

*Division of Public Defender Services
Office of Chief Public Defender*

**October 1, 2012
Summaries of 2012 Public Acts**

The following is a summary of the public acts adopted during the 2012 Legislative Session pertaining to criminal proceedings, juvenile delinquency, child protection and habeas corpus.

All acts are effective October 1, 2012 unless otherwise noted. Thank you to Michael Alevy and Chris Rapillo for their contributions to this Summary. If questions, please contact Deborah Del Prete Sullivan at (860) 509-6405 or deborah.d.sullivan@jud.ct.gov.

AGENCIES

➤ **P. A. 12-92** *An Act Transitioning The Regulations Of Connecticut State Agencies To An Online Format.*

Sections 1-3 **Regulations to Be Posted on the Internet
(Effective July 1, 2013)**

**Sections 4-11
&13-14** **(Effective July 1, 2013 and applicable to regulations posted
and noticed after July 1, 2013)**

This act requires all state agencies to provide its regulations to the Secretary of State for posting on the internet. It also provides for the procedures for submission of proposed regulations and the adoption of such.

Section 12 **Manuals of State Agencies to be Posted on Web Site
(Effective July 1 2013)**

All state agencies are required to post their manuals on their web sites unless such is exempted from public disclosure.

Section 15 **New Regulations Modernization Task Force
(Effective Upon Passage)**

This section creates this new task force which is charged with developing a plan for the posting of all state agency regulations on the internet for easy public access.

ANIMAL CRUELTY

- *P.A. 12-84 An Act Increasing The Penalty For Poaching.*

**Section 1 Enhanced Penalty for Certain Criminal Trespass Offenses
(Effective October 1, 2012)**

This section amends subsection (b) of *C.G.S. §53a-109, Criminal trespass in the third degree: Class C misdemeanor*, currently a class C misdemeanor. The legislation provides for a person to be guilty of a class B misdemeanor, an enhanced penalty, if they violate subdivision (2) of section (a), "such person enters or remains in any premises for the purpose of hunting, trapping or fishing". Now if a person is convicted of such, he/she can be sentenced up to 6 months incarceration and fined \$500 to \$1000.

- *P.A. 12-86 An Act Increasing The Penalty For Subsequent Offenses
Of Cruelty To Animals.*

**Section 1 New Penalties for Subsequent Offenses
(Effective October 1, 2012)**

This legislation amends *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*. The current penalty for a violation of this statute is up to 1 year incarceration or a fine up to \$1000 or both. For any subsequent offense, the legislation creates an enhanced penalty of up to 5 years incarceration or a fine up to \$5000 or both.

CHILDREN

- *P.A. 12-35 An Act Concerning Minor And Technical Revisions To
Statutes Affecting Children And Youth*

This act restricts the Department of Children and Families' (DCF) ability to duty to internally disclose records to department employees. Prior law allowed DCF to disclose a record without the consent of the person who is the subject of the record, to a DCF employee for **any** purpose reasonably related to **DCF** business. Under the new disclosure is only allowed, if it is reasonably related to the performance of the employee's duties.

The act also makes minor, technical, and conforming changes in certain statutes affecting children and youth.

➤ **P.A. 12-53** ***An Act Concerning Permanency And Transition Plans***

This act requires the Department of Children and Families (DCF) to investigate and document in the permanency plan each child's eligibility for Social Security benefits, including Supplemental Security Income (SSI), survivor, and disabled adult child benefits. The act also establishes additional permanency plan requirements.

The act requires DCF to (1) complete and submit an SSI application for each eligible child in its care and custody and (2) maintain and respond to any correspondence regarding the application and benefits. It also requires DCF to determine if a 17-year-old Social Security recipient will need a representative payee when he or she ages out of DCF care, and plan accordingly.

➤ **P.A. 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. 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. 12-88** ***An Act Concerning The Reporting Of Children Placed In Seclusion***

(Effective July 1, 2012)

This act requires local school boards and other entities providing special education to children to record instances and circumstances in which a child was physically restrained or placed in seclusion, and to report that data to the State Department of Education. These reports must specify whether the seclusion was in accordance with the child's individualized education program (IEP) or was an emergency. The act also requires, the State Board of Education (SBE) to review and summarize the information provided by the local schools on seclusion and restraints, including whether such actions resulted in physical injuries to the child. The SBE must provide these summaries annually to the Children's Committee for inclusion in the children's report card.

The reporting requirement does not apply to instances of in-school suspensions, as defined in the state's education law.

➤ **P.A. 12-112** ***An Act Concerning The Reporting Of A Missing Child.***

Section 1 **New Class A Misdemeanor**
(Effective October 1, 2012)

This act amends *C.G.S. §53-21a, Leaving child unsupervised in place of public accommodation or motor vehicle*, and creates a new class A misdemeanor in those circumstances where parents, guardians or persons who have custody or control or who are supervising a child under the age of 12, “knowingly fail” to report to law enforcement that the child has disappeared. “Disappearance of such child” is defined as meaning that “the parent, guardian or person does not know the location of the child and has not had contact with the child for a twenty-four-hour period.”

➤ ***P.A. 12-137 An Act Concerning Visitation Rights For Grandparents
And Other Persons***

This change brings the law relating to third party petitions for visitation of minor children in to compliance with case law. Current law allowed grandparents and other third parties to petition for the right to visit a minor but set no clear criteria or standards for the court to follow. P.A. 12-137 requires that a petitioner allege (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied and requires that the allegations be sworn.

The court must hold a hearing and grant the request if it finds, by clear and convincing evidence, that these conditions have been met. Establishing the conditions by “clear and convincing evidence” complies with the standard required by a recent Connecticut Supreme Court decision

The act also:

1. establishes factors the court may consider when determining whether a parent-like relationship exists between the petitioner and the minor;
2. specifies visitation terms and conditions the court may set;
3. specifies that any visitation rights granted to a third party do not prevent a custodial parent from relocating; and
4. allows the court to order one party to pay the other's fees, including those charged by the minor's attorney, guardian ad litem, or expert, based on the individual's ability to pay.

➤ ***P.A. 12-201 An Act Revising The Definition Of A Child Care Facility
To Conform With The Definition Of A Child.***

This act raises the maximum age at which a child committed to the Department of Children and Families (DCF) can be placed for the first time in a child care facility from age 17 to age 20. This makes the definition of a child care facility consistent with the definition of a child and brings the law in to compliance with the Raise the Age legislation.

JUNE 2012 SPECIAL SESSION

➤ P. A. 12-1 *An Act Implementing The Provisions Of The State Budget For The Year Beginning July 1, 2012*

Sections 266-267 Juvenile Courts And Families With Service Needs

These sections amend subsections (1) and (5) of *C.G.S. 46b-120, Definitions*, to define a child for the purposes of juvenile delinquency or Families With Service Needs (FWSN) prosecution as a person over the age of seven. The legislation establishes the age of 7 as the age of capacity to commit a crime. Previously, there was no minimum age for prosecution in Connecticut. Children younger than seven would continue to qualify for behavioral health and related services under the Department of Children and Families (DCF) voluntary services program.

Section 268 Juvenile Competency

This is new legislation that creates a court procedure for determining and addressing the issue of competency to stand trial for a child charged with a delinquent act or FWSN offense. Currently the juvenile courts follow *C.G.S. §54-56d, Competency to stand trial*, when the issue of competency is raised in a delinquency or FWSN prosecution.

Under this new legislation, children and youth are presumed to be competent and the legal standard set forth under *Dusky v. United States*, 362 U.S. 402 (1960) continues to apply. The test is whether (the client) has sufficient present ability to consult with his/her lawyer with a reasonable degree of rational understanding and whether he/she has a rational as well as factual understanding of the proceedings against him/her. The act requires that competency evaluations on juvenile delinquency defendants be conducted by a team or by a psychiatrist with experience in child development. The report of the evaluators must be filed within 15 days of the order and the hearing must take place within 10 days of the filing of the report.

If a child is found to be competent using the Dusky standard, the prosecution resumes.

If after a hearing, the court finds that the child is incompetent, the court must decide if: (1) there is a substantial probability that competency will be restored within 90 days of a court-ordered intervention: and, (2) any proposed intervention is appropriate. This is a new requirement that gives the court the option of ending a case if the restoration intervention is not deemed appropriate. To determine if the proposed restoration is appropriate for a juvenile defendant, the court must consider:

1. the nature and circumstances of the alleged offense;
2. how long the clinical team or psychiatrist estimates it will take to restore the child to competence;

3. if the child poses a substantial risk of reoffending; and,
4. if he or she can receive community-based services or treatment that could prevent reoffending.

➤ **Where Child Found Not Competent And Intervention Not Appropriate**

If the court finds (1) that there is not a substantial probability that the child will attain or regain competency within 90 days or (2) that the recommended intervention is not appropriate, the court can:

1. enter a dismissal, of the delinquency charges or FWSN petition;
2. issue an order of temporary custody (OTC) to the Department of Children and Families (DCF) and order that a guardian ad litem (GAL) be appointed to investigate whether a petition alleging abuse, neglect or uncared for due to specialized needs should be filed on the child's behalf; or
3. if an OTC is not warranted, order that DCF or some other person, agency, mental health facility or treatment program, or the child's probation officer conduct or obtain an appropriate assessment of the child and, where appropriate, propose a plan for services.

➤ **Child Found Not Competent And Intervention Is Appropriate**

If the court finds a substantial probability that the child will attain or regain competency within 90 days if provided an appropriate intervention, the act requires it to schedule an intervention implementation hearing within five business days to review the recommendations of the evaluators and issue orders on how to proceed with restoration. Restoration interventions are limited to 90 days unless extended for an additional 90 days under criteria the act establishes. Restoration services are provided by DCF in the least restrictive setting available. The child's parents or guardian can agree to pay for these intervention services to be administered by another appropriate person, agency, mental health facility, or treatment program if authorized by the court.

When granting the intervention/restoration order, the court must review the clinical report and order an appropriate intervention lasting no longer than 90 days in the least restrictive setting available. The court must base its determination of "appropriateness" on the same criteria the act requires it to use in making this decision after the initial competency examination.

1. the nature and circumstances of the alleged offense;

2. how long the clinical team or psychiatrist estimates it will take to restore the child to competence;
3. if the child poses a substantial risk of reoffending; and,
4. if he or she can receive community-based services or treatment that could prevent reoffending.

The court must also set a hearing date to reconsider the child's competency.

At least 10 business days before the restoration hearing, the DCF commissioner or the alternative treatment provider must file a report with the clinical team or psychiatrist who determined that the child was not competent regarding the progress of its intervention efforts. That clinical team or psychiatrist must then reassess the child and submit a report to the court reassessing the child's competency. The report must include:

1. the clinical findings of the intervention service provider and the facts upon which the findings are based;
2. the team's or examining physician's opinion as to whether the child has attained or regained competency or is making progress towards restoration within the 90 days covered by the court's order; and,
3. other information the court requests, including what method of intervention is being used and the type, dosage, and effect of any medication the child is being given.

After receiving the report, the court must hold a hearing to determine if the child attained or regained competency during the intervention period. If the child remains incompetent, the court must determine whether further efforts are appropriate. It must base consideration of what is appropriate on the same criteria described above. If the court finds that further efforts to attain or regain competency are appropriate, it must order a new competency restoration period lasting no more than 90 days.

If the court finds that further intervention is not appropriate or the child remains incompetent when the second period expires, it must enter an order:

1. dismissing the delinquency charges or FWSN petition;
2. vesting temporary custody (OTC) to DCF and order that a guardian ad litem be appointed to investigate whether a petition alleging abuse, neglect or uncared for due to specialized needs should be filed on the child's behalf; or
3. if an OTC is not warranted, that DCF or some other person, agency, mental health facility or treatment program, or the child's probation officer conduct or obtain an appropriate assessment of the child and, where appropriate, propose a plan for

services that appropriately address the child's needs in the least restrictive setting available and appropriate.

If a petition alleging abuse, neglect or uncared for due to specialized needs is filed, the court approves a new plan for services, the act permits the court to dismiss the delinquency or FWSN complaint or order that the prosecution be suspended for up to 18 months. It may also direct DCF to provide periodic reports while the prosecution is suspended to ensure that the child is receiving appropriate services.

If the child or his or her parent or guardian does not comply with the plan for services, the court may hold a hearing to decide whether to file its own DCF petition. Otherwise, it must dismiss the delinquency or FWSN matter on the earlier of the date on which: (1) it finds that the suspension is no longer necessary, or, (2) the 18-month suspension period expires.

If the court finds (1) there is not a substantial probability that the child will attain or regain competency within 90 days or (2) that the recommended intervention is not appropriate, it can:

1. enter a dismissal, of the delinquency charges or FWSN petition;
2. issue an order of temporary custody (OTC) to the Department of Children and Families and order that a guardian ad litem be appointed to investigate whether a petition alleging abuse, neglect or uncared for due to specialized needs should be filed on the child's behalf; or,
3. if an OTC is not warranted, order that DCF or some other person, agency, mental health facility or treatment program, or the child's probation officer conduct or obtain an appropriate assessment of the child and, where appropriate, propose a plan for services that appropriately address the child's needs in the least restrictive setting available and appropriate.

If the court issues an OTC or orders that an assessment be conducted of the subject child, it must hold a hearing within 10 business days to review the order of temporary custody or any recommendations made by DCF, the child's probation officer, attorney, guardian ad litem or other person conducting the assessment.

Section 270 Role Of Child's Attorney In Abuse And Neglect Proceedings

Subparagraph (C) of subdivision (2) of *C.G.S. §46b-129a, Examination by physician. Appointment of counsel and guardian ad litem*, was amended in the 2011 session to specify that an attorney's primary role when representing a child is to advocate for his or her legal interests, eliminating the dual role of advocate and guardian ad litem. This legislation creates an exception which allows attorneys to advocate for their clients' best interests if the child's age or other incapacity makes him/her incapable of expressing his/her wishes to the attorney.

Section 272 -279 Creation Of “Permanent Legal Guardianship” Status

This expands the options available to Superior Court judges in subsections (j) to (r), inclusive, of *C.G.S. §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*, when they find a minor to be abused or neglected or the court has found grounds to terminate parental rights.

When the court determines a child has been abused, neglected, or uncared-for, existing law gives it discretion to commit the child to DCF's custody or grant legal guardianship to: (1) an agency legally authorized to care for abused, neglected, and uncared-for minors, or, (2) any other “suitable and worthy” person, including one related to the child by blood or marriage. The law also allows the court to place the child in a parent or guardian's custody with protective supervision by DCF, subject to any conditions the court establishes. The amended act gives courts the additional option of appointing a permanent legal guardian. This status is intended to last until the minor reaches age 18 and gives the permanent legal guardian all the existing legal rights and responsibilities of a legal guardian but does not involve the termination of the parental rights of the biological parent. This act creates a rebuttable presumption that relatives are suitable and worthy for permanent legal guardian appointments.

The act authorizes courts to establish permanent legal guardianships when they find, by clear and convincing evidence, that the permanent legal guardianship status is in the child's best interests and:

1. one of the statutory grounds for termination of parental rights exists or the parents have voluntarily consented to the guardianship;
2. adoption is not possible or appropriate;
3. the child, if over age 12, consents to the appointment or, if he or she is younger, the proposed permanent legal guardian is (a) a relative or (b) already a sibling's or siblings' permanent legal guardian;
4. the child has lived with the applicant for at least a year; and,
5. the person seeking this status is a suitable and worthy person, committed to remaining the child's permanent legal guardian and assuming the right and responsibilities for the child until he or she reaches age 18.

Section 273 Petitions To Reinstate Guardianship Of A Parent Or Other Former Guardian

Current law allows parents or others whose guardianship rights have been revoked to ask a Superior Court judge to reinstate them. This act amends *C.G.S. §46b-129(n), 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 limits the right to have the reinstatement petitions heard to once every 6 months and clarifies that petitioners are not generally entitled to court appointed counsel.

Section 280 Criminal Matters Transferred Between Delinquency And Adult Dockets

➤ **Juvenile Court Cases Automatically Transferred to Adult Docket**

This section amends *C.G.S. §46b-127(a), Transfer of child charged with a felony to the regular criminal docket. Transfer of youth age sixteen to docket for juvenile matters*, known as the mandatory transfer law. The current law requires the court to automatically transfer cases involving children at least age 14 charged with certain crimes to the adult docket once an attorney has been appointed for the child. Existing law allowed the prosecutor to move to transfer class B felonies and some statutory rape cases back to juvenile court if the motion was filed within 10 days of the transfer being accepted by the adult court.

This amendment eliminates the 10 day period and allows the cases to be sent back at any time.

➤ **Discretionary Transfers**

C.G.S. §46b-127(b), Transfer of child charged with a felony to the regular criminal docket. Transfer of youth age sixteen to docket for juvenile matters, was amended to bring the discretionary transfer law into compliance with the Connecticut Supreme Court ruling in *State v. Fernandes*, 300 Conn. 104 (2011), which required that juveniles subject to transfer to adult court be given a due process hearing before a judge prior to the transfer being finalized. This legislation mandates that a hearing be held in the juvenile court and requires that the court find that:

1. the child was at least age 14 when the offense was committed;
2. there was probable cause to believe that the child committed the act with which he or she was charged; and,

3. the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters.

This act sets out the following factors for the court to use in determining the best interest of the child and the public:

1. the child's prior criminal or juvenile court convictions and their seriousness;
2. any evidence that the child has intellectual disability or mental illness; and,
3. the availability of juvenile court services that can serve the child's needs.

This act also changes the time limits for filing the transfer motion and for motions to transfer cases back to juvenile court. Prosecutors have 30 days from the date of the child's arraignment in juvenile court to move to transfer a case to the adult docket.

Prior law allowed the adult criminal court to return cases to the juvenile docket within 10 days of presentment in adult court. This law allows the criminal court judges, after a showing of good cause, to return these cases to the juvenile docket, at any time before a jury renders its verdict or the defendant enters a guilty plea.

Because transfer hearings will now be held in juvenile court, the transfer will be deemed accepted at the time of the juvenile court order and the requirement that adult court proceedings take place on the next hearing date and in courtrooms separate from those where adult criminal proceedings were eliminated. This act did not change the eligibility requirements of confidentiality provisions of the youthful offender statute.

Section 271 Limiting Court Dispositions For Delinquent Children (Effective July 1, 2012)

This section amends subsection (b) of *C.G.S. §46b-140, Disposition upon conviction of child as delinquent*, and eliminates the court's authority to order that a child it has adjudicated as delinquent be placed in the care of any institution or agency legally permitted to care for children. Instead, it must place the child in DCF custody and let DCF determine the appropriate placement. The court can order that a child be placed in a specific private residential facility but eliminates the court's ability to order a child to be placed in a DCF run facility like the Connecticut Juvenile Training School.

Section 272 Relatives Seeking Guardianship

This section gives Superior Court judges discretion to grant relatives permission to intervene in proceedings involving children alleged or determined to have been abused or neglected once 90 days have passed since the original court hearing. Prior law required that their intervention be for the purpose of obtaining permanent guardianship. The act

substitutes the term “guardianship” for “permanent guardianship”, since a new status of permanent guardianship is also created.

Section 269 Establishing Paternity In Abuse And Neglect Cases

This section amends subsection (c) of C.G.S. §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*, to allow the juvenile court to court to order genetic testing of a man named as a father of a DCF involved child. If the test results indicate that the named person tested is not the child's father, the act requires, rather than allows, the court to issue a judgment to that effect. This act eliminates the option of a putative father filing a form to deny paternity in the absence of a genetic testing. This act also authorizes the juvenile court to share the results of the test or an acknowledgement of paternity with the Department of Public Health for inclusion in the department's paternity registry.

COURTS AND PROCEDURES

➤ **P.A. 12-51 *An Act Concerning Jury Duty For Breastfeeding Mothers.***

**Section 1 Jury Service Information and Breastfeeding
(Effective October 1, 2012)**

This act creates new legislation. It requires the Judicial Branch, on its internet web site general information for prospective jurors regarding jury service. Specific information regarding, (1) the ability of breastfeeding women to postpone such service and (2) the jury administrator's contact information so that prospective jurors who need reasonable accommodations may request them. Currently, pursuant to C.G.S. §51-232, *Summoning of jurors, Juror questionnaire, Reduction of panel, Courthouse*, any prospective juror has a right to one postponement of their term of juror service for not more than ten months.

The act also requires the jury administrator to provide training for court staff on issues and policy related to breastfeeding women who have been summoned for jury service, including reasonable accommodations for them.

➤ **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 **Certification of Revenues Required
(Effective July 1, 2012)**

Section 8 creates a certification requirement for the Chief Court Administrator as to the amount of revenue received through the increased fees.

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.

Sections 9 -14 **Higher Fees Rolled Back
(Effective July 1, 2015)**

These sections roll back the new fees adopted in Sections 2 through 7 to the fees in existence prior to the increases.

Section 15 **Certification of Revenues Required
(Effective August 1, 2015)**

Section 15 repeals Section 8.

➤ **P.A. 12-93** ***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) the 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 2 Training Programs for State and Municipal Police
(Effective October 1, 2012)**

This section is new language which requires the Police Officer Standards and Training Council to include training on eyewitness identification procedures for basic or review training offered to police.

**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. No. 12-124 An Act Concerning Communications to Victims of the Criminal Operation of a Motor Vehicle That Results in Death or Serious Physical Injury.***

**Section 1 Statements by Defendants After Conviction in Closed Courtroom
(Effective October 1, 2012)**

This section is new and permits a defendant, who is convicted of a motor vehicle offense that resulted in the death or serious physical injury as defined in *C.G.S. §53a-3, Definitions. Except where different meanings are expressly specified, the following terms have the following meanings when used in this title,* to make a "statement, affirmation, gesture or expression of apology, fault, sympathy, commiseration, condolence, compassion or a general sense of benevolence" to the victim or their family or representative in a closed courtroom prior to sentencing. If the defendant does so, anything he/she says is inadmissible as evidence in any civil or criminal proceeding or as evidence of admitting to liability.

➤ **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.

CAUTION - This section 45 was repealed effective June 15, 2012 upon passage of June Special Session Public Act 12-1 prior to it becoming effective.

Section 46 **Sexual Assault Forensic Examiners Advisory Committee
(Effective From Passage)**

September Special Session, Public Act No. 09-3, An Act Implementing the Provisions of the Budget Concerning Public Health and Making Changes to Various Health Statutes, 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. 12-168** ***An Act Concerning The Leasing Of Judicial Branch Facilities.***

Section 1 **Delegation of Authority to Judicial Branch
(Effective July 1, 2012)**

This section amends subsection (d) of *C.G.S. §4b-3, State Properties Review Board established. Commissioners of Administrative Services' and Construction Services' powers in state realty transactions. Review by board of transactions, contracts and acquisition of development rights. Appeals.* Currently the Chief Court Administrator is permitted to represent the state when obtaining space for CSSD. This legislation permits the Chief Court Administrator to represent the state in regard to any other real estate needs that the Judicial Branch may have provided the Department of Administrative Services (DAS) delegates its authority to the Judicial Branch.

Section 2 **State Properties Review Board
(Effective July 1, 2012)**

This section amends subsection (f) of *C.G.S. §4b-3, State Properties Review Board established. Commissioners of Administrative Services' and Construction Services' powers in state realty transactions. Review by board of transactions, contracts and acquisition of development rights. Appeals,* to require the State Properties Review Board to review sales, leases, acquisitions and sub leases as proposed by the Judicial Branch provided the DAS delegates its authority to the Judicial Branch.

Section 3 **Leases for Offices, Court or Parking Facilities
(Effective July 1, 2012)**

This section amends subsection (a) of *C.G.S. §4b-30, Offices for state agencies. Leases. Compliance.* Current law provides authority for the Commissioner of Administrative Services to execute leases for offices or "any other type of space or facility necessary to meet the needs of. . . the Judicial Branch, the Division of Criminal Justice, the Public Defender Services Commission and institutions." The amendment would permit DAS, subject to *C.G.S. §4b-23, State facility plan. Implementation. Responsibilities of Secretary of the Office of Policy and Management, Commissioners of Administrative Services and Construction Services and Properties Review Board. Regulations,* to delegate this authority to the Chief Court Administrator "to negotiate and enter into leases for office, court or parking facilities for the Judicial branch." However, although this delegation is now permissible, the term "Judicial branch does not include the Public Defender Services Commission "except where they share facilities in state-maintained courts."

DEATH PENALTY

➤ *P.A. 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 13-20 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 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), Words and phrases. Construction of statutes*, and *C.G.S. §54-194, Effect of the repeal of a criminal statute*, 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.”

DIVERSIONARY PROGRAMS

➤ ***P.A. 12-42 An Act Concerning Services For Veterans In Pretrial Diversionary Programs***

This act creates a number of exceptions and special allowances for veterans of the armed forces who participate in certain pretrial diversionary programs. For purposes of the act, a qualifying veteran is a person as defined in subsection (a) of C.G.S. section 27-103, or who is eligible to receive services from the United States Department of Veterans Affairs pursuant to Title 38 of the United States Code.

Section 1 Supervised diversionary program. (Effective October 1, 2012)

This section amends *C.G.S. §54-56l. Pretrial supervised diversionary program for persons with psychiatric disabilities*. Currently admission to the program is restricted to persons with a psychiatric disability, as defined in the statute. The act creates an exception to this requirement for qualifying veterans. A veteran need not have a diagnosis of a psychiatric disability but rather can qualify for diversion if they are found to have a mental health condition that is amenable to treatment. The Court Support Services Division remains responsible to determine whether a person is amenable to treatment and may collaborate with the Department of Veterans' Affairs or the U.S. Department of Veterans' Affairs to place the veteran in an appropriate treatment program.

Section 2 Accelerated pretrial rehabilitation. (Effective October 1, 2012)

This section amends *C.G.S. §Sec. 54-56, Accelerated pretrial rehabilitation* to allow a person who meets the statutory definition of "veteran" to use Accelerated Rehabilitation two times.

Section 3 Pretrial drug education program. (Effective October 1, 2012)

This section amends *C.G.S. § 54-56i, Pretrial drug education program*. Currently program applicants are evaluated by DMHAS and, if granted entry into the program, are referred by DMHAS to an appropriate drug education, intervention or treatment program. If the applicant is a qualifying veteran, DMHAS may now refer that person to either the Department of Veterans' Affairs or the U.S. Department of Veteran Affairs for evaluation and the Court Support Services Division may refer such veterans to education and treatment services in facilities run under the supervision of either department. In either case, the

appropriate department (state or federal) must agree to submit timely program status reports to CSSD.

DOMESTIC VIOLENCE

➤ P.A. 12-114 *An Act Concerning Domestic Violence*

The act makes numerous changes to the current statutes pertaining to family violence crimes, protective orders, civil restraining orders, the Family Violence Education Program and implementation of a Model Policy for law enforcement's response to incidents of family violence.

Section 1 Definitions - Civil Restraining Orders (Effective October 1, 2012)

This section amends *C.G.S. §46b-15, Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.*

Subsection (a) of the current statute has been amended to include a reference to *C.G.S. §53a-62, Threatening the 2nd degree*, to define what may constitute a pattern of threatening conduct that a court may consider when determining whether to issue the civil restraining order.

Subsections (c) and (d) have been amended to extend the length of time a restraining order may remain in effect without a court ordered extension from six months to one year. Under the current law the order could only remain in effect for six months and any extension beyond that period required a motion by the applicant and a court appearance. An applicant may still apply for an extension of the order beyond the one year point.

Subsection (e) had been amended to require that the clerk of the court, at the request of the protected party, send a copy of the restraining order or information contained in the order, to any school, public or private, elementary, secondary, or institute of higher education as defined in statute, where the protected party is enrolled. Currently, the clerk is required to send a copy to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance of such order.

Section 2 Family Violence Defined (Effective October 1, 2012)

This section amends *C.G.S. §46b-38, Family violence prevention and response: Definitions*. The definition of "family violence" is broadened include "stalking or a pattern

of threatening” conduct. Previously “family violence” was more narrowly defined as “an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault.”

The bill also broadens the definition of a “family or household member” by eliminating the former age restrictions on people (1) related by blood or marriage and (2) living together or who used to live together. The bill makes people in these relationships family or household members regardless of their age.

**Sections 3 & 4 Pending Family Matters, Protective Orders
(Effective October 1, 2012)**

Section 3 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.* Currently, family relations officers in the local family violence intervention unit are required to submit an oral or written report to the court at the time of arraignment. The report will contain recommendations regarding protective orders and services for victims and offenders. This bill adds a requirement that such report indicate whether the parties in the criminal family violence case are parties to a civil case – either divorce, child custody or other matter - pending on the family docket of the Superior Court.

Sections 3 and 4 of the act create a requirement that the clerk of the court, as in the case of a civil restraining order, at the request of the protected party, send a copy of the protective order or information contained in the order, to any school, public or private, elementary, secondary, or institute of higher education as defined in statute, where the protected party is enrolled. The requirements regarding the dissemination of the protective orders to schools apply to all orders issued pursuant to both *§46b-38c and §54-1k, Issuance of protective orders in cases of stalking, harassment, sexual assault, risk of injury to or impairing morals of a child.*

**Section 5 Considerations in Setting Bond by CSSD
(Effective October 1, 2012)**

This section amends *C.G.S. §54-63b, Pretrial release of arrested persons. Duties of Court Support Services Division. Uniform weighted release criteria* and requires CSSD to modify its approach to assessing conditions of release for an accused person. CSSD is currently required to use a “written, uniform and weighted release criteria” for releasing an accused after an arrest. This process is “based on the premise that the least restrictive condition or conditions of release necessary to ensure the arrestee's appearance in court are the pretrial release alternative of choice.” The bill modifies this approach by adding that the conditions of release must also be “sufficient to reasonably ensure the safety of any other person will not be endangered.”

Section 6 **Family Violence Education Program**
(Effective October 1, 2012)

This section amends *subsection (h) of §46b-38c. Family violence response and intervention units. Local units. Duties and functions. Protective orders. Electronic monitoring pilot program. Pretrial family violence education program.* This section modifies the eligibility criteria for participation in the FVEP. It makes those who have been charged with an offense that involves the infliction of serious physical injury ineligible unless good cause is shown. Other eligibility criteria remain unchanged.

Section 7 **Notation of Family Violence Conviction on Criminal History**
(Effective October 1, 2012)

This section amends *C.G.S. §46b-38h, Designation of conviction of certain crimes as involving domestic violence for purposes of criminal history record information.* The current law requires that when a person is convicted of a family violence crime, the judicial department create a method to designate that the conviction is for a family violence offense and that it be documented on the defendant's criminal history record. This act adds eleven new offenses that require such a designation so as to appear on the criminal history as a family violence conviction. They are:

C.G.S. §53a-59c Assault of a pregnant woman resulting in termination of pregnancy: Class A felony

C.G.S. §53a-62 Threatening in the second degree: Class A misdemeanor

C.G.S. §53a-63 Reckless endangerment in the first degree: Class A misdemeanor

C.G.S. §53a-64 Reckless endangerment in the second degree: Class B misdemeanor

C.G.S. §53a-64aa Strangulation in the first degree: Class C felony

C.G.S. §53a-64bb Strangulation in the second degree: Class D felony

C.G.S. §53a-64cc Strangulation in the third degree: Class A misdemeanor

C.G.S. §53a-70c Aggravated sexual assault of a minor: Class A felony

C.G.S. §53a-182 Disorderly conduct: Class C misdemeanor

C.G.S. §53a-182b Harassment in the first degree: Class D felony

C.G.S. §53a-183 Harassment in the second degree: Class C misdemeanor

**Sections 8 & 9 Reporting Electronic/Telephonic Violations of Orders of Protection -
Arraignment and Prosecution
(Effective October 1, 2012)**

Section 8 is new language which enables a party protected by a restraining order, protective order or standing criminal protective order, to file a complaint alleging an electronic or telephonic violation of the order in the town where (1) such person resides, (2) such person received the communication, or (3) the communication was initiated.

Local law enforcement authorities are required to accept and investigate the complaint, prepare a report, provide a copy to the complainant and, if necessary, coordinate any investigation with other appropriate law enforcement entities.

Section 9 amends *C.G.S. §Sec. 54-1d, Place of arraignment. Multiple arrest warrants. Multiple credit card and automated teller machine offenses. Identity theft and related offenses*, and adds new language that permits the arraignment and prosecution of a defendant charged with a violation of any order of protection via electronic or telephonic means, to be arraigned and prosecuted in the geographical area in which (1) the victim resides, (2) the victim received the communication, or (3) the communication was initiated.

**Section 10 Threatening in the First Degree
(Effective October 1, 2012)**

This section amends *§53a-61aa, Threatening in the first degree: Class D felony*. The elements of the offense are expanded in new subdivision (a) (3). A person commits the new crime of first degree threatening when he or she commits *C.G.S. §53a-62, Threatening in the 2nd degree* and in the commission of such offense uses, or is armed with and threatens the use of or displays or represents by his words or conduct that he possess a pistol, revolver, shotgun, rifle, machine gun or other firearm.

**Section 12 Stalking in the Second Degree
(Effective October 1, 2012)**

This section amends *C.G.S. § 53a-181, Stalking in the second degree: Class A misdemeanor*. Currently, a person commits stalking 2nd when, with intent to cause another person to fear for his physical safety, they willfully and repeatedly follow or lie in wait for another person and cause that person to fear for his or her safety or the physical safety of another.

Under this bill, the definition of stalking is significantly broadened. A person now commits the crime when he or she, (1) knowingly engages in a **course of conduct** directed at a specific person that would cause a reasonable person to fear for his or her physical safety or

the safety of third parties or, (2) intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that his or her employment, business, or career is threatened.

In subdivision (2), the specified criminal conduct consists of the actor telephoning, appearing at, or initiating communication or contact with the victim at his or her workplace, provided that the actor was previously and clearly informed to cease such conduct.

This section also defines “course of conduct” as two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communications with or sends unwanted gifts to a person or interferes with a person’s property.

**Section 14 Notification of Violation of Probation Status
(Effective October 1, 2012)**

This section amends *C.G.S. §53a-23, Violation of probation or conditional discharge. Arrest. Pretrial release conditions and supervision. Hearing. Disposition*, and creates a requirement that probation officers, who notify a police officer that a person has violated the conditions of their probation and is therefore subject to arrest, must also notify the victim of the offense underlying the probation, provided that the probation officer has been provided the name and contact information for the victim.

**Section 15 Disclosure of Non-Conviction Information
(Effective October 1, 2012)**

This section amends *C.G.S. §54-142, Disclosure of nonconviction information by criminal justice agency*. This section expands the limited circumstances where the Judicial Branch may disclose non-conviction information. The non-conviction information contemplated by the new language includes the existence of nollied or dismissed cases and orders of protection no longer in effect. The Judicial Branch is now permitted to enter into agreements to share such information with family violence victims’ advocates. The disclosure is solely for the limited purpose of assisting the advocate in the development of a “safety plan” for a victim of family violence. Any agreement between the Judicial Branch and a family violence victim advocate must also prohibit the advocates from disclosing the non-conviction information to any person, including the person for whom the safety plan is being developed.

**Section 16 Notification to Victims by State’s Attorney
(Effective October 1, 2012)**

This section amends *C.G.S. §51-286e, Notification of victims of judicial proceedings* to make more specific the circumstances which require a state’s attorney to notify a victim of

certain proceedings in the prosecution of a case. This statute now specifies that a victim, who has requested such notice and has provided contact information , be notified of the dismissal of charges or the entry of a nolle.

**Section 18 Victim Services – Restitution
(Effective October 1, 2012)**

This section amends *C.G.S. §54-216, Restitution services*, to expand the pool of individuals who are eligible to receive restitution for medical, psychiatric, psychological and rehabilitative services from the Office of Victim Services. Currently, victims of child abuse, sexual assault and domestic violence and their family members are eligible. This act allows children who witness acts of domestic violence, including children who are not related to the victim, to receive compensation for services also.

**Sections 19 & 25 A Model Policy For Law Enforcement Response In Family
Violence Cases
(Effective October 1, 2012)**

These sections amend *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* and contain new language intended to implement the recommendations of the *Law Enforcement Response to Family Violence Task Force*. The task for was established pursuant to *Public Act 11-152*. The primary focus of the Task Force was to create a model policy that would serve as a baseline for the “specific operational guidelines” that law enforcement agencies are currently required to establish under existing law. The mandated guidelines are required to address departmental procedures related to the response to, and investigation of family violence crimes, dual arrests, and the provision of services to victims.

The new language of the bill establishes a 19-member Family Violence Model Policy Governing Council. The Council is responsible to evaluate policies and procedures used by law enforcement when responding to family violence incidents, to review and update the Model Policy and to examine and evaluate the data collected by law enforcement agencies and the Court Support Services Division of the Judicial Department at it relates to family violence crime.

Additionally, the amendments to *§46b-38b* also require that notice of changes to the Model Policy be disseminated to all law enforcement agencies by the chairperson of the Police Officer Standards and Training Council (POST) and each agency report its compliance with the Model Policy to the Commissioner of the Department of Emergency Services and Public Protection on an annual basis.

A copy of the Model Policy can be found on the internet at http://www.housedems.ct.gov/DV/pubs/022712/Model_Policy_Final.pdf

Section 20 **Protective Order As A Condition Of Probation**
(Effective October 1, 2012)

The section amends *subsection (f) of C.G.S. §53a-28, Authorized sentences*. Currently, the statute allows a sentencing court to issue a protective order that can remain in effect during a period of probation if the probationer had been subject to a protective order issued pursuant to *C.G.S. §54-1k, Issuance of protective orders in cases of stalking, harassment, sexual assault, risk of injury to or impairing morals of a child*, prior to the disposition of the case. §54-1k provides that protective orders may be issued in certain, non-family violence cases.

The amended statute will now permit a court to issue a protective order that would remain in effect during a period of probation in any case where the defendant have been previously subject to a protective order.

Section 21 **Transfers of Cases - Violation of Orders of Protection**
(Effective October 1, 2012)

This section amends *C.G.S. § 51-1g, Time of arraignment. Violations of protective orders*. Currently, upon the motion of any party or the court, the prosecution of cases alleging a violation of a protective order under *§53a-223* may be transferred from the geographical court where the violation occurred to the court that issued the order. The bill simply extends this authority to criminal violations of standing criminal protective orders under *C.G.S. §53a-223a* and criminal violations of restraining orders under *C.G.S. §53a-223b*.

Section 22 **Motion to Modify Conditions of Release - Notice**
(Effective October 1, 2012)

This section amends *subsection (c) of C.G.S. 54-69, Motion of parties to modify condition of release*. Currently, in family violence, stalking and cases alleging violations of protective or restraining orders, a state's attorney seeking a bond modification need not provide notice of the motion to the defendant, bail commissioner or surety. The bill adds *C.G.S. §53a-223a*, violation of a standing criminal protective order, to the list of cases which are excepted from the notice requirement. Arguably, this corrects a drafting error in the existing statute.

Sections 23 & 24 **Trauma-Informed Care**
(Effective October 1, 2012)

These sections amend *C.G.S. §46b-38b, Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines*, and *C.G.S. §46b-38c, Family violence response and intervention units*, to expand and make more specific the definition of Trauma-

Informed Care. It is currently the responsibility of a police officer at the scene of any family violence incident to provide immediate assistance to a victim. The statute describes a variety of forms that such assistance may take, including referral to counselors that are trained in providing Trauma-Informed Care.

FIREARMS

➤ P.A. 12-16 *An Act Concerning The Firearms Evidence Databank.*

Section 1 Test Fire evidence and the Databank (Effective October 1, 2012)

This act amends *C.G.S. §29-7h, Firearms evidence databank*. The changes made give discretion to the Division of Scientific Services within the Department of Emergency Services and Public Protection (DESPP) and local police departments regarding the collection, submission and entry of forensic firearm data into the databank.

The current statute requires that all “test fire” evidence, which includes discharged cartridge cases or bullets or fragments thereof, be entered into the databank. The new statute makes entry into the databank of “test fire” evidence discretionary, pursuant to DESPP regulations, presumably to make more efficient use of forensic resources within the Division.

Additionally local police departments are no longer required to submit to the DESPP every handgun that comes into its possession in the course of a criminal investigation. Submission of these weapons for forensic analysis is now at the discretion of the local department. The test firing of the submitted weapons and collection of resulting evidence is also now discretionary on the part of DESPP.

➤ P.A. 12-177 *An Act Providing Federal Probation Officers with Access to Firearm Data Regarding Probationers.*

Sections 1-3 U.S. Probation Office Access to Information (Effective October 1, 2012)

These sections amend subsection (d) of *C.G.S. §29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, subsection (e) of *C.G.S. §29-36g, Application for eligibility certificate. Criminal history records check. Deadline for approval or denial of application. Form of certificate. Change of address. Confidentiality of name and address of certificate holder. Scope of certificate*, and subsection (a) of *C.G.S. §53-202d, Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized*, respectively to authorize access by the U.S. Probation office to the name and address of a person issued: a

permit to sell pistols and revolvers at retail; a temporary state permit to carry a pistol or revolver or issued a local permit to carry prior to October 1, 2001; an eligibility certificate for a pistol or revolver; and, a certificate of possession of an assault weapon.

➤ **P.A. 12-191** ***An Act Concerning the Recording of Pistol and Revolver Sales in a Bound Book.***

Section 1 **Records of Pistols and Revolvers Sold
(Effective October 1, 2012)**

This section amends *C.G.S. §29-31, Display of permit to sell. Record of sales*, which currently requires that the sale of any pistol or revolver, including the name, address and occupation of the purchaser, be recorded by the vendor in a book on a form as proscribed by the Commissioner of Emergency Services and Public Protection.

The amendment eliminates this requirement but mandates that the sale of any pistol or revolver be recorded in a book on forms as proscribed pursuant to 27 CFR 478.125. This law provides the recording of more detailed personal information pertaining to the purchaser. In addition, the legislation authorizes access to these records by municipal police, the state police or an investigator assigned to the state-wide firearms trafficking task force created pursuant to *C.G.S. §29-38e, State-wide firearms trafficking task force. Composition. Duties.*

FREEDOM OF INFORMATION

➤ **P.A. 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, 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.

HABEAS CORPUS

➤ P.A. 12-115 *An Act Concerning Habeas Corpus Reform.*

Section 1 **Screening Process and Showing of Good Cause** **(Effective October 1, 2012 and applicable to petitions filed on or after said date)**

This section amends *C.G.S. §52-470, Summary disposal of the case. Appeal by person convicted of crime*, and adds several new sections to assist in the screening of habeas corpus petitions by the court. Currently subsection (a) articulates that the court shall determine the facts and issues of habeas cases, hear testimony and argument at a hearing wherein the court shall inquire into the reason for the petitioner's incarceration and then dispose of the case "as law and justice require."

Subsection (b) is new and provides: (1) that the court shall decide whether there is good cause for the habeas to proceed to trial on all or some of the petitioner's petition, after the close of the pleadings and upon the motion of either party or its own motion and (2) either party may submit exhibits that assist the court in determining that there is good cause to proceed. Exhibits may include "documentary evidence, affidavits and unsworn statements." If either party believes that they may be prejudiced by the disclosure of the exhibits, either may file a motion to consider any of the exhibits in camera and if the court agrees, review of such will be in camera.

Subsection (b)(3) articulates that the standard for establishing good cause is whether the petition and the exhibits:

"(A) allege the existence of specific facts which, if proven, would entitle the petitioner to relief under applicable law, and (B) provide a factual basis upon which the court can conclude that evidence in support of the alleged facts exists and will be presented at trial, provided the court makes no finding that such evidence is contradicted by judicially noticeable facts."

If good cause is not established by the petition and the exhibits, this subsection (b)(3) requires the court to hold a preliminary hearing to determine whether good cause exists. At the hearing the court can consider any evidence or argument by either party.

If, after this preliminary hearing, the court determines that good cause does not exist, the court is required to dismiss "all or part of the petition, as applicable." If good cause is found to exist, the case proceeds to a habeas trial.

Subsection (c) establishes a rebuttable presumption of a delayed filing for a first habeas corpus petition without good cause if the petition is filed after the later of the following:

“ (1) Five years after the date on which the judgment of conviction is deemed to be a final judgment due to the conclusion of appellate review or the expiration of the time for seeking such review;

(2) October 1, 2017; or

(3) two years after the date on which the constitutional or statutory right asserted in the petition was initially recognized and made retroactive pursuant to a decision of the Supreme Court or Appellate Court of this state or the Supreme Court of the United States or by the enactment of any public or special act.”

Time periods are not tolled while another petition is pending which challenges the same conviction.

Subsection (d) creates a rebuttal presumption that the filing of the subsequent petition was delayed without good cause in cases wherein a petition is filed subsequent to a judgment in another habeas petition which challenged the same conviction, if such petition is filed after the later of the following:

“(1) Two years after the date on which the judgment in the prior petition is deemed to be a final judgment due to the conclusion of appellate review or the expiration of the time for seeking such review;

(2) October 1, 2014; or

(3) two years after the date on which the constitutional or statutory right asserted in the petition was initially recognized and made retroactive pursuant to a decision of the Supreme Court or Appellate Court of this state or the Supreme Court of the United States or by the enactment of any public or special act. For the purposes of this section, the withdrawal of a prior petition challenging the same conviction shall not constitute a judgment.”

Again, the time periods are not tolled while another petition is pending which challenges the same conviction.

In addition, subsection (d) makes clear that it does not “create or enlarge the right of the petitioner to file a subsequent petition under applicable law.”

Subsection (e) is applicable to those cases in which a rebuttable presumption of delay applies pursuant to subsection (c) of (d). In such cases, upon the respondent’s request, the

court is required to issue an order to the petitioner to show cause as to why the petition should proceed. In this subsection, good cause is defined to include, but not be limited to “the discovery of new evidence which materially affects the merits of the case and which could not have been discovered by the exercise of due diligence in time to meet the requirements of subsection (c) or (d).” The new language requires that counsel for the petitioner or the petitioner, if pro se, “shall have a meaningful opportunity to investigate the basis for the delay and respond to the order.” If thereafter, the court finds that good cause has not been established, the court is required to dismiss the habeas petition.

Subsection (f) specifically exempts habeas petitions that allege actual innocence, challenge conditions of confinement or challenge capital felony convictions for which a death sentence has been imposed, from the application of these new subsections (b) through (e).

MEDICAL MARIJUANA

➤ P.A. 12-55 *An Act Concerning The Palliative Use Of Marijuana*

This public act allows licensed physicians to certify, as opposed to prescribe, an adult patient’s use of marijuana for palliative treatment. Palliative treatment is generally defined as treatment or care that focuses on the relief and prevention of a patient’s pain or suffering without having a curative effect on the underlying disease or cause. The act lists specific illnesses or conditions that qualify as “debilitating” which permit “certification” for the palliative use of marijuana.

The act creates the statutory framework for the production, distribution, possession and use of palliative marijuana and provides qualifying patients and caregivers, doctors, producers and dispensers with protection from civil and criminal liability when acting within the scope of the statutory scheme. The act vests broad regulatory responsibility and control of the implementation and administration of the program with the Department of Consumer Protection, (DCP).

Section 1 Definitions (Effective Upon Passage)

This section provides definitional language applicable to the bill. “Palliative use” means the acquisition, distribution, transfer, possession, use, or transportation of marijuana or related paraphernalia to alleviate a qualifying patient's symptoms of a debilitating condition or their effects. It includes the transfer of marijuana and related paraphernalia to the patient from his or her primary caregiver.

**Sections 2 & 5 Qualifying Patients, Registration, DCP
(Effective October 1, 2012)**

Qualifying patients are required to register with the DCP when the patient's physician provides the written certification. The basis for the certification is the medical opinion that it is not in the best interest of the patient to receive prescription drugs to address the symptoms for which the certification is being issued. Patients may not possess greater than one month's supply of marijuana as determined by the DCP and are further subject to restrictions regarding the locations where the marijuana may be lawfully used.

**Section 3 Primary Caregiver
(Effective October 1, 2012)**

Under the act, a patient's primary caregiver is someone at least age 18, other than the patient or the patient's doctor, who agrees to take responsibility for managing the patient's well-being with respect to their palliative use of marijuana and have not been convicted of certain drug offenses. The need for a primary caregiver is subject to a determination made by the patient's physician and the caregiver is required to be registered with the DCP.

**Section 4 Physicians
(Effective October 1, 2012)**

A physician is a person licensed under chapter 370 of the general statutes and does not include a physician's assistance as defined in *C.G.S. §20-12a*. Certificates issued by physicians for palliative use of marijuana may be valid for a period not to exceed one year.

**Section 6 Arrest and Prosecution
(Effective October 1, 2012)**

This section provides that a person is not subject to arrest or prosecution solely for being in the presence or vicinity of the lawful, palliative use of marijuana as permitted by the act.

**Section 7 Return of Seized Property
(Effective October 1, 2012)**

This section requires that law enforcement agencies to return marijuana, related paraphernalia, or other property seized from qualifying patients or primary caregivers who are in compliance with the act once a court determines that they were entitled its use or possession. Such an entitlement can be shown by a prosecutor's decision not to prosecute, the dismissal of the charges.

**Section 8 Fraudulent Representation Related to Palliative Use
(Effective October 1, 2012)**

This section makes it a class C misdemeanor to make misrepresentations to a law enforcement official regarding the palliative use of marijuana for the purpose of avoiding arrest or prosecution for any crime. Misrepresentations made to a law enforcement official regarding the issuance, contents, or validity of a (1) written certification for palliative marijuana use or (2) document purporting to be a written certification are punishable as a class A misdemeanor.

**Sections 9 & 11 Licensed Dispensaries
(Effective October 1, 2012)**

These sections provide for the registration, licensing and regulation of the palliative marijuana dispensary process. The act provides that only pharmacists licensed pursuant to chapter 400j of the general statutes may apply for and receive a dispensary license.

**Sections 10 & 12 Licensed Producers
(Effective October 1, 2012)**

These sections provide for the regulation of licensed producers of palliative marijuana. The DCP retains broad regulatory control of the production process including the number, location and qualifications of licensed producers.

**Section 13 Board of Physicians
(Effective from passage)**

This section requires the DCP to establish a Board of Physicians. The duties of the board include the review and recommendations regarding additions to the list of “debilitating conditions” that qualify for the use of palliative marijuana and making recommendations for protocols used to determine the amount of marijuana necessary for use by patients.

**Sections 14 & 15 Regulations - Department of Consumer Protection
(Effective from passage)**

These sections require the DCP to adopt regulations required to implement the act. Regulations must be submitted to the General Assembly’s Regulation Review Committee by July 1, 2013. The act also permits the DCP to issue temporary registration certificates to qualifying patients who possesses a physician issued certification prior to the adoption of the regulations. Qualifying patients may seek the temporary registration from the DCP beginning October 1, 2012.

**Section 16 Health Care Insurance
(Effective October 1, 2012)**

A health care insurance provider is not required to provide coverage for the costs associated with the palliative use of marijuana.

**Section 17 Action Prohibited by Schools, Landlords and Employers
(Effective October 1, 2012)**

Unless required by federal law or required to obtain federal funding, this section protects both qualifying patients and primary caregivers from the following actions if such actions are based solely on a person's status under the act:

- 1) A school's refusal to enroll a person or discrimination against such person;
- 2) A landlords refusal to rent a dwelling unit or take an action, as defined in *C.G.S. § 47a-1*, against such tenant;
- 3) An employer refusing to hire such person or discharging, penalizing or threatening an employee. The act does not restrict an employer's ability to prohibit the use of intoxicating substances during work hours or to discipline an employee for being under the influence during work hours.

**Section 18 Reclassification of Marijuana as a Schedule 2 Controlled
Substance
(Effective October 1, 2012)**

This section amends *C.G.S. §21a-24, Regulations. Schedules of controlled substance*, and requires the DCP to amend its regulations to reclassify marijuana as a schedule 2 controlled substance. Currently marijuana is a schedule 1 controlled substance.

In accordance with the federal *Controlled Substances Act, 18 USC §812*, DCP regulations define schedule 1 drugs as:

- (1) Drugs or other substances that have a high potential for abuse,
- (2) Drugs or other substances that have no currently accepted medical use in treatment in the United States, and,
- (3) Drugs that are unsafe for use under medical supervision.

In contrast, schedule 2 drugs are characterized as:

- (1) Drugs or other substances that have a high potential for abuse,
- (2) Drugs or other substances that are **currently accepted for medical use** in treatment, and,
- (3) Drugs that may lead to severe psychological or physical dependence.

MENTAL RETARDATION/INTELLECTUAL DISABILITY

- *P.A. 12-136 An Act Concerning the Definitions of Mental Retardation and Intellectual Disability.*

Section 1 Mental Retardation Defined (Effective October 1, 2012)

This section amends *C.G.S. §1-1g, Words and phrases. Construction of statutes*, to define mental retardation as “a significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period before eighteen years of age.”

In addition, the legislation defines significant limitation in intellectual functioning as “an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual”.

The definition of “adaptive behavior” is changed to qualify how adaptive behavior is as to “tests that are individualized, standardized and clinically and culturally appropriate to the individual.”

MINORS AND ALCOHOL

- *P.A. 12-199 An Act Prohibiting Certain Persons From Allowing Minors To Possess Alcoholic Liquor In Dwelling Units And On Private Property.*

Section 1 Reckless or With Criminal Negligence – Enhanced Penalty (Effective October 1, 2012)

This section amends *C.G.S. §30-89a, Permitting minor to illegally possess liquor in dwelling unit or on private property or failing to halt such illegal possession. Penalty*, and makes it a crime for a person to “recklessly or with criminal negligence” permit any minor to possess alcohol on private property or in a dwelling. Previously the statute provided that it was a crime for a person to “knowingly” permit the possession of alcohol by a minor or knowing such, failing to make “reasonable efforts” to stop it. Now a person is guilty of violating this offense if anyone “knowingly, recklessly or with criminal negligence” allows alcohol to be possessed by a minor or if a person “fails to make reasonable efforts to halt” a minor from possessing alcohol.

In addition, the legislation enhances the penalty for violating this statute. Previously, a person who violated this statute for the first time had committed an infraction. Subsequent offenses were punishable by either a fine of no more than \$500 or imprisonment of up to 1 year or both. Under the new legislation, a person is guilty of a Class A misdemeanor, even for a first offense.

MOTOR VEHICLES

➤ ***P.A. 12-19 An Act Concerning The "Move Over" Law***

Section 1 Now Applicable To Highways With 2 Or More Travel Lanes (Effective October 1, 2012)

This act *amends C.G.S. §14-283b, Motor vehicle operator required to move over when approaching stationary emergency vehicle.* The "move over law" requires a driver approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway to slow to a reasonable speed below the posted speed limit and move over one lane if traveling in the lane adjacent to the location of the emergency vehicle, unless this would be unreasonable or unsafe.

Currently, this statute applies only on highways with three or more travel lanes. The statute as amended now applies to highways of two or more travel lanes. Penalties for a violation of this statute remain unchanged.

➤ ***P.A. 12-67 An Act Exempting Amateur Radio Operators Using Hand-Held Radios From The Prohibition On Using Hand-Held Mobile Telephones And Mobile Electronic Devices While Driving.***

Section 1 Handheld Devices - New Exception for Amateur Radio Station Licensee (Effective October 1, 2012)

This act amends subsection (b) of *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,* of the 2012 supplement to the general statutes.

The current statute generally prohibits the use of any hand held telephone or other mobile electronic device by operator of a motor vehicle while the vehicle is in motion. Subdivision (4) of the statute provides several exceptions to the general prohibition. The amended bill creates a new exception for persons who possess an amateur radio station

license issued by the Federal Communications Commission to allow the use of a hand held radio while operating a motor vehicle.

➤ **P.A. 12-81** ***An Act Concerning Revisions To The Motor Vehicle Laws***

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 No. 11-213, An Act Making Revisions To Motor Vehicle Statutes*, 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 *C.G.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 C.G.S. §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 *C.G.S. §14-36*.

➤ ***P.A. 12-121 An Act Concerning Deadlines For Program
Participation And 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. Previous to the repeal of *C.G.S. §14-227f, Alcohol and drug addiction treatment program. Waiver. Appeal. Regulations*, effective January 1, 2012, persons were required to complete an alcohol or drug treatment program, approved by DMV, prior to the restoration of their operator's privilege. The repeal of *C.G.S. §14-227f*, essentially made 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 *C.G.S. §14-227f* as of December 31, 2011, to complete or participate in an equivalent program designated by the Commissioner of DMV.

NEW OFFENSES

- **P.A. 12-64** *An Act Concerning Penalties For And The Investigation Of The Operation Of Illegal Massage Establishments*

Section 1 **Licensure of Massage Therapists**
(Effective October 1, 2012)

This section amends *C.G.S. §20-206b, Practice restricted to licensed persons. Qualifications. Application and renewal. Fees. Exceptions. Medical referral required. Penalty for practice or use of title by unlicensed person.* The current statute requires that any person engaged in the practice of massage therapy be licensed by the Department of Public Health. Licensure requirements include completion of coursework at accredited educational institutions and, in most cases, passage of national certification examinations. Any person who practices massage therapy, as defined in the statute, without such a license is guilty of a class C misdemeanor.

The amended statute expands criminal liability to employers, and any employer who, knowingly and willfully, employs a person to perform massage therapy who is unlicensed is also guilty of a class C misdemeanor.

- **P.A. 12-131** *An Act Establishing a Fine Art Secured Lending License.*

This is new legislation which creates a class D felony for any person who does not obtain and maintain a fine art secured lending license and loans money in exchange for fine art.

Section 1 **"Fine Art" Defined**
(Effective October 1, 2012)

This section is new and defines "fine art" for purposes of sections 1 through 8 of this act and prohibits anyone from engaging in a business that loans money in exchange for fine art deposits or pledges unless the person is licensed.

Section 2 **Chief of Police or Commissioner of Emergency Services and Public Protection are the Licensing Authorities**
(Effective October 1, 2012)

An application made under oath for a fine art secured lending license and a license fee is made to the Chief of Police or if there is no organized police department then to the Commissioner of Emergency Services and Public Protection.

This section also prohibits the granting of such a license to anyone who has been convicted of any felony.

**Sections 3-5 Procedures for Business
(Effective October 1, 2012)**

These sections articulate what the fine art secured lender must provide to the licensing authority and the procedures for obtaining the information required.

**Section 6 Police Seizure of Property
(Effective October 1, 2012)**

This section proscribes the receipt law enforcement is required to give such a lender upon seizing fine art.

**Section 7 When Sale of Fine Art May Take Place
(Effective October 1, 2012)**

This section articulates when fine art may or may not be sold if deposited or pledged for money owed.

**Section 8 New Class D Felony
(Effective October 1, 2012)**

A person is guilty of a class D felony if he/she willfully engages in business as a fine art secured lender without a license or after he/she has been notified that his/her license has been suspended or revoked.

➤ ***P.A. 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.

➤ **P.A. 12-141** ***An Act Concerning Commercial Sexual Exploitation of a Minor.***

Section 1 **Advertising Commercial Sex Acts and Minors**
(Effective October 1, 2012)

Pursuant to subsection (b), this new legislation makes it a class C felony for a person to “knowingly” buy advertisement space either through electronic or print media to advertise commercial sex acts which “include a depiction of a minor.”

Subsection (a) provides definitions as applicable in this act and defines depiction as a “photograph, film, videotape, visual material or printed material.” The definition of a “commercial sex act” includes any sexual contact or sexual intercourse as defined in *C.G.S. §53a-65, Definitions*, “for which something of value is given to or received by” someone. Government or a governmental instrumentality are exempted from the definition of a person as “person” is defined in *C.G.S. §53a-3, Definitions*.

Subsection (c) (1) prohibits the following defenses being raised by a person so charged of violating this act:

- (A) the person charged did not know the age of the person in the advertisement;
- (B) the person charged relied on either “an oral or written representation” pertaining to the age of the person in the advertisement; or
- (C) the person charged relied on the “apparent age” of the person in the advertisement.

The act does create an affirmative defense which requires the person charged to show that prior to his/her purchasing the advertising space, he/she:

“made a reasonable bona fide attempt to ascertain the true age of the person depicted in the advertisement by requiring the person depicted in the advertisement to produce a driver's license, marriage license, birth certificate or other government-issued or school-issued identity card that identifies the age of the person, *provided the defendant retains and produces a copy or other record of the license, certificate or identity card used to ascertain the age of the person depicted in the advertisement.*”

POLICE - TRAFFIC STOPS

➤ *P.A. 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.

ROBBERY

- ***P.A. 12-186 An Act Concerning Robbery Committed at a Bank or Credit Union.***

**Section 1 Intimidation and Fear for Safety
(October 1, 2012)**

This section amends *C.G.S. §53a-135, Robbery in the second degree: Class C felony*, and adds a subdivision (2) to subsection (a) of the robbery statute. As passed, a person is guilty of robbery in the second degree, a class C felony if while committing a larceny at a bank or credit union, he/she “intimidates an employee” of the credit union or bank by:

“intentionally engaging in conduct that causes another person to reasonably fear for his or her physical safety or the physical safety of another for the purpose of:

(A) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking of the property; or

(B) compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.”

SENTENCING

- ***P.A. 12-80 An Act Concerning The Recommendations Of The Sentencing Commission Regarding The Classification Of Unclassified Misdemeanors.***

**Section 1 New Class D Misdemeanor Created
(Effective October 1, 2012)**

This section amends *C.G.S. §53a-26, Misdemeanor: Definition, classification, designation*, to include in the definition of a misdemeanor, a new classification of offense, a

class D misdemeanor, which is punishable by the imposition of imprisonment of up to 30 days.

**Section 2 Class D Misdemeanor Defined
(Effective October 1, 2012)**

This section amends **C.G.S. §53a-36, Imprisonment for misdemeanor. Definite sentence. Authorized term**, which provides for definite sentences for misdemeanors and adds to the definition a class D misdemeanor for which a sentence may be imposed which does not exceed 30 days.

**Section 3 Class D Misdemeanor Fine Established
(Effective October 1, 2012)**

This section amends **C.G.S. §53a-42, Fines for misdemeanors**, which articulates the fines which may be imposed depending upon the classification of misdemeanor violated. The new legislation adds the new class D misdemeanor which carries with it a fine of up to \$250.00. It also provides language that clarifies that the fines articulated within this statute are applicable unless a particular section of a statute provides otherwise.

**Section 4 Probation Term
(Effective October 1, 2012 and applicable to sentences imposed
for crimes committed on or after said date)**

This section amends subsection (d) of **C.G.S. §53a-29, Probation and conditional discharge: Criteria; periods; continuation or termination**, to provide for a term of not more than 1 year that may be imposed upon a person convicted of a class D misdemeanor. The legislation also authorizes a probation term of up to a year that may be imposed for any sentence of imprisonment of 6 months or less (instead of the current 3 months or less) and not more than 2 years if the sentence of imprisonment is in excess of 6 months (instead of the current 3 months).

**Section 5-50 Changes to Penalties
(Effective October 1, 2012)**

These sections are amended to increase the fines to \$250 for consistency and, excepting **C.G.S. §8-12, Procedure when regulations are violated**, to eliminate any sentence of incarceration for a violation of such.

Section 5 amends **C.G.S. §8-12, Procedure when regulations are violated**, and caps the incarceration a person could receive. The fines remain unchanged but prior to October 1st a person could be sentenced to 10 days of incarceration for each day a person continues to violate this statute. The act caps the amount of incarceration overall that a person could be sentenced to at a maximum of 30 days.

Section 6 amends subsection (h) of C.G.S. §14-283, **Rights and duties re emergency vehicles. Obstruction of emergency vehicle**, and creates a mail in violation of \$250 and eliminates the potential for incarceration of up to 7 days totally.

Section 7 amends C.G.S. §15-25, **Injuring or interfering with buoys, beacons, channel markers or navigational aids; penalties**, and creates a mail in violation of up to \$1,000 and eliminates the potential of incarceration of up to 60 days totally.

Section 8 amends subsection (h) of C.G.S. §15-144, **Vessel registration number or registration decal. Schedule of fees payable to Commissioner of Motor Vehicles. Regulations. Penalty**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 9 amends subsection (d) of C.G.S. §15-154, **Enforcement. Refusal to stop vessel or take vessel to designated area. Rules for avoiding interference with operation of law enforcement vessel or fire rescue vessel. Penalties**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 7 days totally.

Section 10 amends C.G.S. §16-44, **Notice of formation, consolidation or discontinuance of public service companies; change of name. Penalty**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 60 days totally.

Section 11 amends C.G.S. §19a-113, **Regulations re compressed air for underwater breathing apparatus**, creates a mail in violation of up to \$500 and eliminates the potential of incarceration of up to 5 months totally.

Section 12 amends C.G.S. §20-249, **Penalty**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 13 amends C.G.S. §20-366, **Penalty**, creates a mail in violation of up to \$500 and eliminates the potential of incarceration of up to 3 months totally.

Section 14 amends C.G.S. §21-1, **Penalty for selling at auction without license**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 60 days totally.

Section 15 amends C.G.S. §22-12b, **Licensing of fur breeders. Disease control**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 16 amends C.G.S. §22-167, **Local regulations for the sale of milk**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 17 amends C.G.S. §22a-363, **Penalty for violation**, creates a mail in violation of \$250 and eliminates the potential of incarceration of not less than 10 days or more than 30 days totally.

Section 18 amends C.G.S. §25-43, **Bathing in and pollution of reservoirs. Aircraft on reservoirs. Penalties**, creates a mail in violation of up to \$500 and eliminates the potential of incarceration of up to 30 days totally.

Section 19 amends C.G.S. §25-45, **Local ordinances concerning reservoirs**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 6 months totally.

Section 20 amends C.G.S. §25-135, **Penalty**, to eliminate the ability to prosecute a person as a violation of the Public Health Code and creates a mail in violation of \$250 for a violation.

Section 21 amends C.G.S. §26-18, **Fish or game for propagation**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 22 amends subsection (c) of C.G.S. §26-42, **Licensing of raw fur dealers. Inspection. Regulations**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 10 days totally.

Section 23 amends C.G.S. §26-43, **Sale of raw furs to unlicensed nonresident dealer**, to be a violation and increase the fine to up to \$250 and eliminate the potential of incarceration of up to 10 days totally.

Section 24 amends C.G.S. §26-56, **Permits for importation of wild hares or rabbits**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 25 amends subsection (b) of C.G.S. §26-58, **Taxidermist's license**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 26 amends subsection C.G.S. §26-87, **Taking rabbits by use of ferrets. Authorization. Penalties**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 27 amends subsection (a) of C.G.S. §26-91, **Taking of migratory game birds. Plan by municipality, homeowner association or nonprofit land-holding organization to take Canada geese**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 28 amends C.G.S. §26-94, **Hunting swan prohibited**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 29 amends C.G.S. §26-98, **Penalties**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 30 amends C.G.S. §26-104, **Bantam Lake sanctuary**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 31 amends C.G.S. §26-105, **Lake Wononscopomuc sanctuary. Limited hunting**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 32 amends C.G.S. §26-217, **Use of chain bags on natural oyster beds**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 33 amends subsection (a) of C.G.S. §26-232, **Taking oysters from natural beds or the Housatonic or Saugatuck Rivers**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 34 amends C.G.S. §26-244, **Lost title; redesignation. Penalty**, creates a mail in violation of up to \$300 but eliminates the potential of incarceration of up to 6 months totally.

Section 35 amends subsection (b) of C.G.S. §26-257a, **Local shellfish commissions**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 36 amends C.G.S. §26-260, **Selectmen of Milford and West Haven may prohibit the taking of clams**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 37 amends C.G.S. §26-276, **Hammonasset River; limitation**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 60 days totally.

Section 38 amends C.G.S. §26-284, **Thames River oysters; limitation**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 39 amends C.G.S. §26-285, **Taking of oysters and clams in Old Lyme regulated**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 40 amends C.G.S. §26-286, **Taking oysters from the inland waters of East Lyme and Waterford**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 41 amends subsection (e) of C.G.S. §26-287, **Waterford-East Lyme shellfish commission. Taking of shellfish from Niantic River**, to be a violation increase the fine to up to \$250 and eliminate the potential of incarceration of up to 10 days totally.

Section 42 amends C.G.S. §26-288, **Escallops**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 60 days totally.

Section 43 amends C.G.S. §26-290, **Taking of scallops in Groton**, to be violation and increase the fine to up to \$250 and eliminate the potential of incarceration of up to 60 days totally.

Section 44 amends subsection (c) of C.G.S. §26-291a, **Taking of clams and oysters in Stonington**, to be a violation and to increase the fine to up to \$250 and eliminate the potential of incarceration of up to 30 days totally.

Section 45 amends C.G.S. §26-292, **Taking of scallops in the waters of Stonington**, to be a violation and increase the fine to up to \$250 and eliminate the potential of incarceration of up to 60 days totally.

Section 46 amends C.G.S. §29-25, **Laundry and dry cleaning identification marks**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 3 months totally.

Section 47 amends subsection (b) of C.G.S. §45a-283, **Executor to exhibit will for probate. Penalty for failure**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 48 amends C.G.S. §53-199, **Theaters and moving picture shows; seating capacity; standing room**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 30 days totally.

Section 49 amends C.G.S. §53-280, **Billiard and pool rooms; permits**, creates a mail in violation of \$250 and eliminates the potential of incarceration of up to 6 months days totally.

Section 50 amends subsection (b) of C.G.S. §51-164n, **Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial**, and is technical in nature.

**Sections 51 - 192 New Class D misdemeanor/Reclassification of Misdemeanors
(Effective October 1, 2012)**

The newly created class D misdemeanor carries a maximum term of imprisonment of up to 30 days incarceration or a fine of up to \$250. As a result of the re-classification to a class

D misdemeanor, the maximum incarceration period a person could be sentenced to previously for certain unclassified misdemeanors is reduced in many of these statutes.

The following statutes have been reclassified as a class D misdemeanor (D misd) unless otherwise noted as having been reclassified as a class A, B or C misdemeanor (A, B or C misd) or a felony:

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| Section 51 | Subsection (e) of C.G.S. §1-1h Identity cards. | Reclassified as D Misd |
| Section 52 | C.G.S. §9-56 Application for enrollment by unaffiliated elector. | Reclassified as D Misd |
| Section 53 | C.G.S. §9-64 Erasure of name not on registry list. | Reclassified as D Misd |
| Section 54 | C.G.S. §9-236 Activities prohibited in and near polling place; distance markers; entry restricted; exceptions. | Reclassified as C Misd |
| Section 55 | C.G.S. §9-396 Ballot vote at caucus; eligibility to vote. | Reclassified as D Misd |
| Section 56 | Subsection (a) of C.G.S. §9-625 Powers of state referees and judges. Preservation of testimony. Witnesses. Expenses of inquiry. | Reclassified as D Misd |
| Section 57 | Subdivision (4) of subsection (c) of C.G.S. §12-53 Addition of omitted property. Audits. Penalty. | Reclassified as D Misd |
| Section 58 | Subsection (f)(1) of C.G.S. §14-36a Classification of operators' licenses. Violation. Penalty. | Subsequent - D misd |
| Section 59 | Subsection (d) of C.G.S. §14-37a Special operator's permit for purposes of employment or education. | Reclassified as D Misd |
| Section 60 | Subsection (e) of C.G.S. §14-40a Motor vehicle operator's license with a motorcycle endorsement; requirements. Examination. Penalty. | Subsequent - D misd |

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| Section 61 | Subsection (c) of C.G.S. §14-66c Sale or disposal of motorized personal property. Penalty. | Subsequent - D misd |
| Section 62 | Subsection (h) of C.G.S. §14-67 Qualifications of licensee; bond; fees. Solicitation of service contracts. | Reclassified as D Misd |
| Section 63 | Subsection (a) of C.G.S. §14-103 Inspection of motor vehicles. | Reclassified as D Misd |
| Section 64 | Subsection (h) of C.G.S. §14-112 Proof of financial responsibility. | Reclassified as D Misd |
| Section 65 | C.G.S. §14-314b Injury to or removal of traffic control devices, signs or lights. | Reclassified as D Misd |
| Section 66 | Subdivision (7) of subsection (a) of C.G.S. §19a-36 Public Health Code. Fees. Swimming pools. Wells: Use, replacement and mitigation. | Reclassified as C Misd |
| Section 67 | Subsection (d) of C.G.S. §19a-180 Licensure and certification of emergency medical service organizations. Suspension or revocation. Records. Penalties. Advertisement Medical control by sponsor hospital. New or expanded emergency medical services. | Reclassified as C Misd |
| Section 68 | C.G.S. §19a-228 Penalty for anchoring within designated limits. | Reclassified as D Misd |
| Section 69 | C.G.S. §19a-230 Fines and penalties. | Reclassified as C Misd |
| Section 70 | C.G.S. §20-278 Prohibited acts. | Reclassified as D Misd |
| Section 71 | Subsection (b) of C.G.S. §20-609 Pharmacy license to be posted. Business which is not a pharmacy prohibited from using words, displays or symbols indicating it is a pharmacy; exemption. | Reclassified as D Misd |

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| Section 72 | C.G.S. §21-13 Penalty. | Reclassified as C Misd |
| Section 73 | C.G.S. §21a-11 Powers and duties of commissioner. | Reclassified as D Misd |
| Section 74 | C.G.S. §21a-25 Impure vinegar. | 1 st - fine up to \$50 2 nd - D misd |
| Section 75 | Subsection (b) of C.G.S. §21a-155 Wrapping of bread. | Reclassified as D Misd |
| Section 76 | Subsection (a) of C.G.S. §22-277 Licensing and supervision of commission sales stables. Branding and identification of animals Bond required. | Reclassified as D Misd |
| Section 77 | C.G.S. §22-321 Penalty. | Reclassified as D Misd |
| Section 78 | C.G.S. §22-329 Prevention of cruelty to dogs and other animals. | Reclassified as D Misd |
| Section 79 | C.G.S. §22-332c Penalty. | Reclassified as D Misd |
| Section 80 | C.G.S. §22-363 Nuisance. | Reclassified as D Misd |
| Section 81 | C.G.S. §22-365 Obstruction of commissioner or any animal control officer. Penalty. | Reclassified as C Misd |
| Section 82 | C.G.S. §22-366 Cropping of dog's ears. | Subsequent - D misd |
| Section 83 | C.G.S. §26-45 Bait dealer's license. | Reclassified as D Misd |
| Section 84 | Subsection (c) of C.G.S. §26-74 Use of motor vehicles, snowmobiles and all-terrain vehicles in hunting. | Reclassified as D Misd |

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| Section 85 | C.G.S. §26-127 Conservation of bait species. | Reclassified as D Misd |
| Section 86 | C.G.S. §26-149 Commercial hatcheries. Fees. | Reclassified as D Misd |
| Section 87 | Subsection (f) of C.G.S. §26-157a Lobster management program. | Reclassified as D Misd |
| Section 88 | C.G.S. §26-213 License to work on natural beds. | Reclassified as D Misd |
| Section 89 | C.G.S. §26-216 Penalty. | Reclassified as D Misd |
| Section 90 | C.G.S. §26-219 License to take conchs. | Reclassified as D Misd |
| Section 91 | Subsection (a) of C.G.S. §31-4 Immigrant laborers; protection; penalty for defrauding; printed material re rights | Reclassified as A Misd |
| Section 92 | C.G.S. §31-48b Use of electronic surveillance devices by Employers limited. Prohibition on recording negotiations between employers and employees. | 3 rd or subsequent - \$1,000 fine & incarceration up to 30 days |
| Section 93 | Subdivision (3) of Subsection (a) of C.G.S. §43-9 Penalties. | Reclassified as A Misd |
| Section 94 | Subsection (c) of C.G.S. §46a-64 Discriminatory public accommodations Practices prohibited. Penalty. | Reclassified as D Misd |
| Section 95 | Subsection (g) of C.G.S. §46a-64c Discriminatory housing practices prohibited. Disposition of complaints. Penalty. | Reclassified as D Misd |
| Section 96 | Subsection (b) of C.G.S. §46a-81d Sexual orientation discrimination: Public Accommodations. | Reclassified as D Misd |

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| Section 97 | Subsection (f) of C.G.S. §46a-81e Sexual orientation discrimination: Housing. | Reclassified as D Misd |
| Section 98 | C.G.S. §50-10 Duties of finder. | Reclassified as D Misd |
| Section 99 | Subsection (b) of C.G.S. §52-571bb Discrimination on account of membership in armed forces re access to any place of public accommodation, resort or amusement. Penalty. | Reclassified as D Misd |
| Section 100 | C.G.S. §53-37 Ridicule on account of race, creed or color. | Reclassified as D Misd |
| Section 101 | C.G.S. §53-132 Sale of equipment with defective identification. Marks. | Reclassified as C Misd |
| Section 102 | C.G.S. §53-142a Illegal sale or possession of master car key. | 1 st - D misd Subsequent - B misd |
| Section 103 | C.G.S. §53-203 Unlawful discharge of firearms. | Reclassified as C Misd |
| Section 104 | Subsection (d) of C.G.S. §53-205 Loaded shotguns, rifles and muzzleloaders prohibited in vehicles and snowmobiles. | Reclassified as D Misd |
| Section 105 | C.G.S. §53-215 Abandonment of refrigerator. | Reclassified as D Misd |
| Section 106 | C.G.S. §53-249 Cruelty to poultry. | Reclassified as D Misd |
| Section 107 | C.G.S. §53-250 Use of animals, reptiles and birds. | Reclassified as D Misd |
| Section 108 | C.G.S. §53-370 Fraudulent sale of liquid fuels or lubricating. Oils | Reclassified as D Misd |

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| Section 109 | C.G.S. §13b-85 Penalty. | Reclassified as B Misd |
| Section 110 | C.G.S. §15-52 Operation of aircraft during period of suspension or revocation of right to operate. | Reclassified as C Misd |
| Section 111 | C.G.S. §15-100 Penalties. | Reclassified as C Misd |
| Section 112 | C.G.S. §19a-347 Disobeying injunction; penalty. | Reclassified as C Misd |
| Section 113 | C.G.S. §26-78 Sale of birds, quadrupeds, reptiles or Amphibians. | Reclassified as C Misd |
| Section 114 | C.G.S. §26-88 Use of explosives | Reclassified as C Misd |
| Section 115 | Subsection (f) of C.G.S. §47a-52 Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health. | Reclassified as C Misd |
| Section 116 | Subsection (b) of C.G.S. §51-88 Practice of law by persons not attorneys. | Reclassified as C Misd |
| Section 117 | Subdivision (5) of subsection (k) of C.G.S. §7-169 Definitions. | Reclassified as D Misd |
| Section 118 | C.G.S. §9-361 Primary or enrollment violations. | Reclassified as D Misd |
| Section 119 | C.G.S. §12-6 Audit of municipal accounts upon application of state's attorney. | Reclassified as D Misd |
| Section 120 | C.G.S. §14-146 Objects not to be thrown at motor vehicles. | Subsequent - D misd |

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| Section 121 | Subsection (c) of C.G.S. §15-15 Vessels requiring pilots. | D Misd Fine increased from \$500 to \$2000 & max incarceration decreased from 60 to up to 30 days |
| Section 122 | C.G.S. §19a-109 Heating and provision of utilities for buildings Hot water. Termination of services. | Reclassified as D Misd |
| Section 123 | Subsection (b) of C.G.S. §19a-553 Disclosure of crimes required. Penalty. | Reclassified as D Misd |
| Section 124 | C.G.S. §20-265 Penalty. | Subsequent - D misd |
| Section 125 | C.G.S. §21-33 Sworn statement before advertising special sale. | Reclassified as D Misd |
| Section 126 | C.G.S. §21-35 Municipal license. | Reclassified as D Misd |
| Section 127 | C.G.S. §22-319a Hog cholera serum or vaccine prohibited. Penalty. | B Misd. Fine – unchanged & Max incarceration decreased from 1 year to no more than 6 months |
| Section 128 | Subsection (d) and (e) of C.G.S. §22-342 Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities. Penalties | Reclassified as B Misd |
| Section 129 | C.G.S. §22-344e License required for procurement of dog or cat for resale. Penalty. | Reclassified as B Misd |
| Section 130 | Subsection (c) of C.G.S. §22-358 Allocation of license fees to The University of Connecticut. Balance to towns. | Reclassified as D Misd |

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| | <p>Subsection (d) of C.G.S. §22-358 Killing of dogs doing damage. Quarantine of biting dogs, cats or other animals. Notice. Seizure. Euthanasia and examination of potentially rabid animals. Complaints by persons sustaining damage by dog to poultry, ratite, domestic rabbit, companion animal or livestock. Orders. Appeals.</p> | Reclassified as D Misd |
| | <p>Subsection (h) of C.G.S. §22-358 Killing of dogs doing damage. Quarantine of biting dogs, cats or other animals. Notice. Seizure. Euthanasia and examination of potentially rabid animals. Complaints by persons sustaining damage by dog to poultry, ratite, domestic rabbit, companion animal or livestock. Orders. Appeals.</p> | Reclassified as D Misd |
| Section 131 | <p>Subsection (c) of C.G.S. §26-47 Permits to take wildlife damaging crops. License to control nuisance wildlife.</p> | Reclassified as D Misd |
| Section 132 | <p>C.G.S. §26-57 Permits for transportation and exportation of fish, birds, mammals, reptiles, amphibians and invertebrates.</p> | Reclassified as D Misd |
| Section 133 | <p>Subsection (d) (2) of C.G.S. §26-61 Suspension of license, registration or permit. Restoration. Fines.</p> | 1 st – D misd Subsequent – A misd |
| Section 134 | <p>C.G.S. §26-71 Penalty.</p> | Reclassified as D Misd |
| Section 135 | <p>C.G.S. §26-72 Regulation of trapping of fur-bearing animals.</p> | Reclassified as D Misd |
| Section 136 | <p>C.G.S. §26-81 Penalties.</p> | Reclassified as D Misd |
| Section 137 | <p>Subsection (b) of C.G.S. §26-90 False statement, penalty. General penalty.</p> | Reclassified as D Misd |

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| Section 138 | C.G.S. §26-101 Wildlife refuges and closed areas. | Reclassified as D Misd |
| Section 139 | C.G.S. §26-159a Regulations concerning certain sport and commercial fishing in the marine district and possession of certain specifiers. Penalty. | D Misd Third and subsequent – fine unchanged at \$500 & max incarceration decreased from 60 to up to 30 days |
| Section 140 | C.G.S. §26-228 Taking shellfish between sunset and Sunrise. | D Misd Fine changed to \$100 threshold, max remains the same & max incarceration decreased from 60 to up to 30 days |
| Section 141 | C.G.S. §26-229 Injury to monuments. | Reclassified as D Misd |
| Section 142 | C.G.S. §29-243 Penalties. | Reclassified as C Misd |
| Section 143 | Subsection (a) of C.G.S. §43-9 Penalties. | Reclassified as D Misd |
| Section 144 | C.G.S. §15-77 Operating under or carrying passengers under influence of liquor or drugs. | 1 st – C misd Subsequent – A misd |
| Section 145 | C.G.S. §15-97 Penalty. | 1 st – mail in violation up to \$250 Subsequent – D misd |
| Section 146 | C.G.S. §21a-19 Penalty. | 1 st –mail in violation up to \$250 Subsequent – C misd |

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| Section 147 | Subsection (a) of C.G.S. §21a-159 Penalty; civil remedy. | 1 st mail in violation up to \$250 Subsequent - D misd |
| Section 148 | C.G.S. §22-362 Annoyance by dogs on highway. | 1 st or subsequent is a D misd |
| Section 149 | Subsection (c) of C.G.S. §23-65 Posting or distributing advertisements. Removing, pruning, injuring or defacing certain trees or shrubs. Restoration. Damages. Regulations. | 1 st mail in violation up to \$250 Subsequent - C misd |
| Section 150 | C.G.S. §26-76 Possession limit of game birds, wild quadrupeds, reptiles and amphibians. | 1 st mail in violation up to \$250 Subsequent - D misd |
| Section 151 | Subsection (a) of C.G.S. §26-80a Illegal taking of moose or bear. Suspension of hunting license. Penalties. | 1 st - fine up to \$500 or incarceration up to 30 days or both 2 nd - fine up to \$750 or incarceration up to 3 months or both 3 rd or subsequent - fine up to \$1,000 or incarceration up to 6 months or both |

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| Section 152 | C.G.S. §26-186 Penalties. | If no other penalty: 1 st - fine up to \$250 Subsequent - D misd |
| | C.G.S. §26-143a Nets to be buoyed and marked. Boats to display license or registration flag. | Except a D misd anytime for: Reclassified as D Misd |
| | C.G.S. §26-154 Restricted waters near mouth of stream or estuary. Use of otter trawls in estuaries. | Reclassified as D Misd |
| | C.G.S. §26-155 Fish oil or fertilizer. | Reclassified as D Misd |
| Section 153 | C.G.S. §26-226 Injury to enclosure. | 1 st mail in violation up to \$250 Subsequent - C misd |
| Section 154 | C.G.S. §26-231 Towing dredge prohibited. | 1 st and subsequent - Violation fine up to \$250 |
| Section 155 | C.G.S. §29-198 Penalties. | 1 st mail in violation up to \$250 Subsequent - B misd |
| Section 156 | C.G.S. §35-20 Unlawful use of devices; penalty. | 1 st mail in violation up to \$250 Subsequent - C misd |
| Section 157 | Subsection (a) of C.G.S. §43-9 Penalties. | 1 st - C misd Subsequent - B misd |
| Section 158 | C.G.S. §43-34 Penalty. | 1 st - C misd Subsequent - B misd |

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| Section 159 | Subsection (a) of C.G.S. §2-46 Investigations by the General Assembly and Legislative Program Review and Investigations Committee; procedure. Witness' rights. | Reclassified as A Misd |
| Section 160 | Subdivision (1) of subsection (g) of C.G.S. §10a-224 Connecticut Higher Education Supplemental Loan Authority. Executive director. | D Misd Fine of \$50 to \$1,000 or incarceration up to 30 days or both |
| Section 161 | Subsection (d) of C.G.S. §14-35a Restrictions on owner of motor vehicle with suspended registration. Prohibitions on operation of motor vehicle by motor carrier. Penalties. | C Misd Max incarceration of 90 days changed to 3 months |
| Section 162 | C.G.S. § 14-67v Penalty. Injunction to restrain violation. | Reclassified as C Misd |
| Section 163 | Subsection (d) of C.G.S. §14-163e Periodic inspection of certain vehicles or Combinations. | Max incarceration of 90 days changed to 3 months |
| Section 164 | Subsection (b) of C.G.S. §14-215 Operation while registration or license is refused, suspended or revoked or in violation of restriction concerning use of ignition interlock device. Penalty. | C Misd 1 st - Max incarceration of 90 days changed to 3 months |
| Section 165 | Subsection (b) of C.G.S. §14-215a Operation while license is suspended pursuant to section 14-140. | C Misd 1 st - Max incarceration of 90 days changed to 3 months |

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| Section 166 | Subsection (e) of C.G.S. §14-299a Traffic signal preemption devices. | C Misd Max incarceration of 90 days changed to 3 months |
| Section 167 | Subsection (e) of C.G.S. §15-7 Jurisdiction, powers and duties of Bridgeport harbor master. Approval of harbor works. Appeal. Penalty. | Reclassified as C Misd |
| Section 168 | Subsection (b) of C.G.S. §15-115 Failure to report; false statement. | Reclassified as C Misd |
| Section 169 | Subsection (c) of C.G.S. §15-156 Penalties. Operation of vessel while safe boating certificate or certificate of personal watercraft operation refused, suspended or revoked. Jurisdiction. Return of certificate to commissioner. | C Misc 1 st – Max incarceration of 90 days changed to 3 months |
| Section 170 | Subsection (e) of C.G.S. §19a-92a Regulation of persons engaged in tattooing. Penalty. | Reclassified as C Misd |
| Section 171 | C.G.S. §20-407 Penalty. | Reclassified as C Misd |
| Section 172 | Subsection (a) of C.G.S. §21-35h Violation an unfair trade practice. Penalty. | Reclassified as C Misd |
| Section 173 | Subsection (d) of C.G.S. §22-272a Approved methods of slaughter. | Reclassified as C Misd |
| Section 174 | Subsection 22a-45c Maintenance of drained land by Commissioner of Energy and Environmental Protection. | Reclassified as C Misd |
| Section 175 | C.G.S. §26-6b Search of containers by conservation officers. | Reclassified as C Misd |
| Section 176 | C.G.S. §26-192f Penalties. | Reclassified as C Misd |

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| Section 177 | Subsection (d) of C.G.S. § 26-235 Taking of clams. Recreational harvest limit. Penalties. Defacing or removal of sign. | A Misd Fine unchanged & incarceration change to not more than 1 year instead of 12 months |
| Section 178 | Subsection (d) of C.G.S. §29-357 Sale, use and possession of fireworks prohibited Sale, use and possession of certain sparklers or fountains permitted. Permits for display. Variations or exemptions. Penalty. | Violation of this subsection reclassified as C Misd with exceptions: if value in excess of \$10,000 then it is a class A Misd, but if death or injury results then it is a class C Felony |
| Section 179 | Subsection (d) of C.G.S. §29-357 Sale, use and possession of fireworks prohibited Sale, use and possession of certain sparklers or fountains permitted. Permits for display. Variations or exemptions. Penalty. | Violation of this section reclassified as C Misc with exceptions: if value in excess of \$10,000 it is a class A Misd but if death or injury results it is a class C Felony |
| Section 180 | C.G.S. §29-366 Penalty. | Reclassified as C Misd |
| Section 181 | C.G.S. §29-366 Penalty. | Reclassified as C Misd |

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| Section 182 | C.G.S. §38a-734 Certified consultants not to receive payments from insurers or producers for sale of insurance. Exemption for registration under the federal Investment Advisers Act. Disclosures. | C Misd Incarceration not less than 30 days or more than 3 months (in lieu of 90 days) |
| Section 183 | Subsection (a) of C.G.S. §42-115u Violations. | Reclassified as C Misd |
| Section 184 | Subsection (a) of C.G.S. §42-141 Penalty. Violation made unfair or deceptive Practice or act. | Reclassified as C Misd |
| Section 185 | C.G.S. §43-16q Penalties. | Subsequent now C Misd |
| Section 186 | C.G.S. §53-329 Products of prison labor. Proceeds from sales credited to industrial fund. | Reclassified as C Misd |
| Section 187 | C.G.S. §7-46 To complete records. False entry | The fine and incarceration penalty are eliminated. |
| Section 188 | C.G.S. §22-306 Enforcement. Regulations. Penalty | The fine and incarceration penalty are eliminated. |
| Section 189 | Subsection (c) of C.G.S. §7-294d Powers of council. Certification of police officers, police training schools and law enforcement instructors. Refusal to renew, cancellation or revocation of certification. Automatic certification. Exemptions. | Deletes C.G.S. §29-9 as predicate |

- Section 190** Subsection (b) of C.G.S. §13b-268
Construction of new highway across railroad.
Construction of railroad crossing at grade. Technical changes
- Section 191** Subsection (i) of C.G.S. §31-53
Construction of new highway across railroad.
Construction of railroad crossing at grade. Technical changes
- Section 192** Subsection (a) of C.G.S. §29-1s
Commissioner and Department of Emergency Services and Public Protection substituted for Former commissioners and departments. Technical changes
- Section 193** Repeal of Certain Statutes

The following statutes are repealed.

- C.G.S. §7-313b Authority of fire department officer to order removal of persons.
- C.G.S. §13b-346 Penalty.
- C.G.S. §22-125 Unlawful conduct on fair grounds; penalty.
- C.G.S. §22-319 Registration of growers of swine. Control of disease.
- C.G.S. §25-38 Carcass of animal in water supply.
- C.G.S. §29-9 Acceptance or offering of gifts or rewards by or to state or local police.
- C.G.S. §31-28 Registration of manufacturing and mechanical Establishments.
- C.G.S. §31-33 Regulation of industrial home work.
- C.G.S. §31-89a Civil action to collect past due payments to funds. Penalty.
- C.G.S. §53-332 Burials; proximity to dwelling.
- C.G.S. §53-333a Depth of burial.

SEX OFFENSES

- ***P.A. 12-78*** ***An Act Concerning Sexual Violence On College Campuses***

Section 1 **Annual Campus Crime Reports (Effective July 1, 2012)**

This act is new language that requires all institutions of higher education as defined in C.G.S. §10a-55, adopt and disclose, in the institution's annual campus crime report, policies and procedures regarding sexual assault and intimate partner violence. The required policies must provide detailed information directed toward students about their options for assistance if they are victims of such violence.

Specifically, the act requires that policies include:

- 1) Written information about a victim's rights to notify law enforcement and receive assistance from campus authorities in making the notification, information on how to obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order;
- 2) A provision for giving contact information for and, if requested, professional assistance to students in accessing and using campus, local advocacy, counseling, health, and mental health services;
- 3) A summary of the institution's disciplinary procedures for cases of sexual assault and intimate partner violence;
- 4) That institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns.

SEE ALSO:

- ***P.A. 12-141*** ***An Act Concerning Commercial Sexual Exploitation of a Minor.***

VETERANS

- *P.A. 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.

VICTIMS

- *P.A. 12-90 An Act Concerning Custody Orders For Deployed Members Of The Armed Forces And Confidential Communications Made To Members Of The Armed Forces Who Are Victim Advocates Or Sexual Assault Prevention Coordinators.*

**Section 1 Deployed Parents and Orders of Custody or Visitation
(Effective July 1, 2012)**

This is new legislation regarding procedure for a deploying parent being mobilized to obtain a temporary order of custody or visitation or to modify court orders pertaining to custody or visitation while they are deployed.

**Section 2 Sexual Assault Counselors
(Effective from passage)**

This section amends *C.G.S. §52-146k, Privileged communications between battered women's or sexual assault counselor and victim*, to include in the definition of "sexual assault counselor" persons who are certified as victim advocates or sexual assault prevention coordinators and who are members of the federal or state armed forces.

VOTERS

➤ ***P.A. 12-193 An Act Increasing Penalties for Voter Intimidation and Interference and Concerning Voting by Absentee Ballot.***

**Section 1 Technical - Intent to Defraud
(Effective July 1, 2012)**

This section amends *C.G.S. §9-363, Circulation of misleading instructions*, and is technical in nature as it classifies the offense of defrauding an elector of their vote as a class D felony.

**Section 2 D Felony for Intent to Disenfranchise any Elector
(Effective July 1, 2012)**

This section amends *C.G.S. §9-364, Influencing elector to refrain from voting*, increases the penalty for violation of this offense and expands those circumstances for which a person could be convicted. Prior law stated that a person was guilty of this if they influenced or attempted to influence another to stay away from an election. Under the new legislation a person is guilty of this offense when he/she "with intent to disenfranchise any elector, influences or attempts to influence by force or threat, bribery or corrupt, fraudulent or deliberately deceitful means any elector to stay away from any election. . .". In addition, the penalty for violating this offense is enhanced to a class D felony from a fine of \$500 and imprisonment of 3 months to 1 year.

**Section 3 C Felony for Influencing or Attempting to Influence
(Effective July 1, 2012)**

This section amends *C.G.S. §9-364a, Acts prohibited in elections, primaries, referenda, caucuses and conventions. Penalties*, by enhancing the penalty for violating this statute to a class D felony. The prior penalty had been a \$500 fine or imprisonment up to 1 year or both.

Section 4 **D Felony for Attempts to Influence Person in Employ**
(Effective July 1, 2012)

This section amends *C.G.S. §9-365, Employers' threats*, and makes technical amendments. In addition, the legislation enhances the penalty to a class D felony. Previously the penalty was a fine of \$100 to \$500 or imprisonment not less than 6 months or more than 1 year or both.

Section 5 **Technical - Inducing or Attempting to Induce**
(Effective July 1, 2012)

This section amends *C.G.S. §9-366, Interference with electors in voting*, and makes technical amendments and classifies the penalty as a class D felony.

Section 6 **C Felony for Tampering With Ballots**
(Effective July 1, 2012)

This section amends *C.G.S. §9-367, Tampering with ballot or voting tabulator*, and enhances the penalty for violation of this statute to a class C felony. Previously, the penalty was imprisonment up to 5 years.

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