

OFFICE OF CHIEF PUBLIC DEFENDER

2012 Public Acts (or sections thereof) Effective July 1, 2012 or from passage ONLY

CAVEAT - ONLY Public Acts and sections of 2012 Public Acts adopted during the 2012 Legislative Session effective from passage or on July 1, 2012 are summarized below.

A complete summary of all 2012 Public Acts will be available in July 2012. Thank you to Michael Alevy for his contributions to this Summary. Contact Deborah Del Prete Sullivan at (860) 509-6405 or deborah.d.sullivan@jud.ct.gov with questions.

FREEDOM OF INFORMATION

P.A. No. 12-3 AN ACT CONCERNING THE EXEMPTION FROM DISCLOSURE OF CERTAIN ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT

Section 1 When Disclosure Of Residential Address Of Protected Group Permissible (Effective from passage)

This section amends *C.G.S. § 1-217, Nondisclosure of residential addresses of certain individuals*. The statute had prohibited disclosure under the Freedom of Information statutes of the residential address of certain state officials and employees by any state or municipal public agency. The statute provides that the address of "[a]n attorney-at-law who is or has been employed by the Division of Public Defender Services or a social worker who is employed by the Division of Public Defender Services" cannot be disclosed by any state or municipal public agency. In 2011 the Connecticut Supreme Court held that the prohibition against disclosure of such addresses was applicable to motor vehicle grand lists and the information that the Department of Motor Vehicles provides to municipalities.

The amendment continues to prohibit disclosure by the state official or employee's employer. However, the new legislation permits a public agency municipality, other than the employer of the subject, to disclose any documents requested under the Freedom of Information statutes without redacting the residential address of the subject. As a result, a person making a request under FOI can now obtain a state official's or employee's residential

address if it is contained within a public document such as land records, voter registry lists or grand lists of a municipality.

**Section 2 No Disclosure From Employee's Personnel Or Medical Files
(Effective June 1, 2012)**

This section amends *C.G.S. §1-217 C.G.S. § 1-217, Nondisclosure of residential addresses of certain individuals*, and narrows the prohibition against the disclosure of residential addresses of those listed in the statute which includes a public defender or public defender social worker. As a result, a public agency cannot reveal from its personnel, medical or similar file, the residential addresses of anyone it employs.

In addition, if a person who is protected under the statute wants to prohibit disclosure of his/her residential address by any other public agency or municipality, other than their employer, the person must request in writing that their address not be disclosed.

Lastly, public agencies or municipalities will not be held accountable for violating this section so long as the violation was not willful and knowing. Any complaints alleging the willful and knowing violation of this section are to be brought to the Freedom of Information Commission who has the authority to impose a civil penalty if a violation is found.

**Section 3 New Form For Exemption Developed
(Effective from passage)**

This section is new legislation which requires the Department of Labor to develop a Form and Guide as to how to protect from disclosure of one's residential address. The Guide and Form have been created and can be found at:

<http://www.ctdol.state.ct.us/FOI/FOIA-Guide.pdf>

**Section 4 Advisory Committee To Study Issue
(Effective from passage)**

This is new legislation which requires the Government Administrations and Elections Committee of the General Assembly to submit a report by January 1, 2012 to study whether alternatives exist for the disclosure of certain public records without addresses being redacted.

***P.A. No. 12-5 AN ACT REVISING THE PENALTY FOR CAPITAL
FELONIES***

This act repeals the death penalty in Connecticut prospectively.

Section 1 **Murder With Special Circumstances**
(Effective from passage)

This section amends *C.G.S. §53a-54b, Capital felony*, and creates the offense of “murder with special circumstances” in lieu of “capital felony”.

Section 2 **Life Without The Possibility Of Release**
(Effective from passage)

This section amends *C.G.S. §53a-35a, Imprisonment for felony committed on or after July 1, 1981. Definite sentence. Authorized term*, to provide for a term of life without the possibility of release for a conviction of a class A felony of murder with special circumstances committed on or after the effective date of this section.

Section 3 **Life Imprisonment Without Possibility Of Release Defined**
(Effective from passage)

This section makes technical changes to *C.G.S. §53a-35b, "Life imprisonment" defined*.

Section 4 **Murder With Special Circumstances Is A Class A Felony**
(Effective from passage)

This section amends subsection (a) of *C.G.S. §53a-45, Murder: Penalty; waiver of jury trial; finding of lesser degree*, regarding the sentence for a conviction of murder with special circumstances committed on or after the effective date of this section.

Section 5 **When A Person Is Subjected To The Death Penalty**
(Effective from passage)

This section amends subsection (a) of *C.G.S. §53a-46a, Imposition of sentence for capital felony. Hearing. Special verdict. Mitigating and aggravating factors. Factors barring death sentence*, as it relates to the imposition of the death penalty only for capital felonies committed prior to the effective date of this section.

Section 6 **Technical Amendment**
(Effective from passage)

This section makes a technical amendment to subsection (a) of *C.G.S. §53a-46b, Review of death sentence*, to assure conformity with the changes made in this public act.

Section 7 **Murder With Special Circumstances**
(Effective from passage)

This section amends subsection (c) of *C.G.S. §53a-54a, Murder*, and adds murder with special circumstances to the statute.

Sections 8 & 9**Revocation Of Certificate, Authorizations Or Permits
(Effective from passage)**

These sections make technical changes to subdivision (2) of subsection (j) of *C.G.S. §10-145b, Teaching certificates*, and *C.G.S. §10-145i, Limitation on issuance and reissuance of certificates, authorizations or permits to certain individuals*, in regard to the revocation of certificates, authorizations or permits issued by the State Board of Education.

Sections 10 & 11**Technical Changes
(Effective from passage)**

This section amends subsection (a) of *C.G.S. §46b-127, Transfer of child charged with a felony to the regular criminal docket, Transfer of youth age sixteen to docket for juvenile matters*, continue to provide for the transfer from the docket for juvenile matters to the adult court of those capital felony cases committed prior to the effective date of this section and continues to permit the disclosure of a juvenile's name, photo and custody status if arrested for a capital felony prior to the effective date of this section.

Section 12**Retention Period For Official Records And Court Proceedings
(Effective from passage)**

This section amends subsection (c) of *C.G.S. §51-36, Retention, reproduction, destruction, disposal and transferring of court records. Microfilm and computerized images*, to provide that the official records of evidence or judicial proceedings in the court where a person has been convicted of murder with special circumstances are to be retained for 75 years.

Sections 13 through 20**Technical Changes
(Effective from passage)**

Sections 13 through 20 make technical changes to the following statutes to assure conformity with the new offense of murder under special circumstances:

13. Subsection (b) of *C.G.S. §51-199, Jurisdiction*.
14. *C.G.S. §51-246, Court may require jury to remain together in certain cases*.
15. *C.G.S. §51-286c, Employment of detectives for special investigation*.
16. Subdivision (1) of subsection (a) of *C.G.S. §52-434, State referees*.
17. Subsection (b) of *C.G.S. §53a-25, Felony: Definition, classification, designation*.
18. Subsection (a) of *C.G.S. §53a-30, Conditions of probation and conditional discharge*.
19. Subsection (a) of *C.G.S. §53a-39a, Alternate incarceration program*.
20. Subsection (a) of *C.G.S. §53a-40d, Persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order. Authorized sentences*.

Section 21 **Victim Impact Statement**
(Effective from passage)

This section amends *C.G.S. 53a-46d, Victim impact statement read in court prior to imposition of sentence for crime punishable by death*, and authorizes a victim impact statement prepared pursuant to this statute to be read in court prior to sentencing a person for a crime and sentenced to life imprisonment without possibility of release.

Sections 22, 23, 24 **Harassment, Criminal Possession of Body Armor, Conditions of Release**
(Effective from passage)

These sections make technical amendments to subsection (a) of *C.G.S. §53a-182b, Harassment in the first degree: Class D felony*, subsection (a) of *C.G.S. §53a-217d Criminal possession of body armor: Class A misdemeanor*, and subsection (b) of *C.G.S. §54-2a Issuance of bench warrants of arrest, subpoenas, capias and other criminal process. Release conditions. Service of court process. Entry of warrants and process into computer system*, to conform to the repeal of the death penalty.

Section 25 **Probable Cause Hearings**
(Effective from passage)

This section amends subsection (a) of *C.G.S. §54-46a, Probable cause hearing for persons charged with crimes punishable by death or life imprisonment*, to provide that a person charged with a crime punishable by life imprisonment without the possibility of release is entitled to a hearing on probable cause.

Section 26 **Trial By Court**
(Effective from passage)

This section amends *C.G.S. §54-82, Accused's election of trial by court or by jury. Number of jurors*, to require a 3 judge panel in cases wherein the defendant elects a court trial and is charged with a crime punishable by life without possibility of release.

Section 27 **Number Of Peremptory Challenges - Jurors**
(Effective from passage)

This section amends *C.G.S. §54-82g, Peremptory challenges in criminal prosecution*, and authorizes a defendant charged with a crime punishable by life without possibility of release to have 25 peremptory challenges when selecting jurors at voir dire.

Section 28 **Number Of Peremptory Challenges - Alternate Jurors**
(Effective from passage)

This section amends subsection (a) of *C.G.S. §54-82h, Alternate jurors in criminal cases. Peremptory challenges*, and authorizes a defendant charged with a crime punishable by life without possibility of release to have 30 peremptory challenges when selecting alternate jurors at voir dire.

Section 29 **Testimony In Case**
(Effective from passage)

This section amends *C.G.S. §54-83, Testimony required in capital cases*, to require the “testimony of at least two witnesses, or that which is equivalent thereto” in any case in which the defendant is charged with a crime punishable by a sentence of life without possibility of release.

Section 30 **Pre-Sentence Investigation Reports Not Required**
(Effective from passage)

This section amends subsection (a) of *C.G.S. §54-91a, Presentence investigation of defendant*, and exempts cases in which a person has been convicted of murder with special circumstances from the requirement to conduct a pre-sentence investigation.

Section 31 **Preservation Of Biological Evidence**
(Effective from passage)

This section amends subsection (b) of *C.G.S. §54-102jj, Preservation of biological evidence*, to require that biological evidence be preserved in cases in which a person has been convicted of murder with special circumstances throughout the term of the incarceration.

Section 32 **Ineligible For Parole**
(Effective from passage)

This section amends subsection (b) of *C.G.S. §54-125a, Parole of inmate serving sentence of more than two years. Eligibility. Hearing to determine suitability for parole release of certain inmates*, to make ineligible for parole any person convicted of murder with special circumstances.

Section 33 **Deportation**
(Effective from passage)

This section amends *C.G.S. §54-125d, Deportation parole of aliens*. Currently a court may refer a person who is an alien and who has been convicted of any offense, except a capital felony or a class A felony, to parole for deportation. The amendment specifies that the exemption as it applies to capital felony cases is applicable only to those convictions prior to

the effective date of this section. The new legislation is applicable to cases where a person has been convicted of murder with special circumstances since it is a class A felony.

**Section 34 Medical Parole
(Effective from passage)**

This section amends *C.G.S. 54-131b, Eligibility for medical parole*, to make ineligible for release on medical parole any person convicted of murder with special circumstances.

**Section 35 Compassionate Parole Release
(Effective from passage)**

This section amends subsection (a) of *C.G.S. §54-131k, Compassionate parole release*, to make ineligible for release on compassionate parole any person convicted of murder with special circumstances.

**Section 36 Statute of Limitation
(Effective from passage)**

This section amends subsection (a) of *C.G.S. §54-193, Limitation of prosecution for certain offenses*, and is technical in nature to be clear that that there is no statute of limitations for prosecution of a capital felony under the statute as it existed prior to this legislation or of a class A felony including murder with special circumstances.

**Section 37 Housing
(Effective from passage)**

This is new legislation which requires the Commissioner of Correction to place an “inmate on special circumstances high security status” and house the inmate in administrative segregation until a reclassification process is conducted in the following circumstances:

- (1) The inmate has been convicted of murder with special circumstances and sentenced to life without the possibility of release, or
- (2) the inmate has been convicted of a capital felony pursuant to the statute in effect prior to the effective date of this section and a sentence of death was imposed and then either reduced or commuted to life imprisonment without possibility of release.

Criteria for the reclassification process includes an assessment of the risk the inmate poses to staff and other inmates and whether such risk requires the Commissioner to place the inmate in administrative segregation or protective custody. The new legislation provides for guidelines as to what is required when the Commissioner places an inmate in maximum security population housing units. The legislation requires the Commissioner to submit a

report to the General Assembly on January 2, 2013 and every year thereafter, detailing the location of each such inmate and the conditions of confinement for each.

Section 38 **Full Force And Effect**
(Effective from passage)

This section is new and emphasizes that *C.G.S. §1-1(t)*, and *C.G.S. §54-194* shall be given full force and effect in regard to any capital felony committed prior to the effective date of this section.

Subsection (t) of *C.G.S. §1-1, Words and phrases. Construction of statutes* provides:

“The repeal of an act shall not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or prosecution, or proceeding pending at the time of the repeal, for an offense committed, or for the recovery of a penalty or forfeiture incurred under the act repealed.”

C.G.S. §54-194, Effect of the repeal of a criminal statute provides:

“The repeal of any statute defining or prescribing the punishment for any crime shall not affect any pending prosecution or any existing liability to prosecution and punishment therefore, unless expressly provided in the repealing statute that such repeal shall have that effect.”

P.A. No. 12-38 ***AN ACT CONCERNING DESECRATION OF WAR OR***
VETERANS’ MEMORIALS

This act creates two new class D felonies related to defacing or destroying war or veteran’s memorials or monuments.

Section 1 **Interference With A War Or Veterans Memorial**
(Effective from Passage)

This is new language that creates a criminal penalty for the intentional defacement or destruction of any war memorial or monument. It also penalizes the removal of all, or any part of, a monument or memorial from its official location.

Interference with a war or veterans’ memorial or monument is a class D felony and carries a mandatory fine of \$5,000.

**Section 2 Unlawful Possession, Purchase or Sale
(Effective from Passage)**

This is new language that creates a criminal penalty for the unlawful possession, purchase, sale or transfer of any war or veteran’s memorial or monument or any part thereof. Knowledge of the memorial or monument’s unlawful removal from its official location is required.

Violation of this section is a class D felony and carries a mandatory fine of \$5,000.

***P.A. No. 12-71 AN ACT CONCERNING SIBLING VISITATION FOR
CHILDREN IN THE CARE AND CUSTODY OF THE
COMMISSIONER OF CHILDREN AND FAMILIES***

**Section 1 Frequency of sibling visits
(Effective October 1, 2014)**

This section amends *C.G.S. §17a-10a, Visitation with child in care and custody of commissioner. Visitation of child with sibling*, to mandate visits between a child in the custody of the Department of Children and Families (DCF) and his/her siblings. The act requires sibling visits to take place at least once a week when both siblings reside in this state within 50 miles of each other. An exemption for the visit requirement is provided, however, in those circumstances where a visit would not be in the best interest of the siblings.

**Section 2 Youth Advisory Board
(Effective from passage)**

This section is new and defines a Youth Advisory Board as a board created by DCF which includes a youth who is in “out of home” care. DCF is charged with obtaining recommendations from the Youth Advisory Board to assist in the drafting of a “Sibling Bill of Rights” which is required to be submitted to the Select Committee on Children of the General Assembly by October 1, 2013.

P.A. No. 12-74 AN ACT CONCERNING TRAFFIC STOP INFORMATION

**Section 1 Standardized Method to record traffic stop information
(Effective July 1, 2012)**

This section amends *C.G.S. §54-1m, Adoption of policy prohibiting certain police actions. Data collection and reporting*, and requires the Office of Policy and Management (OPM), the *Racial Profiling Prohibition Project Advisory Board* and the Criminal Justice Information System Governing Board to “develop and implement” a standardized method to

collect traffic stop information for utilization by all police departments and the Department of Emergency Services and Public Protection(DESPP).

The forms developed would allow information to be gathered pertaining to the date, time, location, identity of the police officer, the race, color, ethnicity and gender of the operator who was stopped, the reason for the stop, whether a ticket was issued or other disposition of the stop, whether a search of the vehicle was conducted and whether an arrest was made. In addition, information is required to be provided to the operator on how to file a complaint if the person believes he/she were stopped because of race, color, ethnicity, age, gender, sexual orientation or religion.

The act requires OPM and the *Racial Profiling Prohibition Project Advisory Board* to develop and implement guidelines for training and evaluating the information obtained for use by all municipal police departments and DESPP.

Pursuant to subsection (e) of this section, the police departments and state police are required to provide copies of all complaints made and any review or disposition of such to OPM and the Chief State's Attorney (CSA). Previously, this information was forwarded to the African-American Affairs Commission and the CSA.

Based upon a recommendation from OPM, state funds could be withheld for noncompliance with this act by any police department or DESPP.

A report is to be provided to OPM by each police department and DESPP no later than October 1, 2012. By January 1, 2013, OPM is required to submit to the Judiciary Committee a report outlining progress on the development of the standardized method to collect the information and guidelines for such. A review of the occurrence, disposition and complaints pertaining to traffic stops shall be conducted by OPM and the results of the review reported to the Governor and the General Assembly along with any recommendations it may have for the process no later than January 1, 2014.

Section 2 Racial Profiling Prohibition Project Advisory Board (Effective from passage)

This is new legislation which creates the Racial Profiling Prohibition Project Advisory Board within OPM for administrative purposes. Included on the Board is the Chief Public Defender or her designee.

MOTOR VEHICLES

P.A. No. 12-81

AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE STATUTES

Section 19 Submission of Urinalysis Results (Effective July1, 2012)

This section amends subsection (k) of *C.G.S. §14-227b, Implied consent to test operator's blood, breath or urine. Testing procedures. License suspension. Hearing*, to require that results of a urine sample analysis, taken from the operator of a motor vehicle who has suffered injury in an accident, be forwarded to the Department of Motor Vehicles (DMV) if the results indicate the operator had an elevated blood alcohol level. The current statute provides only that blood sample analysis be reported to DMV.

Section 20 Inmate License and ID Card Renewal (Effective October 1, 2012)

This section amends *C.G.S. §14-41c, License expiration date extended for incarcerated persons*. Although *C.G.S. §14-41c* was created in Public Act 11-213 during the 2011 legislative session, the legislation is not effective until October 1, 2012. In its original form, the statute required the DMV to extend the expiration date of an incarcerated person's operator's license for 2 years or 30 days following the date such person was released from incarceration upon a written request from the inmate.

The amended version of this statute requires that DMV consult with the Department of Correction to establish a procedure to renew the operator's license and identity cards of incarcerated persons without the appearance of the incarcerated person at DMV. The renewal request must be initiated by the inmate in response to a DMV renewal notice. The process does not apply to the initial issuance of a license or identity card or to a license or card that has been expired more than 2 years before the renewal request. The DMV is already authorized to permit these types of renewals for persons who are members of the armed forces, or temporarily reside out of state for business or educational purposes.

Section 28 Operator's License Suspension (Effective October 1, 2012)

This section amends subsection (b) of *C.G.S. §14-111, Suspension or revocation of registration, license or right to operate*, and makes changes to mandatory license suspension periods for persons adjudged as youthful offender for certain motor vehicle offenses. An adjudication for a first violation of section *G.C.S §14-215, Operation while registration or license is refused, suspended or revoked, C. G.S. §14-222, Reckless driving, subsection (b) of*

section C.G.S §14-223, Failing to stop when signaled or disobeying direction of officer or subsection (b) or (c) of section §14-224, Evasion of responsibility in operation of motor vehicles, will now carry a six month suspension. Adjudication for a second or subsequent violation will now carry a one year suspension.

Additionally, this section requires that DMV suspend, for 90 days, the operating privileges of any person convicted of a second or subsequent violation of subsection (a) of *C.G.S § 14-36, Motor vehicle operator's license, requirement, regulations*. This mandatory suspension applies to any person who has never been issued a motor vehicle operator license pursuant to §14-36.

P.A. No. 12-121 AN ACT CONCERNING DEADLINES FOR PROGRAM PARTICIPATION IN REINSTATEMENT OF A MOTOR VEHICLE OPERATOR'S LICENSE UNDER THE ALCOHOL AND DRUG ADDICTION TREATMENT PROGRAM

This section is new language that applies to persons whose motor vehicle operator's license or boating certificate was suspended on or before December 31, 2011. Such persons, pursuant to *C.G.S. §14-227f*, were required to complete an alcohol or drug treatment program, approved by DMV, prior to the restoration of their operator's privilege. This statute was repealed by Public Act 11-52 effective January 1, 2012, essentially making it impossible for such persons to satisfy the conditions required to have their operator's privileges restored.

This section addresses that anomaly. It allows persons effected by the repeal - those who were participating in a treatment program, or those who were eligible to participate under 14-227f as of December 31, 2011 - to complete or participate in an equivalent program designated by the Commissioner of DMV.

P.A. 12-82 AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

**Section 15 Adoption of regulations by DCF
(Effective from passage)**

This section amends *C.G.S. §17a-107, Regulations on reports of child abuse*. Prior to this change, the Commissioner of Youth Services was required to adopt regulations necessary to carry out *C.G.S. §17a-101e, Employers prohibited from discrimination against witness in child abuse proceeding. Penalty. Immunity for making report of child abuse in good faith. False report of child abuse. Penalty*.

Pursuant to the change in the statute, DCF is now charged with adopting regulations necessary to carry out *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.*

P.A. 12-89 AN ACT CONCERNING COURT FEES AND THE DELIVERY OF LEGAL SERVICES TO THE POOR

**Sections 2 - 7 Increase Of Court Fees
(Effective July 1, 2012)**

Sections 2 through 7 detail the areas where court fees have been increased effective July 1, 2012. For a complete list of the fee changes, go to the following address at the State of Connecticut Judicial website:

<http://www.jud.ct.gov/external/super/courtfee.htm>

**Section 8 Funding For Legal Services To The Poor
(Effective July 1, 2012)**

The increases here to benefit funding for legal services to the poor do not impact upon the budget of the Division of Public Defender Services but are meant to assist in providing legal aid to indigent persons in need of assistance in certain areas of civil practice. This section amends *C.G.S. §51-5d, Chief Court Administrator to transfer certain revenue to organization administering program for use of interest earned on lawyers' clients' funds accounts*, to require the Chief Court Administrator to certify the funds received as a result of the new increased fees and to provide 70% of the total received to the organization that administers the program regarding interest on client's funds to be used to fund legal services for the poor.

P.A. 12-31 AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION

**Section 1 Commission On Judicial Compensation Created
(Effective July 1, 2012)**

This section is new legislation and creates the Commission on Judicial Compensation to review judicial compensation in this state and make recommendations pertaining to such by January 2, 2013 and every four years subsequently.

P.A. 12-111 AN ACT CONCERNING EYEWITNESS IDENTIFICATION PROCEDURES

Section 1 Uniform Mandatory Policies And Guidelines To Be Promulgated (Effective July 1, 2012)

This section amends *C.G.S. §54-1p, Eyewitness identification procedures*, and requires the Police Officer Standards and Training Council (POST) and DESPP to develop and implement “uniform mandatory policies and appropriate guidelines for the conduction of eyewitness identification procedures that shall be based on best practices and be followed by all municipal and state law enforcement agencies.” By May 1, 2013, each police department and the DESPP are required to adopt these procedures for photo and live lineups.

Photos are to be shown to an eyewitness sequentially, one at a time. In addition, the person conducting the procedure is not to know who the suspect is or whether the suspect is even included in the photos being presented to the eyewitness. Where this procedure is not “practicable” to do, the legislation permits the utilization of the folder shuffle method or a computer program so that the person presenting the photos does not know which photo is being viewed by the eyewitness.

In addition to the instructions currently provided by statute to the eyewitness and any other instructions promulgated by POST and DESPP pursuant to this legislation, this section also requires that the eyewitness be instructed that:

- (1) they eyewitness will view photos one at a time;
- (2) “that it is as important to exclude innocent persons as it is to identify the perpetrator;
- (3) that the persons in the photos that the eyewitness will view may not look as the person did on the offense date;
- (4) that the perpetrator may or “may not” be in the photos presented to the eyewitness; and,
- (5) that the police will continue investigating regardless of whether an identification is made.

Section 3 Eyewitness Identification Task Force Continued (Effective from passage)

This section continues the Task Force for purposes of assisting POST and the DESPP with the development of policies and guidelines to implement this statute, research the best practices in use for eyewitness identification procedures and recommend any changes that should be made and collect statistics pertaining to eyewitness identification procedures and monitor the implementation of the changes as required by this legislation. The Task Force is

required to submit a report regarding the monitoring of the implementation of the changes and make any recommendations for change to the General Assembly by February 5, 2014.

**P.A. 12-133 AN ACT CONCERNING COURT OPERATIONS AND
VICTIM SERVICES**

**Section 11 Certification of Cases to the Supreme Court
(Effective July 1, 2012)**

This section amends *C.G.S. §51-197f, Further review by certification only*. Current law requires a vote of three Supreme Court Justices to agree to certify a decision of the Appellate Court for review. The bill creates an exception that allows the Supreme Court to grant certification to review a decision based upon the vote of two Justices if there are fewer than six available to consider a petition.

**Section 14 Supreme Court Panels
(Effective July 1, 2012)**

This section amends *C.G.S. §51-207, Composition of panel. Summoning of court members or other judges to constitute panel*. The amended language clarifies the requirement that the Supreme Court sit in panels of five, six, or seven judges under rules that the court may adopt.

This section also makes changes to the process that controls how panel vacancies are filled if the court's current members are not available due to disability or disqualification. The bill requires the a Supreme Court senior judge, if available, to be selected first to fill any panel vacancy before any judge of Appellate or Superior Court may be so selected.

**Section 45 Indigent Parties in Civil and Criminal Matters
(Effective October 1, 2012 - Repealed)**

Current law requires the court to waive any court fees or costs for service of process in civil or criminal cases if a person is indigent. This section would have required that a court determine that the matter was not frivolous before waiving such court fees or the cost for service of process associated with the case. However, **this section 45 was repealed effective June 15, 2012** upon passage of Public Act 12-1 prior to becoming effective.

**Section 46 Sexual Assault Forensic Examiners Advisory Committee
(Effective from passage)**

Public Act 09-3 established a Sexual Assault Forensic Examiners Advisory Committee to advise the Office of Victim Services on the establishment and implementation of a sexual assault forensic examiners program. The committee was to have been terminated on June 30,

2012. The Committee's existence has been extended one year and will terminate on June 30, 2013.

P.A. No. 12-135 AN ACT CONCERNING "ZAPPERS"

**Section 1 Automated Sales Suppression Device - Software Programs
(Effective July 1, 2012)**

This is new language which criminalizes the sale, purchase, installation and possession of certain types of computer software programs or codes known as "automated sales suppression devices", "zappers" or "phantom-ware." These programs or computer codes are used to falsify or manipulate the data and records associated with electronic cash registers and other point of sale systems. Under this act, all such devices and programs are deemed contraband and are subject to confiscation by the Commissioner of Revenue Services.

Violation of this offense is punishable by up to five years in jail, one year of which is not suspendable, a fine of up to \$100,000 or both.