OFFICE OF CHIEF PUBLIC DEFENDER

2013 Public Acts
(or of specific sections thereof)
Effective July 1, 2013 or from passage ONLY

CAVEAT – ONLY

Public Acts and those sections of 2013 Public Acts which were

***effective from passage* or**

are *effective on July 1, 2013*

are summarized below. ***A complete summary of all 2013 Public Acts will be available in August of 2013.***

Contact Deborah Del Prete Sullivan at deborah.d.sullivan@jud.ct.gov or at (860) 509-6405 with questions.

CHILDREN AND YOUTH

Public Act No. 13-77 **AN ACT CONCERNING NOTICE OF INVESTIGATIONS BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The act amends C.G.S. §17a-103bto require DCF to provide written notice to the noncustodial parent, custodial parent guardian of the child and parents if the child is committed to DCF of the start of a DCF investigation regarding alleged abuse or neglect of the child whenever notice would be in the best interest of the child. DCF is exempted from providing this notice if it has "reasonable grounds" to believe that such would interfere with a criminal investigation or put a person in danger. The act articulates the criteria to be on the notice and that the child may be removed from the custody of the custodial parent. Such notice must be given within 5 days of the start of the investigation.

Public Act No. 13-234 **AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS FOR HOUSING, HUMAN SERVICES AND PUBLIC HEALTH.**

Section 124 authorizes the creation by DCF and the Department of Education of what is referred to as the "Raise the Grade" pilot program in Bridgeport, New Haven and Hartford.

The two departments are required to track the progress of all children and youth committed to DCF or detained in a secure facility either run or contracted by CSSD who are in grades pre-kindergarten to 12. The charge is to track all "information regarding the child's current levels of educational performance, including absenteeism and grade level performance, and what supports or services will or are being provided to improve academic performance." The information will be included in any report provided to the Juvenile court for consideration the court may make as to the child. In addition CSSD must have a "case plan" identifying a "youth's educational needs and grade-level performance and . . . what supports or services will or are being provided to support academic performance."

FIREARMS

Public Act No. 13-3 **AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY**

This act makes numerous changes to the current firearm laws.

Section 1 amends C.G.S. §29-37a and defines a long gun as a firearm and prohibits the sale or transfer of a long gun to a person under 18 and after April 1, 2014 requires a person purchasing a long gun to have a valid permit or eligibility certificate. The section articulates criteria for the sale and transfer of long guns.

Section 2 is new and permits a person 18 years of age or older to apply for a long gun eligibility certificate. This section articulates the basis for a denial by the Department of Emergency Services and Public Protection (DESPP).

Section 8 amends C.G.S. 29-38b and expands the criteria to deny a person a permit or a firearm based upon his/her mental health.

Section 14 is new and defines ammunition and magazine and prohibits the sale of such to anyone under the age of 18. In addition, this section prohibits the sale of such to anyone unless they have a valid firearm permit to carry or sell such or a valid long gun eligibility certificate.

Section 15 provides the process for a person over 18 to obtain an ammunition certificate.

Section 23 is new legislation and provides definitions for large capacity magazine, lawfully possesses, licensed gun dealer and exemptions for certain law enforcement officials.

Section 24 is new and provides a process to declare possession of a large capacity magazine and creates a new class C misdemeanor offense.

Section 25 amends C.G.S. §53-202a and provides a new definition of an assault weapon.

Section 51 amends C.G.S. §29-36g (e) and makes technical changes maintaining the confidentiality of the names and addresses of persons issued an eligibility certificate.

Section 59 amends C.G.S. §54-125a and deletes risk reduction credits from consideration in parole decisions.

On October 1, 2013, numerous changes to the firearms statutes will take place and will be explained further in the Summary of the 2013 Acts available in August.

Public Act No. 13-220 **AN ACT CONCERNING REVISIONS TO THE GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY ACT.**

This public act amended certain sections of Public Act No. 13-3. The following are in regard only to those effective upon passage or effective on July 1, 2013.

Section 1 amends section 23 of public act 13-3.

Section 2 amends section 24 of public act 13-3.

Section 3 amends subparagraphs (E) and (F) of subdivision (1) of C.G.S §53-202a as amended by section 25 of public act 13-3.

Section 4 amends subdivision (7) of C.G.S. §53-202a as amended by section 25 of public act 13-3.

Section 5 amends subsection (b) of section 53-202b as amended by section 26 of public act 13-3.

Section 6 amends C.G.S §53-202c as amended by section 27 of public act 13-3.

Section 7 amends subsections (a) and (b) of C.G.S. §53-202d as amended by section 28 of public act 13-3.

Section 8 amends subsection (f) C.G.S. §53-202d as amended by section 28 of public act 13-3.

Section 9 amends C.G.S. §53-202f as amended by section 29 of public act 13-3.

Section 10 amends C.G.S §53-202i as amended by section 30 of public act 13-3.

Section 12 amends subsections (c) to (h), of C.G.S §29-37a as amended by section 1 of public act 13-3.

Section 13 amends subsections (a) and (b) of section 15 of public act 13-3.

Section 14 amends subsection (b) of C.G.S.§29-28 as amended by section 57 of public act 13-3.

Section 15 amends subsection (b) of section 2 of public act 13-3.

Section 18 amends subsection (b) of C.G.S. §29-32b as amended by section 6 of public act 13-3.

Section 19 amends subsection (d) of section 14 of public act 13-3.

FREEDOM OF INFORMATION

Public Act No. 13-311 **AN ACT LIMITING THE DISCLOSURE OF CERTAIN RECORDS OF LAW ENFORCEMENT AGENCIES AND ESTABLISHING A TASK FORCE CONCERNING VICTIM PRIVACY UNDER THE FREEDOM OF INFORMATION ACT.**

Section 1 amends the Freedom of Information statutes, effective from passage (June 5, 2013), and applicable to all requests for records under chapter 14 of the general statutes pending on or made on or after the date of passage (June 5, 2013).

Section 1 of the act specifically amends subdivision (3) of subsection (b) of C.G.S. §1-210 to exempt from disclosure to the public the identity of minor witnesses.

Section 2 of the act creates a new exemption (27) which prohibits disclosure to the public of "[a]ny record created by a law enforcement agency or other federal, state, or municipal governmental agency consisting of a photograph, film, video or digital or other visual image depicting the victim of a homicide, to the extent that such record could reasonably be expected to constitute an unwarranted invasion of the personal privacy of the victim or the victim's surviving family members."

Section 3 of the act is new legislation and provides that "a law enforcement agency shall not be required to disclose that portion of an audio tape or other recording where the individual speaking on the recording describes the condition of a victim of homicide, except for a recording that consists of an emergency 9-1-1 call or other call for assistance made by a member of the public to a law enforcement agency. This section shall apply to any request for such audio tape or other recording made on or before May 7, 2014."

Section 4 of the act, establishes a task force, which includes the Chief Public Defender, to review and make recommendations regarding the victim's privacy and the public's right to know and submit a report to the legislative leadership by January 1, 2014.

INMATES

Public Act No. 13-69 **AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS**

The act makes technical changes and amends C.G.S. §18-84a to specify persons with such accounts are sentenced prisoners and that the inmate is entitled to the savings upon release from incarceration.

PSRB

Public Act No. 13-73 **AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN PERSONS GRANTED TEMPORARY LEAVE BY THE PSYCHIATRIC SECURITY REVIEW BOARD.**

The act amends subdivision (10) of C.G.S. §54-250 to require persons who are found not guilty due to mental disease or defect to register as a sex offender if the conviction requires such registration and if they are granted a temporary leave to an approved residence pursuant to C.G.S. §17-587 by the PSRB.

SEX OFFENDERS

Public Act No. 13-73 **AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN PERSONS GRANTED TEMPORARY LEAVE BY THE PSYCHIATRIC SECURITY REVIEW BOARD.**

The act amends subdivision (10) of C.G.S. §54-250 to require persons who are found not guilty due to mental disease or defect to register as a sex offender if the conviction requires such registration and if they are granted a temporary leave to an approved residence pursuant to C.G.S. §17-587 by the PSRB.

SENTENCING COMMISSION

Public Act No. 13-201 **AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING THE MEMBERSHIP OF THE COMMISSION**

The act amends Subsection (d) of section 54-300 and expands from 23 to 27 the number of persons on the Connecticut Sentencing Commission and adds the chairs and ranking members, or their designees, of the Judiciary Committee.