juvenile matters” defined. Authority of court.*

The Act also amends the definition of a “neglected child” and adds language that a child cannot be adjudicated neglected solely because he/she are impoverished which is undefined.

The definition of abused remains unchanged but is moved from subsection (3) to subsection (7) and many of the section numbers of the definitions have been renumbered.

**Section 3 Definitions
(Effective July 1, 2012)**

This amends *C.G.S. §46b-120, Definitions*, as amended by section 82 of P. A. No. 09-7 of the September Special Session and makes the same changes as in Section 2.

**Section 4 Homeless or Runaway Children or Youth
(Effective July 1, 2011)**

This amends *C.G.S. §17a-62, Commissioner of Children and Families to monitor certain at-risk children and youth. Annual report to General Assembly*, to require additional information pertaining to homeless or runaway children or youth to be included in the Annual Report of DCF.

**Sections 5-13 Term Abused Used In Lieu of Dependent
(Sections 5 & 7-12 are effective July 1, 2011 and
Sections 6 & 13 are effective July 1, 2012)**

These sections amend numerous statutes by deleting the word “dependent” and replacing it with “abused”.

CHILD SUPPORT

***P.A. No. 11-214 AN ACT CONCERNING MINOR AND TECHNICAL
CHANGES TO THE CHILD SUPPORT STATUTES***

All sections are **effective October 1, 2011**. The Act makes technical amendments to the child support statutes.

**Section 20 Support Payments Based Upon Income of Both Parents &
Obligor’s Ability to Pay
(Effective October 1, 2011)**

This section amends *C.G.S. §46b-215a, Commission for Child Support Guidelines. Duties. Members*, to require support payments that are based upon not only the income of the obligor, but the income of both parents and the obligor’s ability to pay.

***P.A. No. 11-219 AN ACT CONCERNING CHILD SUPPORT
ENFORCEMENT AND EXPEDITED ESTABLISHMENT
OF PATERNITY AND SUPPORT IN TITLE IV-D
CASES***

This Act makes technical amendments to several statutes regarding support enforcement, paternity proceedings and Title IV-D support cases.

**Section 11 Disclosure of Information to DOC and Judicial
(Effective October 1, 2011)**

This amends subsection (b) of *C.G.S. §17b-90, Disclosure of information concerning program applicants and participants. Limitations. Regulations*, and adds to those entities to which the Department of Social Services shall disclose information pertaining to noncustodial parents in custody on public assistance, to the employees of the Department of Corrections and the Judicial Branch.

**Section 18 Service of Capias by Judicial Marshal
(Effective October 1, 2011)**

This is new and permits a judicial marshal to serve a capias issued in a child support matter on anyone in the custody of the marshal or in a courthouse where the marshal provides security.

COMPETENCY/GUARDIANSHIP

P.A. No. 11-15 AN ACT CONCERNING COMPETENCY TO STAND TRIAL

**Section 1 Defendant Not Competent But Improved Sufficiently - Report
(Effective October 1, 2011)**

Section 1 amends subsection (j) of *C.G.S. §54-56d, Competency to stand trial*, and adds an additional circumstance which requires a written progress report to be submitted to the court. The person in charge of the treatment facility is now required to submit a report whenever he/she "believes that the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency."

**Section 2 Court Hearing Required
(Effective October 1, 2011)**

Section 2 amends *C.G.S. §54-56d (k)(1), Competency to stand trial*, and requires the court to schedule a hearing whenever a written progress report is submitted pursuant to Section 1.

This section also requires the court to consider whether to release a person on a promise to appear, with conditions of release, cash bail or a bond with an order to continue treatment to restore competency on an outpatient basis if the court has determined that the defendant, although still not competent, is making progress in his/her treatment and inpatient treatment is no longer the least restrictive placement.

***P.A. No. 11-129 AN ACT CONCERNING APPLICATIONS FOR
GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL
DISABILITY AND CERTAIN STATUTORY CHANGES
RELATED TO INTELLECTUAL DISABILITY***

**Sections 1-20 Intellectual Disability and Mental Retardation
(Effective October 1, 2011)**

These sections amend the following statutes by inserting “intellectual disability” in lieu of “mental retardation” without changing the definition of “mental retardation”:

- C.G.S. §45a-670 *Application for guardianship*
- C.G.S. §1-1g *Mental retardation, defined*
- C.G.S. §4b-28(b) *Notice of proposed change in use of state-supervised property. Notice of construction or enlargement of building or underground utility facility*
- C.G.S. §8-119t *Grants-in-aid for expanding independent living opportunities. Definition. Regulations*
- C.G.S. §12-81 (7)(B) *Exemptions*
- C.G.S. §17a-580 *Definitions*
- C.G.S. §17b-226 *Consideration of the costs mandated by collective bargaining agreements*
- C.G.S. §19a-638(a)(17) *Certificate of need*
- C.G.S. §45a-674 *Hearing for appointment of guardian. Evidence. Report by assessment team. Cross-examination of witnesses. Payment of fees for assessment team*
- C.G.S. §46a-11b(b) *Reports of suspected abuse or neglect required of certain persons. Report by others. Immunity. Fine. Treatment by Christian Science practitioner.*
- C.G.S. §53a-59a *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the first degree: Class B felony: Five years not suspendable.*
- C.G.S. §53a-60b *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the second degree: Class D felony: Two years not suspendable*
- C.G.S. §53a-60c *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the second degree with a firearm: Class D felony: Three years not suspendable*
- C.G.S. §53a-61a *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the third degree: Class A misdemeanor: One year not suspendable.*
- C.G.S. §53a-320 *Definitions*
- C.G.S. §53a-321 *Abuse in the first degree: Class C felony*
- C.G.S. §53a-322 *Abuse in the second degree: Class D felony*
- C.G.S. §53a-323 *Abuse in the third degree: Class A misdemeanor*
- C.G.S. §54-56d(i) *Competency to stand trial.*

CORRECTIONS, Dept. of

See also:

P.A. No. 11-51 An Act Implementing The Provisions Of The Budget Concerning The Judicial Branch, Child Protection, Criminal Justice, Weigh Stations And Certain State Agency Consolidations (Re: House Arrest ; Risk Reduction Credits; Intensive Pretrial Supervision Services)

P.A. No. 11-157 An Act Concerning Juvenile Justice (Re: When DOC Jurisdiction for DCF Commitment)

P.A. No. 11-148 AN ACT ESTABLISHING ADVISORY COMMITTEES TO THE DEPARTMENT OF CORRECTION IN CERTAIN MUNICIPALITIES

Section 1 DOC Advisory Committees (Effective July 1, 2011)

This is new legislation which requires the DOC to establish advisory committee in any city or town where there is a Correctional facility except where a public safety committee already exists pursuant to *C.G.S. §18-81h, Public safety committees established in municipalities with correctional facilities. Report*. The legislation details the criteria for membership of the committee which includes the Commissioner of DOC and 5 other members appointed by the General Assembly. No member can be on probation or parole. The committee is required to meet quarterly and submit a report to the legislature by January 1, 2012 regarding issues and recommendations pertaining to the demographics of the DOC populations, DOC policies, practices and programming and reentry initiatives.

P.A. No. 11-159 AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION

Section 1 National Prison Rape Elimination Commission (Effective October 1, 2012)

This is new legislation that requires any agency that either “incarcerates or detains adult offenders, including persons detained for immigration violations to comply with the National Prison Rape Elimination Commission Standards. The Commission is comprised of 9 members who have adopted standards to monitor and prevent sexual abuse of offenders while incarcerated.

CRIMINAL IMPERSONATION

P.A. No. 11-221 AN ACT CONCERNING CRIMINAL IMPERSONATION BY MEANS OF AN ELECTRONIC DEVICE

Section 1 New Subsection (Effective October 1, 2011)

This amends *C.G.S. §53a-130, Criminal impersonation: Class A misdemeanor*, and adds a 4th subsection under which a person can be convicted of criminal impersonation as follows:

“(4) with intent to defraud, deceive or injure another, uses an electronic device to impersonate another and such act results in personal injury or financial loss to another or the initiation of judicial proceedings against another.”

The Act exempts application of the new subsection (4) to law enforcement officers in the performance of their duties.

DNA/DNA DATA BANK OVERSIGHT PANEL

P.A. No. 11-9 AN ACT CONCERNING THE MEMBERSHIP OF THE DNA DATA BANK OVERSIGHT PANEL

Section 1 Chief Public Defender on DNA Data Bank Oversight Panel (Effective upon passage)

This section amends *C.G.S. §54-102m, DNA Data Bank Oversight Panel*, and adds the Chief Public Defender or her designee to the *DNA Data Bank Oversight Panel*. The Panel is currently composed of the following members: Chief State's Attorney, Attorney General, Commissioner of Public Safety, Commissioner of Correction and Court Support Services Division Executive Director.

The act also prohibits the Chief Public Defender or her designee from discussing or having access to the Databank records which contain personally identifiable information.

P.A. No. 11-144 AN ACT CONCERNING COLLECTION OF BLOOD AND OTHER BIOLOGICAL SAMPLES FOR DNA ANALYSIS

**Section 1 Willful Failure to Give DNA Sample a Class D Felony
(Effective October 1, 2011)**

This section amends and *clarifies C.G.S. §54-102g, Blood or other biological sample required from certain offenders for DNA analysis*, which requires that a DNA sample “of sufficient quality” be taken from persons in the Custody of Mental Health and Addiction Services (DMHAS) or the Commissioner of Developmental Services prior to a court hearing that is held pursuant to *C.G.S. §17a-582(d) Confinement of acquittee for examination. Court order of commitment to board or discharge*. The Act adds new language which requires taking an additional sample if the first is not of “sufficient quality”.

The Act further amends *C.G.S. §54-102g, Blood or other biological sample required from certain offenders for DNA analysis*, by penalizing persons not only for refusing to submit to the DNA sample but by making it a D felony for anyone who willfully fails “to appear at the time and place specified” for the taking of the DNA sample.

A new subsection (i) is added to *C.G.S. §54-102g, Blood or other biological sample required from certain offenders for DNA analysis*, and permits the Commissioner of DOC to use “reasonable force” to obtain the DNA sample whenever a person in DOC’s custody is required to provide a DNA but refuses to do so.

**Section 2 Dissemination if Reasonable and Articulate Suspicion Exists
(Effective October 1, 2011)**

This section amends *C.G.S. §54-102j, Dissemination of information in DNA data bank*, which provides when information in the databank can be disseminated. Current law provides that data in the data bank can be confirmed or identifying information disclosed when a sample or DNA profile “satisfactorily matches” a profile in the databank. The amendment permits the Division of Scientific Services in the Department of Public Safety to disclose to law enforcement, upon request and if a “reasonable and articulable suspicion” exists, whether there is a DNA profile for a particular person suspected of committing an offense under investigation.

**Section 3 Report Whether Acquittee Refused or Submitted DNA
(Effective October 1, 2011)**

This section amends *C.G.S. §17a-582(b), Confinement of acquittee for examination. Court order of commitment to board or discharge*, and requires the report pertaining to the acquittee which is filed with the court to now indicate whether the acquittee refused or submitted to the taking of DNA.

**P.A. No. 11-207 AN ACT REQUIRING DNA TESTING OF PERSONS
ARRESTED FOR THE COMMISSION OF A SERIOUS
FELONY**

**Section 1 DNA From Serious Felony Arrestees
(Effective October 1, 2011)**

This amends C.G.S. §54-102g, *Blood or other biological sample required from certain offenders for DNA analysis*. The Act requires DNA to be taken from any person arrested for a serious felony who has previously been convicted of a felony but never submitted a sample for DNA analysis before. The sample is to be taken from the arresting agency.

Serious felony is defined as:

- C.G.S. §53a-54a *Murder*
- C.G.S. §53a-54b *Capital felony*
- C.G.S. §53a-54c *Felony murder*
- C.G.S. §53a-54d *Arson murder*
- C.G.S. §53a-55 *Manslaughter in the first degree: Class B felony*
- C.G.S. §53a-55a *Manslaughter in the first degree with a firearm: Class B felony: Five years not suspendable*
- C.G.S. §53a-56 *Manslaughter in the second degree: Class C felony*
- C.G.S. §53a-56a *Manslaughter in the second degree with a firearm: Class C felony: One year not suspendable*
- C.G.S. §53a-56b *Manslaughter in the second degree with a motor vehicle: Class C felony*
- C.G.S. §53a-57 *Misconduct with a motor vehicle: Class D felony*
- C.G.S. §53a-59 *Assault in the first degree: Class B felony: Nonsuspendable sentences*
- C.G.S. §53a-59a *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the first degree: Class B felony: Five years not suspendable*
- C.G.S. §53a-60 *Assault in the second degree: Class D felony*
- C.G.S. §53a-60a *Assault in the second degree with a firearm: Class D felony: One year not suspendable*
- C.G.S. §53a-60b *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the second degree: Class D felony: Two years not suspendable*
- C.G.S. §53a 60c *Assault of an elderly, blind, disabled, pregnant or mentally retarded person in the second degree with a firearm: Class D felony: Three years not suspendable*
- C.G.S. §53a 70 *Sexual assault in the first degree: Class B or A felony*

- C.G.S. §53a 70a *Aggravated sexual assault in the first degree: Class B or A felony*
- C.G.S. §53a 70b *Sexual assault in spousal or cohabiting relationship: Class B felony*
- C.G.S. §53a 72b *Sexual assault in the third degree with a firearm: Class C or B felony*
- C.G.S. §53a 92 *Kidnapping in the first degree: Class A felony*
- C.G.S. §53a 92a *Kidnapping in the first degree with a firearm: Class A felony: One year not suspendable*
- C.G.S. §53a 94 *Kidnapping in the second degree: Class B felony: Three years not suspendable*
- C.G.S. §53a 94a *Kidnapping in the second degree with a firearm: Class B felony: Three years not suspendable*
- C.G.S. §53a 95 *Unlawful restraint in the first degree: Class D felony*
- C.G.S. §53a 100aa *Home invasion: Class A felony*
- C.G.S. §53a 101 *Burglary in the first degree: Class B felony*
- C.G.S. §53a 102 *Burglary in the second degree: Class C felony*
- C.G.S. §53a 102a *Burglary in the second degree with a firearm: Class C felony: One year not suspendable*
- C.G.S. §53a 103a *Burglary in the third degree with a firearm: Class D felony: One year not suspendable*
- C.G.S. §53a 111 *Arson in the first degree: Class A felony*
- C.G.S. §53a 112 *Arson in the second degree: Class B felony*
- C.G.S. §53a 134 *Robbery in the first degree: Class B felony*
- C.G.S. §53a 135 *Robbery in the second degree: Class C felony*
- C.G.S. §53a 136 *Robbery in the third degree: Class D felony*
- C.G.S. §53a 167c *Assault of public safety, emergency medical or public transit personnel: Class C felony*
- C.G.S. §53a 179b *Rioting at correctional institution: Class B felony*
- C.G.S. §53a 179c *Inciting to riot at correctional institution: Class C felony*
- C.G.S. §53a 181c *Stalking in the first degree: Class D felony*

**Section 2 Law Enforcement Takes DNA Sample
(Effective October 1, 2011)**

This amends subsection (a) of C.G.S. §54-102h, *Procedure for collection of blood or other biological sample for DNA analysis*. To require law enforcement to take the sample of a person as required in Section 1, prior to a person's release from custody.

**Section 3 Automatic Expungement of DNA Profile
(Effective October 1, 2011)**

This amends *C.G.S. §54-102l, Expungement of DNA data bank records and destruction of samples*, and requires automatic expungement of a person's DNA profile from the DNA data bank if the person's conviction or finding of not guilty by reason of mental disease or defect is reversed. In addition, if the sample was taken as a result of an arrest for a serious felony pursuant to Section 1 of this Act and the charges are dismissed or nolle, or the person is acquitted of the charges, the Act requires automatic expungement of the DNA profile.

A person no longer has the burden to request expungement. However, the state lab still requires a certified copy of the court's order before it will purge the records and destroy the samples of the person.

**Section 4 Need for Available Resources
(Effective October 1, 2011)**

This amends subsection (a) of *C.G.S. §54-102j, Dissemination of information in DNA data bank*, to provide that the requirements of section 1 of this Act are to be fulfilled "only as available resources allow."

DOMESTIC VIOLENCE

P.A. No. 11- 152 AN ACT CONCERNING DOMESTIC VIOLENCE

The act makes numerous changes to the current statutes pertaining to family violence crimes, protective orders, the family violence response and intervention units, spousal immunity and the Family Violence Education Program.

**Section 1 Definitions, Basis For Restraining Order
(Effective October 1, 2011)**

Subsection (a) of *C.G.S. §46b-15, Relief from physical abuse by family or household member or person in a dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies*, is amended to broaden the type of conduct that can serve as a basis for a restraining order. The new language adds "stalking or a pattern of threatening" as qualifying conduct. Previously "a continuous threat of present physical pain or physical injury" had been the basis for the order.

**Section 2 Definitions - Relationships
(Effective October 1, 2011)**

C.G.S. §46b-38a, Family violence prevention and response: Definitions is amended to modify the definition of "family or household member" as that term applies to the definition of a "family violence" crime. The new language makes clear that a person of **any age** may be in a dating relationship and therefore fall within the definition of "family or household member" for purposes of the family violence crime statutes.

**Section 3 Police Response to Family Violence Crimes
(Effective October 1, 2011)**

C.G.S. §46b-38b, Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Education and training program. Assistance and protocols for victims whose immigration status is questionable, is amended to eliminate the "dating relationship" exception to the arrest requirement found in this statute.

Under current law, police are required to arrest any person suspected of committing a family violence crime. The mandatory arrest requirement does not apply to a suspect of a family violence crime whose relationship with the alleged victim takes place solely in a dating context. The act eliminates this exception and requires that any person suspected of committing a family violence crime be arrested.

Current law also provides that police officers responding to incidents of domestic violence provide specific types of assistance and information to the victim. The act requires that responding officers must additionally provide victims with specific contact information for regional family violence organizations that either employ or provide referrals to counselors who are trained in providing "trauma- informed care." The act defines "trauma-informed care" as services directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and violence on a person.

**Section 4 Family Violence Intervention Units - FVEP Fees
(Effective October 1, 2011)**

The Act amends *C.G.S. §46b-38c Family violence response and intervention units. Local units. Duties and functions. Protective orders. Electronic monitoring pilot program. Pretrial family violence education program* and makes several changes in the way family violence intervention units (family relations) share information with other agencies and entities that are involved with family violence cases and supervision of defendants. Information contained in reports prepared for the court and counsel by intervention units is generally confidential. Certain information may be discloseable to DCF, bail commissioners, law enforcement, contracted service providers and probation officers for specific purposes.

The act expands the circumstances under which intervention units may share information with probation officers. The act allows disclosure to probation officers for use in preparing presentence investigation reports after the plea. Previously, disclosure was only permitted after sentencing in order to assist supervising probation officers in determining service needs and supervision level.

The act also permits disclosure to contracted service providers prior to the disposition of a case for the purpose of determining program and service needs.

Fees associated with use of the Pretrial Family Violence Program are increased by the Act. Currently a fee of \$200 is required once the program is granted. The act imposes a \$100 nonrefundable application fee and \$300 program fee if the applicant is granted admission to the program.

**Section 5 Standing Criminal Protective Orders
(Effective October 1, 2011)**

Subsection (a) of *C.G.S. §53a-40e, Standing criminal protective orders*, is amended to add additional offenses, conviction of which, permits a court to issue a standing criminal protective order. The additional offenses are:

1. *C.G.S. §53-21(1) or (2)* *Injury or risk of injury to, or impairing morals of, children*
2. *C.G.S. §53a-70c* *Aggravated sexual assault of a minor: Class A felony*
3. *C.G.S. §53a-73a* *Sexual assault in the fourth degree: Class A misdemeanor or class D felony*

**Section 6 Restitution - Office of Victim Services
(Effective October 1, 2011)**

C.G.S. §54-216, Restitution services, is amended to include victims of domestic violence and members of their families as persons who may receive restitution services from the Office of Victim Services. Such services may include medical, psychiatric, psychological and social services and rehabilitative services.

**Sections 7/8 State Employee Immunity
(Effective October 1, 2011)**

C.G.S. §4-141, Definitions, and *C.G.S. §4-165, Immunity of state officers and employees from personal liability*, are amended include within the definition of "state officers and employees" individuals appointed by the Commission on Child Protection, or by the court, who act as a guardian ad litem, attorney for a party in neglect, abuse, termination of parental rights, delinquency or family with service needs proceeding.

This inclusion provides immunity protection for such individuals when acting within the scope of their employment when such conduct is not wanton, reckless or malicious.

The commission on Child Protection was transferred to the Division of Public Defender Services on July 1, 2011.

**Section 9 Possession of Firearms
(Effective October 1, 2011)**

C.G.S. §29-36k, Transfer or surrender of firearms by persons ineligible to possess same. Penalty. The current statute requires that when any event occurs that makes any person ineligible to possess a pistol, revolver or firearm, such person must transfer such firearm, pursuant to applicable law, to either a person eligible to possess the firearm or to the Commissioner of Public Safety. Such transfer must occur within two business days of the triggering event.

Under the newly amended statute any person who is subject to a protective or restraining order or foreign order of protection, as described in *C.G.S. §53a-217(a)(3)*, no longer has the option of transferring such firearms to any eligible person. A person subject to such an order may only transfer the firearm to the Commissioner of Public Safety or sell it to a federally licensed firearms dealer.

**Section 10 Possession of Firearms
(Effective October 1, 2011)**

C.G.S. § 29-36n, Protocol concerning transfer or surrender of pistols and revolver, is amended with technical changes to conform to various sections of this act.

**Sections 11/13 Criminal Liability of Protected Persons
(Effective October 1, 2011)**

The Act amends *C.G.S. 53a-223, Criminal violation of a protective order: Class D felony*, *C.G.S. 53a-223a, Criminal violation of a standing criminal protective order: Class D felony*, and *C.G.S. 53a-223b, Criminal violation of a restraining order: Class D felony*, to achieve the identical result.

The act bars the prosecution of any person protected by a protective order, standing criminal protective order, a restraining order or foreign order of protection for conspiring to violate the order pursuant to *C.G.S. § 53a-48, Conspiracy. Renunciation*, or for soliciting, requesting commanding, importuning, or intentionally aiding in the violation of such an order pursuant to *C.G.S. §53a-8(a), Criminal liability for acts of another*.

**Section 14 Spousal Testimonial Privilege
(Effective October 1, 2011)**

C.G.S. 54-84a, Privilege of spouse, is amended to modify the spousal testimonial privilege. Under the current law a person may only be compelled to testify against their spouse in limited cases. These cases involve incidents of spousal violence or where the accused spouse stands charged with statutorily specified crimes.

The Act modifies the testimonial privilege and broadens the exceptions to the general rule so that, in a criminal case, a person may elect or refuse to testify against his or her spouse. The exception holds that a spouse may be compelled to testify, in the same manner as any other witness, in a criminal proceeding against the other spouse for (1) joint participation with the spouse in criminal conduct, (2) bodily injury, sexual assault or other violence attempted, committed or threatened upon the spouse, or (3) bodily injury, sexual assault, risk of injury pursuant to C.G.S. §53-21, or other violence attempted, committed or threatened upon the minor child of either spouse, or any minor child in the care or custody of either spouse.

**Section 15 Spousal Communication Privilege
(Effective October 1, 2011)**

This section of the Act contains new language regarding confidential communications made between spouses. The act defines such communication as any oral or written communication made between spouses during a marriage that is intended to be confidential and is induced the nature of the marital relationship.

The general rule, provided by the act, is that in any criminal proceeding a spouse is not required to testify to a confidential communication and is not allowed to testify to such a communication over the objection of the other spouse.

The exception to the rule provided by the act is the same as that in the area of the testimonial privilege; testimony regarding the confidential communication may be compelled in criminal proceedings against the other spouse for (1) joint participation with the spouse in criminal conduct, (2) bodily injury, sexual assault or other violence attempted, committed or threatened upon the spouse, or (3) bodily injury, sexual assault, risk of injury pursuant to C.G.S. §53-21, or other violence attempted, committed or threatened upon the minor child of either spouse, or any minor child in the care or custody of either spouse.

**Section 16-17 Bail Bond Agents, Professional Bondsmen
(Effective October 1, 2011)**

Sections 16 and 17 of this act make minor changes to another Public Act passed during the 2011 legislative session, *PA 11-45, AN ACT CONCERNING SURETY BAIL BOND AGENTS AND PROFESSIONAL BONDSMEN*. *PA 11-45*, also effective October 1, 2011,

makes numerous and varied changes to the statutory structure that regulate the conduct of bail bond agents and professional bail bondsmen. For example, it expands surety bail bond licensing and appointment requirements, establishes record retention and reporting standards and creates premium financing and collateral security requirements and restrictions. It requires agents to certify under oath to the insurance commissioner that they charged the bond premium rates the commissioner approved (i. e., did not discount or increase them). It also authorizes the insurance commissioner to (1) suspend or revoke a bail bond agent's license, impose a penalty of up to \$5,000, or both for violating the act and (2) adopt implementing regulations.

Sections 16 and 17 of this Act, amend subsections (a) of Sections 11 and 21 of P.A. *11-45 AN ACT CONCERNING SURETY BAIL BOND AGENTS AND PROFESSIONAL BONDSMEN* respectively. In both sections, the Act lifts current restrictions on an agent or bondsmen's ability to solicit business in or on the property or grounds of a police station. It also allows bail bond agents and professional bondsmen to accept business solicitations initiated on courthouse grounds from persons other than an arrestee or a potential indemnitor.

**Section 19 Task Force Established
(Effective Upon Passage)**

Section 19 of the act establishes a 16 member task force to evaluate the policies and procedures utilized by various law enforcement agencies in their response to family violence incidents and violations of protective and restraining orders. The task force is responsible for developing a state-wide model policy for use by law enforcement agencies when responding to incidents of family violence. The model policy must include procedures related to the mandatory arrest requirements of C.G.S. §46b-38b.

The task force is required to report its recommendations to the Judiciary Committee by December 1, 2011.

**Section 20 Judicial Department Study
(Effective Upon Passage)**

Section 20 of the act requires the Chief Court Administrator to conduct a study of the principles and effectiveness of the pretrial family violence education program using a results-based accountability framework.

The study needs to examine the goals of the FVEP and assess the short-term and long-term outcomes of the program. The study will also address costs of the program and the appropriateness of the curriculum.

The act also calls for an assessment of the feasibility of expanding the Explore and Evolve programs to all regions of the state. These long term domestic violence programs are only presently available in a few courts.

The study will also include a review of the effectiveness of domestic violence dockets and related contracted programs using a results-based accountability framework.

The Chief Court Administrator is required to submit a report to the Judiciary Committee no later than January 1, 2012.

ELDER ABUSE

P.A. No. 11-224 AN ACT CONCERNING INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY

Section 1 Immunity and Exceptions (Effective October 1, 2011)

This amends subsection (d) of *C.G.S. 17b-451, Report of suspected abuse, neglect, exploitation, or abandonment or need for protective services. Penalty for failure to report. Immunity and protection from retaliation*, to add a new subsection (2) which creates a class A misdemeanor offense and exceptions to the immunity clause provisions contained in subsection (d)(1) granted to persons reporting pursuant to *C.G.S. §17b-450, Definitions*, and *C.G.S. §17b-461, Regulations*, or testifying in proceedings as follows:

“(2) Any person who makes any report pursuant to sections 17b-450 to 17b-461, inclusive, as amended by this act, is guilty of making a fraudulent or malicious report or providing false testimony when such person (A) wilfully makes a fraudulent or malicious report to the commissioner pursuant to the provisions of this section, (B) conspires with another person to make or cause to be made such report, or (C) wilfully testifies falsely in any administrative or judicial proceeding arising from such report as to the abuse, neglect, exploitation or abandonment of, or need of protective services for, an elderly person. Making a fraudulent or malicious report or providing false testimony is a class A misdemeanor.”

ELECTRONIC RECORDING -CUSTODIAL INTERROGATIONS

P.A. No. 11-174 AN ACT CONCERNING THE ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS

Section 1 Electronic Recording of Custodial Interrogations Required (Effective January 1, 2014)

This section presumes "oral, written or sign language statement" made "as a result" of a custodial interrogation of any person either charged with or being investigated for committing a capital felony or a class A or B felony to be inadmissible unless recorded. The section also prevents disclosure of the recording pursuant to the freedom of information statutes. The language of this section in its entirety is as follows:

"(a) For the purposes of this section:

(1) "Custody" means the circumstance when (A) a person has been placed under formal arrest, or (B) there is a restraint on a person's freedom of movement of the degree associated with a formal arrest and a reasonable person, in view of all the circumstances, would have believed that he or she was not free to leave;

(2) "Interrogation" means questioning initiated by a law enforcement official or any words or actions on the part of a law enforcement official, other than those normally attendant to arrest and custody, that such official should know are reasonably likely to elicit an incriminating response from the person;

(3) "Custodial interrogation" means any interrogation of a person while such person is in custody;

(4) "Place of detention" means a police station or barracks, courthouse, correctional facility, community correctional center or detention facility; and

(5) "Electronic recording" means an audiovisual recording made by use of an electronic or digital audiovisual device.

(b) An oral, written or sign language statement of a person under investigation for or accused of a capital felony or a class A or B felony made as a result of a custodial interrogation at a place of detention shall be presumed to be inadmissible as evidence against the person in any criminal proceeding unless: (1) An electronic recording is made of the custodial interrogation, and (2) such recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this section shall be preserved until such time as the person's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted or the prosecution is barred by law.

(d) If the court finds by a preponderance of the evidence that the person was subjected to a custodial interrogation in violation of this section, then any statements made by the person during or following that nonrecorded custodial interrogation, even if otherwise in compliance with this section, are presumed to be inadmissible in any criminal proceeding against the person except for the purposes of impeachment.

(e) Nothing in this section precludes the admission of:

(1) A statement made by the person in open court at his or her trial or at a preliminary hearing;

(2) A statement made during a custodial interrogation that was not recorded as required by this section because electronic recording was not feasible;

(3) A voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the person as a witness;

(4) A spontaneous statement that is not made in response to a question;

(5) A statement made after questioning that is routinely asked during the processing of the arrest of the person;

(6) A statement made during a custodial interrogation by a person who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided an electronic recording is made of the statement by the person agreeing to respond to the interrogator's question only if a recording is not made of the statement;

(7) A statement made during a custodial interrogation that is conducted out-of-state; and

(8) Any other statement that may be admissible under law.

(f) The state shall have the burden of proving, by a preponderance of the evidence, that one of the exceptions specified in subsection (e) of this section is applicable.

(g) Nothing in this section precludes the admission of a statement, otherwise inadmissible under this section, that is used only for impeachment and not as substantive evidence.

(h) The presumption of inadmissibility of a statement made by a person at a custodial interrogation at a place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(i) Any electronic recording of any statement made by a person at a custodial interrogation that is made by any law enforcement agency under this section shall be confidential and not subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes, and the information shall not be transmitted to any person except as needed to comply with this section."

Section 2 Standards for Electronic Recording of Interrogations (Effective upon passage)

This section requires the Chief State's Attorney, with the Police Officers Standards and Training Council and a representative of the Connecticut Police Chiefs Association to set standards for the (1) recording equipment used in connection with such statements, including transcriptions, and (2) training law enforcement personnel in using the equipment, by January 1, 2012.

EYEWITNESS IDENTIFICATION PROCEDURES

P.A. No. 11-252 AN ACT CONCERNING EYEWITNESS IDENTIFICATION

Section 1 Eyewitness Identifications - Required Procedure (Effective October 1, 2011)

This is new legislation which changes eyewitness identification procedures. The Act does not require that photos are shown in a sequential fashion. However, the Act requires that the person conducting the identification process not know who the suspect is in the lineup and that an instruction be given prior to the procedure that the perpetrator may not be in the lineup (whether live or photo). At least 5 fillers are required in addition to the suspect for photo lineups and 4 for live lineups and written records of the identification procedure are to be kept.

**Section 2 Task Force
(Effective from passage - June 8, 2011)**

This legislation creates the *Eyewitness Identification Task Force* to study eyewitness identification procedures and sequential live and photo lineups. The task force is charged with reviewing:

- “(1) The science of sequential methods of conducting a live lineup and a photo lineup,*
- (2) the use of sequential lineups in other states,*
- (3) the practical implications of a state law mandating sequential lineups, and*
- (4) such other topics as the task force deems appropriate relating to eyewitness identification and the provision of sequential lineups. ”*

Lastly the Task Force must submit a report containing its finding and any recommendations to the General Assembly by April 1, 2012.

FIREARMS

See also:

P.A. No. 11-51 An Act Implementing The Provisions Of The Budget Concerning The Judicial Branch, Child Protection, Criminal Justice, Weigh Stations And Certain State Agency Consolidations

*P.A. No. 11-52 An Act Concerning Domestic Violence
(Re: Possession of Firearms)*

**P.A. No. 11-134 AN ACT ESTABLISHING A PROCEDURE FOR RELIEF
FROM CERTAIN FEDERAL FIREARMS PROHIBITIONS**

**Section 1 Petition To The Probate Court For Relief From Federal
Firearms Disability/Hearings/Burden of Proof
(Effective July 1, 2011)**

Section (1)(a) authorizes anyone having a federal firearms disability (under 18 USC 922(d)(4) and 18 USC 922(g)(4)), because of a Connecticut adjudication or commitment, to petition the probate court for the district in which such person resides for relief from the federal firearms disability that resulted from the adjudication or commitment.

Federal law prohibits various categories of people from transporting, selling, receiving, possessing, or shipping firearms. These include anyone who has been “adjudicated

as a mental defective” or “committed to a mental institution” (18 USC §§ 922(d)(4) & 922(g)(4)).

Under federal regulations, “adjudicated as a mental defective” means a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetence, condition, or disease (1) is a danger to himself or herself or others or (2) lacks the mental capacity to contract or manage his or her own affairs. The term includes a finding of incompetence to stand trial or not guilty by reason of insanity or lack of mental responsibility. “Committed to a mental institution” means a formal commitment by a court, board, commission, or other lawful authority. It includes involuntary commitments for mental health issues or other reasons, such as drug use. It does not include people admitted voluntarily or for observation (27 CFR § 478. 11).

Section 1(b) requires the petitioner to submit to the probate court, information in support of the petition, including, but not limited to:

1. Certified copies of medical records detailing the petitioner's psychiatric history where applicable, including records pertaining to the specific adjudication or commitment that is the subject of the petition;
2. Certified copies of medical records from all of the petitioner's current treatment providers, if the petitioner is receiving treatment;
3. A certified copy of all criminal history information maintained on file by the State Police Bureau of Identification and the Federal Bureau of Investigation pertaining to the petitioner or a copy of the response from the bureaus indicating that there is no criminal history information on file;
4. Evidence of the petitioner's reputation, which may include notarized letters of reference from current and past employers, family members or personal friends, affidavits from the petitioner, or other character evidence; and
5. Any further information or documents the court requests, which must be certified copies of the original documents.

Section 1(c) of the act requires the petitioner to deliver a copy of the petition and all supporting documents to be delivered to the Commissioner of Public Safety and to certify to the probate court that such delivery has been made.

Section 1(d) of the act requires the petitioner to provide for the release of all of the petitioner's records that may relate to the petition, including, but not limited to, *1) health, (2) mental health, (3) military, (4) immigration, (5) juvenile court, (6) civil court and (7) criminal records. The releases must be on forms the Probate Court Administrator prescribes. The releases must authorize the Public Safety Commissioner to obtain any of these records for use at the probate court hearing or in any appeal from the probate court decision.

Section 1(e) of the act requires the petitioner to make sure that all required information accompanies the petition when he or she submits the petition to the court. Unless

specifically requested by the court, information the petitioner provides after the court receives the petition may not be considered. The court must receive information it specifically requests within 15 days after its request in order for the court to consider the information. The court may allow more than 15 days for good cause shown. Failure to provide the requested information within such time period may result in a denial of the petition.

Section 1(f) requires the probate court to set a date, time and place for a hearing when it receives a petition. It also requires the court to give notice of such hearing to:

1. the petitioner,
2. the Commissioner of Public Safety,
3. the court that rendered the adjudication or commitment,
4. the conservator appointed for the petitioner, if any, and
5. any other person the court determines to have an interest in the matter.

Section 1(g) requires the court to record all hearing testimony. The recording must be transcribed only if there is an appeal from the probate court decision. A copy of such transcript must be furnished without charge to any appellant whom the probate court finds is unable to pay for such copy. The cost of such transcript must be paid from funds appropriated to the Judicial Department.

Section 1(h) requires the petitioner to establish by clear and convincing evidence that:

1. the petitioner is not likely to act in a manner that is dangerous to public safety, and
2. granting relief from the federal firearms disability is not contrary to the public interest.

The bill allows the Public Safety Commissioner and any other person determined by the court to have an interest in the petition to present any and all relevant information at the probate court hearing and in any appeal to the Superior Court.

Section 1(i) requires the court to consider the following information when determining whether to grant the petition:

1. The circumstances regarding the firearms disability imposed by 18 USC 922(d)(4) and 18 USC 922(g)(4);
2. The petitioner's record, which must at least include the petitioner's mental health records and criminal history records, if any;
3. The petitioner's reputation, which the petitioner must demonstrate through character witness statements, testimony, or other character evidence; and
4. Any other relevant information provided by the petitioner, the Public Safety Commissioner, or any other person determined by the court to have an interest in the matter.

Section 1(j) requires the court to grant the petition if it finds by clear and convincing evidence that:

1. The petitioner will not be likely to act in a manner dangerous to public safety, and
2. Granting the relief will not be contrary to the public interest.
The act requires the court to include in its decision the specific findings of fact on which it based its decision.

Section 1(k) authorizes the petitioner or the Public Safety Commissioner to appeal the final decision of the probate court to the Superior Court. The act requires that the Superior Court review of the probate court decision be de novo.

Section 1(l) requires that enforcement of any decision of the probate court granting relief pursuant to the petition shall be stayed until the appeal period has expired or, if an appeal is taken, until the final decision of the court. If the court grants the relief and no appeal is taken or an appeal is taken and the decision is upheld, the court granting relief must notify the Public Safety Commissioner of that decision.

Section 1(m) requires the Public Safety Commissioner, as soon as practicable after receiving notice of the decision granting the petition, to:

1. coordinate the removal or cancellation of the record in the National Instant Criminal Background Check System (NICS), and
2. notify the Attorney General of the United States that the basis of the record no longer applies.

Section 1(n) requires that all probate court proceedings regarding the petition be closed to the public and all records of the proceedings be confidential and not subject to disclosure except to the petitioner or his or her counsel and the Commissioner of Public Safety, unless the probate court, after notice to the parties and a hearing, determines that such records should be disclosed for good cause shown.

P.A. No. 11-186 AN ACT AUTHORIZING RENEWAL BY MAIL OF A STATE PERMIT TO CARRY A PISTOL OR REVOLVER

**Section 1 Criteria for Mail Renewal
(Effective October 1, 2011)**

This amends *C.G.S. §29-30, Fees for pistol and revolver permits. Expiration and renewal of permits*, to allow for renewal of state pistol permits by mail. Several criteria are

required to be submitted in addition to the renewal form or risk not being accepted by the issuing license authority.

FREEDOM OF INFORMATION

See also:

*P. A. No. 11-51 An Act Implementing The Provisions Of The Budget Concerning The Judicial Branch, Child Protection, Criminal Justice, Weigh Stations And Certain State Agency Consolidations
(Re: Freedom of Information Requests To Public Defenders)*

P.A. No. 11-220 AN ACT CONCERNING ACCESS TO INFORMATION CONCERNING THE DIVISION OF PUBLIC DEFENDER SERVICES AND SECRET BALLOTS OF VOLUNTEER FIRE DEPARTMENTS UNDER THE FREEDOM OF INFORMATION ACT

Section 1 Clarification to Definition (Effective October 1, 2011)

This section amends subsection (1) of C.G.S. §1-200, *Definitions*, and adds to the definition of “judicial office” the Division of Public Defender Services.

Section 2 Division of Public Defender Services Personnel Files (Effective October 1, 2011)

This amends C.G.S. §18-101f, *Prohibition against disclosure of certain employee files to inmates under the Freedom of Information Act*, and exempts the “personnel or medical file or similar file” of current or former employees of the Division of Public Defender Services from disclosure to inmates under the Freedom of Information statutes.

Section 3 Division of Public Defender Services Exempt From Fees (Effective October 1, 2011)

This amends subsection (d) of C.G.S. §1-212, *Copies and scanning of public records. Fees*, and exempts Division personnel and Assigned Counsel (formerly Special Public Defenders) from payment of fees.

IDENTITY THEFT

P.A. No. 11-165 AN ACT CONCERNING CHILD IDENTITY THEFT

Section 1 Identity Theft Re - Defined (Effective October 1, 2011)

This amends subsection (a) of *C.G.S. §53a-129a, Identity theft defined*, and deletes from the current statute the phrase "in the name of such other person". As amended, the definition of identity theft is:

"A person commits identify theft when such person knowingly uses personal identifying information of another person to obtain or attempt to obtain money, credit, goods, services, property or medical information without the consent of such other person."

MARIJUANA

P.A. No. 11-71 AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES

Section 1 Possession of Less Than ½ Ounce Marijuana Now Violation (Effective July 1, 2011)

This new legislation, effective July 1, 2011, reduces the possession of less than one-half ounce of marijuana from a Class A Misdemeanor to a **Violation**. Under the new law, a person who possesses less than one-half of an ounce of marijuana can be fined \$150.00 for a first offense and not less than \$200.00 or more than \$500.00 for a subsequent offense.

Section 2 Possession of ½ Ounce or more Unchanged (Effective July 1, 2011)

The Act amends subsection (c) of *C.G.S., §21a-279, Penalty for illegal possession. Alternative sentences*, to reflect the new status of possession of less than one-half ounce of marijuana. The legislation does not change the A misdemeanor classification or the penalty for possession of one-half ounce or more but less than 4 ounces of marijuana.

Section 3 Possession of Paraphernalia Used for Less than ½ Ounce Marijuana Now An Infraction/ No Enhanced Penalty for Possession of Less Than ½ Ounce of Marijuana Within 1500 Feet of School (Effective July 1, 2011)

This section amends subsection (a) and (b) of *C.G.S. §21a-267, Prohibited acts re drug paraphernalia* and eliminates from the offense of possession of paraphernalia and possession with intent to deliver, paraphernalia which is used for less than one half ounce of marijuana. The act adds a new subsection (d) in **Section 3** which creates an **Infraction** for anyone who uses or delivers drug paraphernalia for less than one-half ounce of marijuana.

Also, anyone who possesses less than ½ ounce of marijuana within 1500 feet of a school **is not** subject to the enhanced penalty pursuant to subsection (c) of C.G.S. §21a-267.

Section 4 60 Day Suspension Motor Vehicle License if Under 21 Years For Less than Possession of Less Than ½ Ounce or Paraphernalia (Effective July 1, 2011)

This Section amends *C.G.S. §14-111e, Suspension or delay of issuance of operator's license for misuse of license to procure liquor or possession of liquor by minor on public street or highway or other public or private location*, to provide for the suspension of a motor vehicle license for **60 days** of any person under the age of 21 years who violates Sections 1, 2 and 3 of this act (possession of marijuana under ½ ounce or possession of paraphernalia used for less than one-half ounce of marijuana).

For persons under 21 who do not yet have a motor vehicle license, they will not be issued a new license until **150 days** has passed since the date they could have obtained it.

The act does not include the new infraction or violation in *Section 46b-124(k), Confidentiality of records of juvenile matters. Exceptions*, which permits the juvenile clerk to disclose certain convictions to the Department of Motor Vehicles. Therefore, it is unclear whether this is applicable to delinquents convicted of the new minor marijuana violation or infraction.

Section 5 Preponderance Standard For Trial (Effective July 1, 2011)

This Section amends subsection (g) and (h) of *C.G.S. §51-164n, Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial*, to make clear that the standard of proof to be applied in any trial for possession of less than one-half ounce of marijuana or possession of delivery of paraphernalia for use of same is by a **preponderance of the evidence**.

This burden of proof, however, may not apply to a trial in a delinquency case because in this section the legislature only expressly refers to criminal proceedings and procedures. See *In re Jan Carlos D.*, 297 Conn. 16 (2010) which discusses when a criminal law may apply to a delinquent child.

**Section 6 Technical
(Effective July 1, 2011)**

This section makes technical changes and amends subsection (b) of *C.G.S. §51-164n, Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial* to include a violation of Section 1 of this act with those violations listed.

**Sections 7-10 New Delinquent Acts
(Effective July 1, 2011)**

These sections amend subsection (5) and (1) of *C.G.S. §46b-120, Definitions*, and subsection (5) of *C.G.S. §46b-120, Definitions*, as amended by *Section 82 of P.A. 09-7 of the September Special Session* as it was amended by *Section 82 of P.A. 09-7 of the September Special Session* and **make it a “delinquent” act** for the violation and infraction created in Sections 1 and 3. This is a new exception to the general definitions of a delinquent and a delinquent act for 16 (and eventually 17) year olds, which do not include most violations and infractions. Most violations and infractions are prosecuted in the adult criminal courts, preserving the revenue for the General Fund from the payment of fines when Raise the Age went into effect January 2010.

The Juvenile Court is not authorized to impose fines, except in the event of possession of alcohol by a minor under *C.G.S. §30-89(b), Purchasing liquor or making false statement to procure liquor by person forbidden to purchase prohibited. Possessing liquor by minor on public street or highway or other public or private location prohibited; exceptions*. The dispositions upon conviction authorized for these two new delinquent acts, are those currently set forth in *C.G.S. §46b-140(b), Disposition upon conviction of child as delinquent*. Note that currently, under **Practice Book Rule 27-4A**, a delinquency complaint or referral involving the possession of any illegal drug is ineligible for non-judicial handling, regardless of amount possessed.

**Section 11 Drug Education Program For 3rd Violation of Possession of Less Than
1/2 Ounce Marijuana
(Effective July 1, 2011)**

This is new legislation that requires participation in a drug education program, at the defendant’s expense, if he/she has entered a plea of nolo contendere or been found guilty after trial for possession of less than one-half ounce of marijuana pursuant to Section 1 of this act 3 times or more. It is not clear how this would work in juvenile court, since the offense is defined as a delinquent act.

P.A. No. 11-73 AN ACT REGULATING THE SALE AND POSSESSION OF SYNTHETIC MARIJUANA AND SALVIA DIVINORUM

Section 1 Regulations Regarding Synthetic Marijuana, Divinorum And Salvinorum (Effective July 1, 2011)

Section 1 amends C.G.S. §21a-243, *Regulations re schedules of controlled substances*, and requires the Commissioner of the Department of Consumer Protection (DCP) to adopt regulations designating salvia divinorum and salvinorum A and the following five specified synthetic versions of marijuana as *controlled substances* and classifying each of these substances in the appropriate schedule:

- 1-pentyl-3-(1-naphthoyl) indole (JWH-018);
- 2. 1-butyl-3-(1-naphthoyl) indole (JWH-073);
- 3. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole (JWH-200);
- 4. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); &
- 5. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue);
- (6) Salvia divinorum; and
- (7) Salvinorum A.

MENTAL HEALTH & ADDICTION SERVICES, Dept. (DMHAS)

P.A. No. 11-44 AN ACT CONCERNING THE BUREAU OF REHABILITATIVE SERVICES AND IMPLEMENTATION OF PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND PUBLIC HEALTH

Section 117 Residential Facility - Former Prisoners & DMHAS Clients (Effective July 1, 2011)

This section permits the Commissioners of the Department of Correction (DOC), Department of Social Services (DSS), and the Department of Mental Health and Addiction Services (DMHAS) to establish or contract to establish a chronic or convalescent home on state-owned or private property for persons who:

1. require nursing home-level services and are transitioning from prison into the community; or,

2. are DMHAS clients.

MOTOR VEHICLES/UNDER THE INFLUENCE

See also:

P.A. No. 11-51 *An Act Implementing The Provisions Of The Budget Concerning The Judicial Branch, Child Protection, Criminal Justice, Weigh Stations And Certain State Agency Consolidations (Re: Interlock Ignition Devices/License Restoration/Alcohol and Drug Addiction Treatment Program)*

P.A. No. 11-31 AN ACT CONCERNING THE AVAILABILITY OF ACCIDENT RECORDS OF THE STATE POLICE

Section 1 Accident Reports and Freedom of Information (Effective October 1, 2011)

Current law requires accident records to be open to the public once a criminal proceeding is disposed of. The current exception is for a person involved in the accident for which records are available after a warrant or summons has issued. This legislation adds 30 day period of time as an alternative time period within which the records are to be provided to the person involved in the accident. As a result, the records are accessible to a person once the warrant is issued or within 30 days whichever is earlier. The legislation also permits the DPS to withhold disclosure of these records from a person involved in the accident longer than 30 days should the DPS believe that access would “compromise an ongoing criminal investigation.”

P.A. No. 11-47 AN ACT CONCERNING THE UNAUTHORIZED TAKING OR TRANSMISSION BY FIRST RESPONDERS OF IMAGES OF CRIME OR ACCIDENT VICTIMS

Section 1 Taking Photos Without Consent - New Misdemeanor (Effective October 1, 2011)

This is new legislation which creates a new misdemeanor offense punishable to up to 1 year of incarceration, a \$2000.00 fine or both. A person is guilty of committing this offense if he/she is a fireman, peace officer, emergency medical technician or medical responder, ambulance driver or paramedic and he/she takes or transmits a photo of a person he/she is providing assistance to without consent. The Act provides an exception to prosecution if the picture was taken or transmitted in the performance of the person’s duties of employment.

**P.A. No. 11-48 AN ACT IMPLEMENTING PROVISIONS OF THE
BUDGET CONCERNING GENERAL GOVERNMENT**

This Act makes changes to the driving under the influence law, reduces the period of an operator's license suspension and requires use of an interlock ignition device for certain periods of time after an operator's license has been restored.

**Section 51 Operator License Suspension-Ignition Interlocks
(Effective January 1, 2012)**

Subsection (g) of *C.G.S. §14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, is amended to reduce the period of license suspension and mandate the use of ignition interlock devices.

Currently, a 1st conviction carries a license suspension of one year. Under the amended statute, the license suspension period is reduced to 45 days. A new condition of license restoration requires the operator to install and operate a vehicle with an ignition interlock device for a period of one year following restoration.

For a 2nd conviction the license suspension period is also reduced from either three years or one year, to 45 days. In the case of a person under the age of 21 such suspension is either for 45 days or, until the date of such person's 21st birthday, whichever is longer. Again, a condition of license restoration requires that the operator install and operate any vehicle with an ignition interlock device, in this case, for a period of three years following license restoration.

There are no changes in the case of a third or subsequent conviction within the 10 year period.

**Section 52 Ignition Interlock - Costs And Fees
(Effective January 1, 2012)**

Subsection (i) of *C.G.S. §14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, is amended in several respects. First, the new language permits a person whose license has been suspended for a conviction of subsections (1) or (2) of *C.G.S. §14-227a* to have their license restored even though they may not have completed serving a suspension period imposed by the administrative per se suspension process under §14-227b.

Secondly, the act adds language that expressly prohibits the court from waiving any fees and costs associated with the installation and maintenance of the ignition interlock device.

The act also grants the Department of Motor Vehicle (DMV) Commissioner broad discretion to establish regulations regarding the installation and use of ignition interlock equipment, to define specific acts and conduct that would constitute noncompliance and to extend the period of time an individual is required to use such equipment as a consequence of such noncompliance.

Finally, although the act does not take effect until January 1, 2012, DMV is allowed, at the request of anyone convicted of DUI whose license is suspended on that date, to reduce the suspension period and instead require such person to drive only a vehicle equipped with the ignition interlock for the remainder of the suspension period.

**Section 53 Operator's Licenses
(Effective January 1, 2012)**

Subsection (g) of *C.G.S. §14-36, Motor vehicle operator's license* is amended to make conforming changes to reflect the new periods of license suspensions.

**Section 54 Restoration of Revoked License
(Effective January 1, 2012)**

Subsection (k) of *C.G.S. 14-111, Suspension or revocation of registration, license or right to operate* is amended and changes the time frames related to license revocation, restoration and the use of ignition interlocks.

Currently, someone whose license has been revoked following a 3rd DUI conviction may, after six years, request a reduction or reversal of their operator license revocation. If certain requirements are met, the DMV Commissioner may restore the driving privileges of such person if they agree to use an ignition interlock device for a period of 10 years. Current law provides that the 10 year period begins on the date of the initial license revocation.

The act now requires that the ignition interlock remain in place for a period of 10 years from the date the DMV Commissioner grants the reversal of license revocation.

**Section 55 Ignition Interlock - Penalties
(Effective January 1, 2012)**

C.G.S. §14-227k, Avoidance of or tampering with ignition interlock device is amended to subject drivers who violate ignition interlock restrictions, imposed by the court or by the DMV Commissioner, to the same penalties imposed for a violation of *§14-215(c) Operation while registration or license is refused, suspended or revoked*, (see Section 56 below). These penalties are, for a 1st offense, fines of between \$500 and \$1000 and imprisonment of up to one year, 30 days of which may not be suspended. For a 2nd offense, fines of between \$500 and \$1000 and imprisonment of up to two years, 120 days of which may not be suspended can be imposed. For a 3rd or subsequent offense, fines of between \$500 and \$1000 and

imprisonment of up to three years, one year of which may not be suspended, can be imposed. In each case the court may consider mitigating factors and impose a sentence without mandatory jail time.

Prior to this act, conviction under this section was a class C misdemeanor.

**Section 56 Ignition Interlock - Penalties
(Effective January 1, 2012)**

Subsection (c) of *C.G.S. §14-215 Operation while registration or license is refused, suspended or revoked*, is amended and now provides the penalties for violations of ignition interlock restrictions. (See Section 55, above)

**Section 57 Ignition Interlocks - Expansion Of Use
(Effective from passage)**

This is new legislation which requires the Judicial Branch and DMV to jointly develop and submit to the Judiciary and Transportation committees plans to implement the use of ignition interlock devices for anyone convicted of DUI beginning January, 2014. Such implementation plan is to be submitted by February 1, 2012.

**Section 307 Mandated Treatment Program
(Effective January 1, 2012)**

This section repeals *C.G.S. §14-222f Alcohol and drug addiction treatment program. Waiver. Appeal. Regulations*, eliminating the requirement that anyone whose license has been suspended for DUI or for two or more administrative per se suspensions to take a DMV - approved substance abuse treatment program in order to have his/her license reinstated.

***P.A. No. 11-213 AN ACT MAKING REVISIONS TO MOTOR VEHICLE
STATUTES***

This act makes various changes to motor vehicle laws as follows:

**Section 28 Drivers License Suspension or Restoration
(Effective October 1, 2011)**

The Act deletes *Subsection (b)(3) of C.G.S. §14-111, Suspension or revocation of registration, license or right to operate*, to remove the ability of the Commissioner of Motor Vehicles to suspend the license of a person who is in re-arrest status for failure to appear in a pending felony case.

Subsection (d) of C.G.S. §14-111, Suspension or revocation of registration, license or right to operate, is deleted to remove the requirement that the commissioner of motor vehicles notify local municipalities when it suspends or revokes any license or registration of a resident of such city or town.

**Section 36 Mandated Alcohol And Drug Addiction Treatment Program
(Effective July 1, 2011)**

This section amends *Subsection (c) of C.G.S. §14-227f, Alcohol and drug addiction treatment program. Waiver. Appeal. Regulations*, to expand the category of medical professionals who may render an opinion regarding a persons' level of addiction risk as it relates to their ability to operate a motor vehicle. Such evaluations are required when an individual seeks a waiver of the requirement of participation in a required addiction treatment program.

Currently, only a licensed physician may, after a personal evaluation, offer such an opinion. The new law allows appropriately licensed physician assistants, and advanced practical nurses to also make such determinations.

**Section 52 Serious Traffic Violation - Definition
(Effective July 1, 2011)**

The definition of "serious traffic violation" found in *C.G.S. §14-1, Definitions*, is amended in two distinct cases that relate to the operation of commercial vehicles. Conviction of two or more "serious traffic violations" can disqualify the holder of a commercial driver's license from operating a commercial vehicle for a specified period of time.

In the first case, the act of typing, reading or sending text or text messages with the use of a cell phone or other mobile electronic device in violation of *C.G.S. §14-296aa*, while operating a commercial motor vehicle, now constitutes a "serious traffic violation." In much broader language, a violation of any provision of chapter 248, *Vehicle Highway Use*, while operating a commercial vehicle also constitutes such a violation.

**Section 53 Texting While Operating Commercial Vehicles - Exceptions, Fines
(Effective upon passage)**

This section amends *C.G.S. §14-296aa, Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators and school bus drivers prohibited or restricted. Exceptions. Penalties. Amounts remitted to municipality*, to create an exception to the prohibition of texting while operating a commercial vehicle. The exception permits such an operator to read, type or send text messages for the purpose of communicating with police, fire, medical and other parties regarding emergency situations.

This section also increases the fines associated with all violations of the statute. For a first offense the fine increases from one hundred to one hundred twenty five dollars, from one to two hundred dollars for a second offense and from two to four hundred dollars for a third or subsequent offense.

**Section 54 Driver Retraining Program - Moving Violations, Penalties
(Effective October 1, 2011)**

This section amends §14-111g, *Operator's retraining program*. Under certain conditions specified within the statute, the Commissioner of DMV may require that a person convicted of two or more moving violations or suspension violations attend an authorized driver retraining program. The new language mandates that the fact of such a program requirement and the completion date of the retraining program be posted in the person's driving history that is maintained by DMV. The date of the program completion must remain in the driver's history for a period of 36 consecutive months following the completion of the program without the accumulation of any new moving or suspension violations.

The new language also mandates that DMV suspend the operator's license of any person who is convicted of a moving or suspension violation specified in the statute within the 36 month of the retraining program completion.

The suspension period is 30 days for a first conviction; 60 days for a second and 90 days for a third or subsequent conviction.

**Section 59 Extending Expiration Date For Prisoner's Driver's License
(Effective October 1, 2011)**

This is new language which requires the Department of Motor Vehicles, upon written request of an incarcerated person, to extend the expiration date of a person's driver's license for two years or thirty days following their release date, whichever is first.

NEW OFFENSES

See also:

*P.A. No. 11-47 An Act Concerning the Unauthorized Taking or
Transmission by First Responders of Images of Crime or Accident
Victims*

*P.A. No. 11-71 An Act Concerning the Penalty for Certain Nonviolent Drug
Offenses*

P.A. No. 11-144 An Act Concerning the Collection of Blood and Other Biological Samples for DNA Analysis

P.A. No. 11- 221 An Act Concerning Criminal Impersonation by Means of an Electronic Device

P.A. No. 11-224 An Act Concerning Investigations by Protective Services for the Elderly

P.A. No. 11-100 AN ACT CONCERNING THE LICENSING AND RECORD KEEPING OF PAWNBROKERS, SECONDHAND DEALERS AND PRECIOUS METALS OR STONES DEALERS, THE RETENTION OF CERTAIN GOODS AND CERTAIN FEES CHARGED BY PAWNBROKERS

**Section 1 New Definitions
(Effective July 1, 2011)**

This is new legislation defining pawn brokers, precious metals or stones dealers and secondhand dealers and others, including consignment shop operators.

**Sections 2 8 Procedures for Maintaining Pawn Broker License
(Effective October 1, 2011)**

This section amends *C.G.S. §21-39, License required. Loans on intangible property excepted, §21-40, Issuance of licenses. Fees, §21-41, Record of property received and of persons depositing, pledging or selling same, §21-42, Memorandum to person pawning, pledging or selling property. Payment terms, §21-43, Weekly reports. Penalty, §21-45, Sale or disposition of pledged property, and §21-46a, Seizure of property by law enforcement officer.* The act amends:

- the application process for a pawn broker license;
- procedures for license renewal;
- the process of receiving property;
- requires the creation and maintenance of a computerized database of the property;
- requires the pawn broker to record any distinguishable marks;
- requires the pawn broker to obtain identifiable information, including birth date, of the person giving the property;
- requires the pawn broker to obtain a statement by the person selling the property that he/she is the rightful owner and that the property is not stolen; and,
- establishes reporting requirements to the licensing authority.

**Section 9 Pawnbroker Without License Now a Class D Felony
(Effective October 1, 2011)**

This section amends *C.G.S. §21-47 Penalties*, and creates a class D felony for any person who willfully engages in a pawnbroker business without a license or after notice that the license has been revoked or suspended.

**Section 10 Secondhand Dealers Without License Is a Class D Felony
(Effective October 1, 2011)**

This is new legislation which prohibits a person from conducting a “secondhand dealer” business unless licensed. Several exceptions are provided including garage, tag and yard sales so long as the sales do not continue for more than 72 hours in a 6 month period. Also excluded is a purchase of personal property by a person who is not a wholesaler for purposes of resale.

A person convicted of a felony is prohibited from obtaining a license and the section details the application and renewal process for such and the process for appealing a denial or revocation of a license. Any person who violates the provisions of this new section is guilty of a class D felony.

**Section 11 Secondhand Dealer Record Keeping
(Effective October 1, 2011)**

This section details the record-keeping system and other requirements that a secondhand dealer must meet.

**Section 12 Precious Metals/Stones License or Class D Felony
Check Cashing Prohibited or Class A Misdemeanor
Advertising Cash Paid Prohibited
(Effective October 1, 2011)**

This section amends *C.G.S. §21-100, License required. Fee. Record of transactions*, in regard to precious metals or stones dealer. Persons not licensed are now guilty of a class D felony. In addition, precious metals or stones dealers are now prohibited from paying cash or cashing a check or money order. If a person violates this new law, he/she is guilty of a class A misdemeanor. The dealers are also prohibited from advertising that they will pay cash for such property. Fines up to \$1,000.00 can be imposed for violating any other section of *C.G.S. §21-100*.

**Section 13 Junk Dealer Defined
(Effective October 1, 2011)**

This section clarifies the definition of a junk dealer.

**Section 14 Junk Dealer Without a License is Class D Felony
(Effective October 1, 2011)**

This section amends *C.G.S. §21-11, License. Record. Weekly report*, and makes it a Class D felony if a person is engaged as a junk dealer without a license.

PROBATION

***P.A. No. 11-155 AN ACT CONCERNING THE COURT SUPPORT SERVICES
DIVISION OF THE JUDICIAL BRANCH***

**Section 1 Violation of Probation Interruptions
(Effective July 1, 2011)**

This section amends *C.G.S. §53a-31, Calculation of periods of probation and conditional discharge. Compliance with conditions during interrupted period*. Current law provides that a warrant or notice to appear for a violation of probation interrupts the sentence until the court's determination of the violation of probation. This Act adds to those circumstances when a sentence is interrupted to include an arraignment after an arrest without a warrant for violation of probation.

**Section 2 Probation Officers Supervision and Collection
(Effective July 1, 2011)**

This section amends *C.G.S. §54-108, Duties of probation officers*, and removes the requirement that the probation officers "collect and disburse" funds as the court directs and substitutes new language that the probation officers "shall supervise and enforce" the probation conditions the court orders pursuant to *C.G.S. §53a-30, Conditions of probation and conditional discharge*.

**Section 3 Transport by Probation Officer Permitted
(Effective July 1, 2011)**

This section amends *C.G.S. §54-108d(a), Authority of probation officers to detain certain persons, seize contraband and act as member of fugitive task force*, to permit a probation officer, whenever a police officer is unable to travel to the location and make an arrest, to transport the person to the "nearest location" where a police officer can then make

an arrest of a person who has violated their probation or for whom there exist unexecuted warrants.

SEX OFFENSES

See also:

P.A. No. 11-180 *An Act Concerning Notification By The Department Of Children And Families When A Youth Is Arrested For Prostitution And Out Of State Placements Of Children And Youth
(Re: Law Enforcement are Mandated Reporters when prostitution arrest)*

P.A. No. 11-113 **AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS PLACED OR RECEIVING SERVICES UNDER THE DIRECTION OF THE COMMISSIONER OF DEVELOPMENTAL SERVICES**

**Section 1 Sexual Assault 2nd Degree
(Effective October 1, 2011)**

This section amends *C.G.S. §53a-71, Sexual assault in the second degree: Class C or B felony*, and adds to the list of circumstances wherein a person is guilty of violating this statute if he/she has sexual intercourse with a person placed with or receiving services in a public or private program or facility under the direction of Department of Developmental Services (DDS) and the actor has supervisory or disciplinary authority over the victim. There is no change in the penalty.

**Section 2 Sexual Assault 4th Degree
(Effective October 1, 2011)**

This section amends *C.G.S. §53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, and adds to the list of circumstances wherein a person is guilty of violating this statute if he/she has sexual contact with a person placed with or receiving services in a public or private program or facility under the direction of Department of Developmental Services and the actor has supervisory or disciplinary authority over the victim. There is no change in the penalty.

STATE EMPLOYMENT

See also:

P.A. No. 11-51 *An Act Implementing The Provisions Of The Budget Concerning The Judicial Branch, Child Protection, Criminal Justice, Weigh Stations And Certain State Agency Consolidations (Re: Immunity and Indemnification of State Employees and Assigned Counsel)*

P.A. No. 11-52 *An Act Concerning Domestic Violence (Re: Immunity State Employees)*

P. A. No. 11-93 *An Act Concerning the Response of School Districts and Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District (Re: Disclosure of Teacher Personnel File to DCF)*

P.A. No. 11-33 AN ACT CONCERNING STATE EMPLOYEES AND TRAINING TO DEAL WITH WORKPLACE VIOLENCE

Section 1 Workplace Violence (Effective October 1, 2011)

This section amends C.G.S. §4a-2a, *Program for awareness, preparedness for and prevention of workplace stress and violence*, to require all persons employed by the state prior to January 1, 2012 to attend training on “workplace violence awareness, prevention and preparedness”. In addition, this new legislation requires persons employed by the state on or after January 1, 2012, to attend this training within 6 months of being hired, as a condition of his/her employment.

P.A. No. 11-150 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PAPERLESS TASK FORCE AND THE TASK FORCE TO STUDY THE REDUCTION OF STATE AGENCY PAPER AND DUPLICATIVE PROCEDURES

Section 17 Electronic Submission of Agency Reports (Effective Upon Passage)

This section requires all state agencies to submit certain criteria including legislative reports and agency Annual Reports, electronically.

P.A. No. 11-175 AN ACT CONCERNING WORKPLACE VIOLENCE PREVENTION AND RESPONSE IN HEALTH CARE SETTINGS

**Section 1 Health Care Employers Defined
(Effective July 1, 2011)**

This is new legislation that provides definitions of health care employers (with 50 or more full or part time employees) and its employees (including volunteers). The Act requires the employers to establish a workplace safety committee and evaluate factors that put employees at risk for workplace violence.

**Section 2 Workplace Violence Records
(Effective October 1, 2011)**

This section requires records of workplace violence to be maintained by a health care employer.

**Section 3 Reporting of Assaults or Related Offenses
(Effective October 1, 2011)**

This section requires the health care employer to report an assault or “related offenses” against an employee to law enforcement within 24 hours of the incident. The Act provides an exception to this reporting requirement if the offense was committed by a “person with a disability as described in subdivision 13, 15 or 20 or 46a-51 “whose conduct is a clear and direct manifestation of the disability”.

**Section 4 Health Care Personnel Protected
(Effective October 1, 2011)**

This section amends *C.G.S. §53a-167c, Assault of public safety, emergency medical or public transit personnel: Class C felony*, and adds “health care personnel” to the list of persons entitled to protection pursuant to this statute. Violation of this statute remains a class C felony.

The Act provides a defense to this charge if the defendant is a “person with a disability as described in subdivision (13), (15) or (20) of *C.G.S. §46a-51, Definitions*, and the defendant’s conduct was a clear and direct manifestation of the disability”.

P.A. No. 11-223 AN ACT PREVENTING THE USE OF CREDIT SCORES BY CERTAIN EMPLOYERS IN HIRING DECISIONS

**Section 1 Credit Checks of Current or Prospective Employees
(Effective October 1, 2011)**

This is new legislation which prohibits employers and their designees from requiring prospective or current employees consent, as a condition of employment, to credit checks and the disclosure of banking accounts and payment histories unless:

- “(1) such employer is a financial institution,
(2) such report is required by law,
(3) the employer reasonably believes that the employee has engaged in specific activity that constitutes a violation of the law related to the employee's employment, or
(4) such report is substantially related to the employee's current or potential job or the employer has a bona fide purpose for requesting or using information in the credit report that is substantially job-related and is disclosed in writing to the employee or applicant.”*

TRUANCY

P.A. No. 11-177 AN ACT CONCERNING A PILOT TRUANCY CLINIC IN WATERBURY

**Section 1 Referral by Principal
(Effective upon passage)**

This is new legislation which permits the Probate Court to establish a pilot truancy clinic in Waterbury within available appropriations. The Act permits a principal to refer a parent or guardian of a truant child to the clinic and establishes a process by which the probate court will hear these matters.

YOUTHFUL OFFENDER

P.A. No. 11-39 AN ACT CONCERNING DISCLOSURE OF INFORMATION TO A PARENT OR GUARDIAN OF A YOUTHFUL OFFENDER IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION

**Section 1 Disclosure of Information to Parents of Youths in DOC Custody
(Effective upon passage)**

This amends *C.G.S. §54-76l, Records or other information of youth to be confidential. Exceptions,* and permits disclosure of information pertaining to a youth in the custody of the Department of Corrections (DOC) to the parents or guardian of such youth.

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