



House of Representatives

General Assembly

File No. 570

January Session, 2001

Substitute House Bill No. 7028

House of Representatives, May 2, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MAKING TECHNICAL AND OTHER CHANGES TO CERTAIN JUDICIARY-RELATED STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-24 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The following officers may administer oaths: (1) The clerks of the
4 Senate, the clerks of the House of Representatives and the [chairmen]
5 chairpersons of committees of the General Assembly or of either
6 branch thereof, during its session; (2) state officers as defined in
7 subsection (t) of section 9-1, judges and clerks of any court, family
8 support magistrates, justices of the peace, commissioners of the
9 Superior Court, notaries public, commissioners appointed by the
10 Governor to take acknowledgment of deeds, town clerks and assistant
11 town clerks, in all cases where an oath may be administered, except in
12 a case where the law otherwise requires; (3) commissioners on
13 insolvent estates, auditors, arbitrators and committees, to parties and

14 witnesses, in all cases tried before them; (4) assessors and boards of
15 assessment appeals, in cases coming before them; (5) commissioners
16 appointed by governors of other states to take the acknowledgment of
17 deeds, in the discharge of their official duty; (6) the moderator of a
18 school district meeting, in such meeting, to the clerk of such district, as
19 required by law; (7) the first selectman, in any matter before the board
20 of selectmen; (8) the Chief Medical Examiner, Deputy Medical
21 Examiner and assistant medical examiners of the Office of the Medical
22 Examiner, in any matter before them; (9) registrars of vital statistics, in
23 any matter before them; (10) any chief inspector or inspector appointed
24 pursuant to section 51-286; (11) registrars of voters, deputy registrars,
25 assistant registrars, and moderators, in any matter before them; (12)
26 special assistant registrars, in matters provided for in subsections (b)
27 and (c) of section 9-19b and section 9-19c; (13) the Commissioner of
28 Public Safety and any sworn member of any local police department or
29 the Division of State Police within the Department of Public Safety, in
30 all affidavits, statements, depositions, complaints or reports made to or
31 by any member of any local police department or said Division of State
32 Police or any constable who is under the supervision of said
33 commissioner or any of such officers of said Division of State Police
34 and who is certified under the provisions of sections 7-294a to 7-294e,
35 inclusive, and performs criminal law enforcement duties; (14) judge
36 advocates of the United States Army, Navy, Air Force and Marine
37 Corps, law specialists of the United States Coast Guard, adjutants,
38 assistant adjutants, acting adjutants and personnel adjutants,
39 commanding officers, executive officers and officers whose rank is
40 lieutenant commander or major, or above, of the armed forces as
41 defined in section 27-103 to persons serving with or in the armed
42 forces as defined in said section or their spouses; (15) investigators,
43 deputy investigators, investigative aides, secretaries, clerical assistants,
44 social workers, social worker trainees, paralegals and certified legal
45 interns employed by or assigned to the Public Defender Services
46 Commission in the performance of their assigned duties; (16) bail

47 commissioners, assistant bail commissioners and secretaries and
48 clerical assistants employed in the office of the Bail Commission in the
49 performance of their assigned duties; (17) juvenile matter investigators
50 employed by the [Judicial Department] Division of Criminal Justice in
51 the performance of their assigned duties; (18) the [chairman]
52 chairperson of the Connecticut Siting Council or [his] the chairperson's
53 designee; (19) the presiding officer at an agency hearing under section
54 4-177b; (20) family relations counselors of the Family Division of the
55 Superior Court, support enforcement officers and investigators
56 employed by the Department of Social Services Bureau of Child
57 Support Enforcement and the Judicial Department in the performance
58 of their assigned duties; and (21) the [chairman, vice-chairman]
59 chairperson, vice-chairperson and members of the Board of Parole,
60 parole officers and parole supervisors in the performance of their
61 assigned duties.

62 Sec. 2. Subsection (b) of section 34-521 of the general statutes is
63 repealed and the following is substituted in lieu thereof:

64 (b) If a statutory trust is merging or consolidating under this section,
65 the statutory trust or other business entity surviving or resulting in or
66 from the merger or consolidation shall deliver to the Secretary of the
67 State for filing a certificate of merger or consolidation duly executed by
68 each constituent party to such merger or consolidation setting forth:

69 (1) The name and jurisdiction of formation or organization of each
70 statutory trust or other business entity which is to merge or
71 consolidate;

72 (2) That an agreement of merger or consolidation has been
73 approved and executed by each statutory trust and other business
74 entity which is to merge or consolidate;

75 (3) The name of the surviving or resulting statutory trust or other
76 business entity;

77 (4) The effective date of the merger or consolidation if later than the
78 date of filing of the certificate of merger or consolidation;

79 (5) That the executed agreement of merger or consolidation is on file
80 at a principal place of business of the surviving or resulting statutory
81 trust or other business entity and the address thereof;

82 (6) That a copy of the agreement of merger or consolidation will be
83 furnished by the surviving or resulting statutory trust or other
84 business entity, on request and without cost, to any beneficial owner of
85 any statutory trust or any person holding an interest in any other
86 business entity which is to merge or consolidate; and

87 (7) If the surviving or resulting entity is not a statutory trust or other
88 business entity formed or organized or existing under the laws of this
89 state, a statement that such surviving or resulting statutory trust or
90 other business entity agrees that it may be served with process in this
91 state in any action, suit or proceeding for the enforcement of any
92 obligation of any statutory trust which is to merge or consolidate,
93 irrevocably appointing the Secretary of the State as its agent to accept
94 service of process in any such action, suit or proceeding and specifying
95 the address to which a copy of such process shall be mailed to it by the
96 Secretary of the State. In the event of service under this subsection
97 upon the Secretary of the State, the plaintiff in any such action, suit or
98 proceeding shall furnish the Secretary of the State with the address
99 specified in the certificate of merger or consolidation provided for in
100 this section and any other address which the plaintiff may elect to
101 furnish, together with copies of such process as required by the
102 Secretary of the State, and the Secretary of the State shall notify such
103 surviving or resulting statutory trust or other business entity thereof at
104 all such addresses furnished by the plaintiff by letter, certified mail,
105 return receipt requested. Such letter shall enclose a copy of the process
106 and any other papers served upon the Secretary of the State. It shall be
107 the duty of the plaintiff in the event of such service to serve process

108 and any other papers in duplicate, to notify the Secretary of the State
109 that service is being made pursuant to this subsection, and to pay the
110 Secretary of the State the sum of [___] twenty-five dollars for use of the
111 state, which sum shall be taxed as part of the costs in the proceeding, if
112 the plaintiff shall prevail therein. The Secretary of the State shall
113 maintain an alphabetical record of any such process setting forth the
114 name of the plaintiff and defendant, the title, docket number and
115 nature of the proceedings in which process has been served upon
116 [him] the Secretary of the State, the return date thereof and the day and
117 hour when the service was made. The Secretary of the State shall not
118 be required to retain such information for a period longer than five
119 years from the date of receipt of the service of process.

120 Sec. 3. Subsection (b) of section 46b-125 of the general statutes is
121 repealed and the following is substituted in lieu thereof:

122 (b) Probation officers shall make such investigations and reports as
123 the court directs or the law requires. They shall execute the orders of
124 the court; and, for that purpose, such probation officers, and any other
125 employees specifically designated by the court to assist the probation
126 officers in the enforcement of such orders, shall have the authority of a
127 state marshal. They shall preserve a record of all cases investigated or
128 coming under their care, and shall keep informed concerning the
129 conduct and condition of each person under supervision and report
130 thereon to the court as it may direct. Any juvenile probation officer [or
131 juvenile matters investigator,] authorized by the Office of the Chief
132 Court Administrator, and any juvenile matters investigator authorized
133 by the Office of the Chief State's Attorney, may arrest any juvenile on
134 probation without a warrant or may deputize any other officer with
135 power to arrest to do so by giving [him] such officer a written
136 statement setting forth that the juvenile has, in the judgment of the
137 juvenile probation officer or juvenile matters investigator, violated the
138 conditions of [his] the juvenile's probation. When executing such
139 orders of the court, except when using deadly physical force, juvenile

140 probation officers and juvenile matters investigators shall be deemed
141 to be acting in the capacity of a peace officer, as defined in subdivision
142 (9) of section 53a-3.

143 Sec. 4. Subsection (f) of section 52-260 of the general statutes is
144 repealed and the following is substituted in lieu thereof:

145 (f) When any practitioner of the healing arts, as defined in section
146 20-1, dentist, registered nurse or licensed practical nurse, as defined in
147 section 20-87a, or real estate appraiser is summoned to give expert
148 testimony in any action or proceeding, the court shall determine a
149 reasonable fee to be paid to [the] such practitioner of the healing arts,
150 dentist, registered nurse, [or] licensed practical nurse [, as defined in
151 section 20-87a,] or real estate appraiser and taxed as part of the costs in
152 lieu of all other witness fees payable to [the] such practitioner of the
153 healing arts, dentist, registered nurse, [or] licensed practical nurse [, as
154 defined in section 20-87a,] or real estate appraiser.

155 Sec. 5. Subsection (j) of section 52-434 of the general statutes is
156 repealed and the following is substituted in lieu thereof:

157 [(f)(1) On and after October 1, 1997, each judge trial referee shall
158 receive, for acting as a referee or as a single auditor or committee of
159 any court or for performing duties assigned by the Chief Court
160 Administrator with the approval of the Chief Justice, in addition to the
161 retirement salary, the sum of one hundred seventy dollars and
162 expenses, including mileage, for each day a state referee is so engaged,
163 said sums to be taxed by the court making the reference in the same
164 manner as other court expenses.

165 (2) On and after October 1, 1998, each judge trial referee shall
166 receive, for acting as a referee or as a single auditor or committee of
167 any court or for performing duties assigned by the Chief Court
168 Administrator with the approval of the Chief Justice, in addition to the
169 retirement salary, the sum of one hundred seventy-five dollars and

170 expenses, including mileage, for each day a state referee is so engaged,
171 said sums to be taxed by the court making the reference in the same
172 manner as other court expenses.]

173 [(3)] (f) On and after July 1, 1999, each judge trial referee shall
174 receive, for acting as a referee or as a single auditor or committee of
175 any court or for performing duties assigned by the Chief Court
176 Administrator with the approval of the Chief Justice, in addition to the
177 retirement salary, the sum of two hundred dollars and expenses,
178 including mileage, for each day a state referee is so engaged, said sums
179 to be taxed by the court making the reference in the same manner as
180 other court expenses.

181 Sec. 6. Subsection (a) of section 53a-60b of the general statutes is
182 repealed and the following is substituted in lieu thereof:

183 (a) A person is guilty of assault of an elderly, blind, disabled,
184 pregnant or mentally retarded person in the second degree when such
185 person commits assault in the second degree under section 53a-60 or
186 larceny in the second degree under section 53a-123(a)(3) and (1) the
187 victim of such assault or larceny has attained at least sixty years of age,
188 is blind or physically disabled, as defined in section 1-1f, or is
189 pregnant, or (2) the victim of such assault or larceny is a person with
190 mental retardation, as defined in section 1-1g, and the actor is not a
191 person with mental retardation.

192 Sec. 7. Section 53a-127e of the general statutes is repealed and the
193 following is substituted in lieu thereof:

194 (a) A person is guilty of possession of a cheating device when, while
195 on premises where lawful gambling is to be conducted, [he] such
196 person knowingly possesses or has under [his] such person's control:
197 (1) Any altered or counterfeit chip, token, tile, pull tab, wagering slip
198 or check or any cards or dice that have been marked, loaded or
199 tampered with; or (2) any device, instrument or other thing [adopted]

200 adapted, designed or commonly used to facilitate the alteration of the
201 normal play or operation of a piece of gaming equipment or to
202 facilitate the unauthorized removal of any money or other contents
203 from any gaming equipment; or (3) any other device, instrument or
204 thing which, under the circumstances in which it is used or possessed,
205 manifests an intent that it be used by the actor or another person to
206 alter the normal play or operation of a lawfully operated game of
207 chance or to commit cheating as provided in section 53a-127d or
208 larceny as provided in section 53a-119.

209 (b) Possession of a cheating device is a class D felony.

210 Sec. 8. Section 53a-217b of the general statutes is repealed and the
211 following is substituted in lieu thereof:

212 (a) A person is guilty of possession of a weapon on school grounds
213 when, knowing that [he] such person is not licensed or privileged to
214 do so, [he] such person possesses a firearm or deadly weapon, as
215 defined in section 53a-3, (1) in or on the real property comprising a
216 public or private elementary or secondary school, or (2) at a school-
217 sponsored activity as defined in subsection (h) of section 10-233a.

218 (b) The provisions of subsection (a) of this section shall not apply to
219 the otherwise lawful possession of a firearm (1) by a person for use in a
220 program approved by school officials in or on such school property or
221 at such school-sponsored activity, (2) by a person in accordance with
222 an agreement entered into between school officials and such person or
223 such person's employer, (3) by a peace officer, as defined in
224 subdivision (9) of section 53a-3, while engaged in the performance of
225 [his] such peace officer's official duties, or (4) by a person while
226 traversing such school property for the purpose of gaining access to
227 public or private lands open to hunting or for other lawful purposes,
228 provided such firearm is not loaded and the entry on such school
229 property is permitted by the local or regional board of education.

230 (c) Possession of a weapon on school grounds is a class D felony.

231 Sec. 9. Subdivision (10) of section 53a-3 of the general statutes is
232 repealed and the following is substituted in lieu thereof:

233 (10) ["Fireman"] "Firefighter" means any agent of a municipality
234 whose duty it is to protect life and property therein as a member of a
235 duly constituted fire department whether professional or volunteer.

236 Sec. 10. Section 53a-54b of the general statutes is repealed and the
237 following is substituted in lieu thereof:

238 A person is guilty of a capital felony who is convicted of any of the
239 following: (1) Murder of a member of the Division of State Police
240 within the Department of Public Safety or of any local police
241 department, a chief inspector or inspector in the Division of Criminal
242 Justice, a state marshal who is exercising authority granted under any
243 provision of the general statutes, a judicial marshal in performance of
244 the duties of a judicial marshal, a constable who performs criminal law
245 enforcement duties, a special policeman appointed under section 29-
246 18, an employee of the Department of Correction or a person
247 providing services on behalf of said department when such employee
248 or person is acting within the scope of [his] such employee's or
249 person's employment or duties in a correctional institution or facility
250 and the actor is confined in such institution or facility, or any [fireman]
251 firefighter, while such victim was acting within the scope of [his] such
252 victim's duties; (2) murder committed by a defendant who is hired to
253 commit the same for pecuniary gain or murder committed by one who
254 is hired by the defendant to commit the same for pecuniary gain; (3)
255 murder committed by one who has previously been convicted of
256 intentional murder or of murder committed in the course of
257 commission of a felony; (4) murder committed by one who was, at the
258 time of commission of the murder, under sentence of life
259 imprisonment; (5) murder by a kidnapper of a kidnapped person
260 during the course of the kidnapping or before such person is able to

261 return or be returned to safety; (6) the illegal sale, for economic gain, of
262 cocaine, heroin or methadone to a person who dies as a direct result of
263 the use by [him] such person of such cocaine, heroin or methadone; (7)
264 murder committed in the course of the commission of sexual assault in
265 the first degree; (8) murder of two or more persons at the same time or
266 in the course of a single transaction; or (9) murder of a person under
267 sixteen years of age.

268 Sec. 11. Section 53a-167a of the general statutes is repealed and the
269 following is substituted in lieu thereof:

270 (a) A person is guilty of interfering with an officer when [he] such
271 person obstructs, resists, hinders or endangers any peace officer or
272 [fireman] firefighter in the performance of [his] such peace officer's or
273 firefighter's duties.

274 (b) Interfering with an officer is a class A misdemeanor.

275 Sec. 12. Section 53a-167b of the general statutes is repealed and the
276 following is substituted in lieu thereof:

277 (a) A person is guilty of failure to assist a peace officer or [fireman]
278 firefighter when, commanded by a peace officer or [fireman] firefighter
279 authorized to command assistance, [he] such person refuses to assist
280 such peace officer or [fireman] firefighter in the execution of [his] such
281 peace officer's or firefighter's duties.

282 (b) Failure to assist a peace officer or [fireman] firefighter is a class A
283 misdemeanor.

284 Sec. 13. Section 53a-167c of the general statutes is repealed and the
285 following is substituted in lieu thereof:

286 (a) A person is guilty of assault of public safety or emergency
287 medical personnel when, with intent to prevent a reasonably
288 identifiable peace officer, [fireman] firefighter or employee of an

289 emergency medical service organization, as defined in section 53a-3,
290 emergency room physician or nurse, employee of the Department of
291 Correction, employee or member of the Board of Parole, probation
292 officer, employee of the judicial branch assigned to provide pretrial
293 secure detention and programming services to juveniles accused of the
294 commission of a delinquent act or employee of the Department of
295 Children and Families assigned to provide direct services to children
296 and youth in the care or custody of the department from performing
297 his or her duties, and while such peace officer, fireman, employee,
298 physician, nurse, member or probation officer is acting in the
299 performance of his or her duties, (1) such person causes physical injury
300 to such peace officer, [fireman] firefighter, employee, physician, nurse,
301 member or probation officer, or (2) such person throws or hurls, or
302 causes to be thrown or hurled, any rock, bottle, can or other article,
303 object or missile of any kind capable of causing physical harm, damage
304 or injury, at such peace officer, [fireman] firefighter, employee,
305 physician, nurse, member or probation officer, or (3) such person uses
306 or causes to be used any mace, tear gas or any like or similar
307 deleterious agent against such peace officer, [fireman] firefighter,
308 employee, physician, nurse, member or probation officer, or (4) such
309 person throws or hurls, or causes to be thrown or hurled, any paint,
310 dye or other like or similar staining, discoloring or coloring agent or
311 any type of offensive or noxious liquid, agent or substance at such
312 peace officer, [fireman] firefighter, employee, physician, nurse,
313 member or probation officer, or (5) such person throws or hurls, or
314 causes to be thrown or hurled, any bodily fluid including, but not
315 limited to, urine, feces, blood or saliva at such peace officer, [fireman]
316 firefighter, employee, physician, nurse, member or probation officer.

317 (b) Assault of public safety or emergency medical personnel is a
318 class C felony. If any person who is confined in an institution or facility
319 of the Department of Correction is sentenced to a term of
320 imprisonment for assault of an employee of the Department of
321 Correction under this section, such term shall run consecutively to the

322 term for which the person was serving at the time of the assault.

323 Sec. 14. Subsection (e) of section 53a-29 of the general statutes is
324 repealed and the following is substituted in lieu thereof:

325 (e) The period of probation, unless terminated sooner as provided in
326 section 53a-32, shall be not less than ten years nor more than thirty-five
327 years for conviction of a violation of subdivision (2) of subsection (a) of
328 section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-
329 72b.

330 Sec. 15. Subsection (a) of section 53a-30 of the general statutes, as
331 amended by section 5 of public act 00-72, is repealed and the following
332 is substituted in lieu thereof:

333 (a) When imposing sentence of probation or conditional discharge,
334 the court may, as a condition of the sentence, order that the defendant:
335 (1) Work faithfully at a suitable employment or faithfully pursue a
336 course of study or of vocational training that will equip the defendant
337 for suitable employment; (2) undergo medical or psychiatric treatment
338 and remain in a specified institution, when required for that purpose;
339 (3) support the defendant's dependents and meet other family
340 obligations; (4) make restitution of the fruits of the defendant's offense
341 or make restitution, in an amount the defendant can afford to pay or
342 provide in a suitable manner, for the loss or damage caused thereby
343 and the court may fix the amount thereof and the manner of
344 performance; (5) if a minor, (A) reside with the minor's parents or in a
345 suitable foster home, (B) attend school, and (C) contribute to the
346 minor's own support in any home or foster home; (6) post a bond or
347 other security for the performance of any or all conditions imposed; (7)
348 refrain from violating any criminal law of the United States, this state
349 or any other state; (8) if convicted of a misdemeanor or a felony, other
350 than a capital felony, a class A felony or a violation of section 21a-278,
351 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any
352 offense for which there is a mandatory minimum sentence which may

353 not be suspended or reduced by the court, and any sentence of
354 imprisonment is suspended, participate in an alternate incarceration
355 program; (9) reside in a residential community center or halfway
356 house approved by the Commissioner of Correction, and contribute to
357 the cost incident to such residence; (10) participate in a program of
358 community service labor in accordance with section 53a-39c; (11)
359 participate in a program of community service in accordance with
360 section 51-181c; (12) if convicted of a violation of subdivision (2) of
361 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
362 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
363 if convicted of a criminal offense against a victim who is a minor, a
364 nonviolent sexual offense or a sexually violent offense, as defined in
365 section 54-250, or of a felony that the court finds was committed for a
366 sexual purpose, as provided in section 54-254, register such person's
367 identifying factors, as defined in section 54-250, with the
368 Commissioner of Public Safety when required pursuant to section 54-
369 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic
370 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,
371 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime
372 education program; (16) satisfy any other conditions reasonably
373 related to the defendant's rehabilitation. The court shall cause a copy of
374 any such order to be delivered to the defendant and to the probation
375 officer, if any.

376 Sec. 16. Section 53a-32a of the general statutes is repealed and the
377 following is substituted in lieu thereof:

378 If a defendant who entered a plea of nolo contendere or a guilty
379 plea under the Alford doctrine to a violation of subdivision (2) of
380 section 53-21 of the general statutes in effect prior to October 1, 2000,
381 subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-
382 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, and was ordered to undergo
383 sexual offender treatment as a condition of probation, becomes
384 ineligible for such treatment because of [his] such defendant's refusal

385 to acknowledge that [he] such defendant committed the act or acts
386 charged, such defendant shall be deemed to be in violation of the
387 conditions of [his] such defendant's probation and be returned to court
388 for proceedings in accordance with section 53a-32.

389 Sec. 17. Section 53a-33 of the general statutes is repealed and the
390 following is substituted in lieu thereof:

391 The court or sentencing judge may at any time during the period of
392 probation or conditional discharge, after hearing and for good cause
393 shown, terminate a sentence of probation or conditional discharge
394 before the completion thereof, except a sentence of probation imposed
395 for conviction of a violation of subdivision (2) of section 53-21 [.] of the
396 general statutes in effect prior to October 1, 2000, subdivision (2) of
397 subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-
398 71, 53a-72a or 53a-72b.

399 Sec. 18. Subsection (d) of section 53a-40 of the general statutes is
400 repealed and the following is substituted in lieu thereof:

401 (d) A persistent serious sexual offender is a person, other than a
402 person who qualifies as a persistent dangerous sexual offender under
403 subsection (b) of this section, who qualifies as a persistent serious
404 felony offender under subsection (c) of this section and the felony of
405 which such person presently stands convicted is a violation of
406 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-
407 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for
408 a violation of section 53-21 of the general statutes, revised to January 1,
409 1995, involving sexual contact, committed prior to October 1, 1995, a
410 violation of subdivision (2) of section 53-21 of the general statutes,
411 committed on or after October 1, 1995, and prior to October 1, 2000, a
412 violation of subdivision (2) of subsection (a) of section 53-21 or a
413 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

414 Sec. 19. Subsection (c) of section 54-56e of the general statutes is

415 repealed and the following is substituted in lieu thereof:

416 (c) This section shall not be applicable: (1) To any person charged
417 with a class A or class B felony or a violation of section 14-227a,
418 subdivision (2) of subsection (a) of section 53-21, section 53a-56b,
419 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, (2) to any
420 person charged with a crime or motor vehicle violation who, as a result
421 of the commission of such crime or motor vehicle violation, causes the
422 death of another person, (3) to any person accused of a family violence
423 crime as defined in section 46b-38a who (A) is eligible for the pretrial
424 family violence education program established under section 46b-38c,
425 or (B) has previously had the pretrial family violence education
426 program invoked in such person's behalf, (4) to any person charged
427 with a violation of section 21a-267 or 21a-279 who (A) is eligible for the
428 pretrial drug education program established under section 54-56i, or
429 (B) has previously had the pretrial drug education program invoked in
430 such person's behalf, or (5) unless good cause is shown, to any person
431 charged with a class C felony.

432 Sec. 20. Section 54-76b of the general statutes is repealed and the
433 following is substituted in lieu thereof:

434 For the purpose of sections 54-76b to 54-76n, inclusive, "youth"
435 means a minor who has reached the age of sixteen years but has not
436 reached the age of eighteen years or a child who has been transferred
437 to the regular criminal docket pursuant to section 46b-127; and
438 "youthful offender" means a youth who is charged with the
439 commission of a crime which is not a class A felony or a violation of
440 subdivision (2) of subsection (a) of section 53-21, section 53a-70, 53a-
441 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, who has not previously been
442 convicted of a felony or been previously adjudged a serious juvenile
443 offender or serious juvenile repeat offender, as defined in section 46b-
444 120, or a youthful offender, or been afforded a pretrial program for
445 accelerated rehabilitation under section 54-56e, and who is adjudged a

446 youthful offender pursuant to the provisions of said sections. The
447 Interstate Compact on Juveniles, except the provisions of article four
448 thereof, shall apply to youthful offenders to the same extent as to
449 minors below sixteen years of age.

450 Sec. 21. Subsection (c) of section 54-125e of the general statutes is
451 repealed and the following is substituted in lieu thereof:

452 (c) The period of special parole shall be not less than one year nor
453 more than ten years except that such period may be for more than ten
454 years for a person convicted of a violation of subdivision (2) of section
455 53-21 of the general statutes in effect prior to October 1, 2000,
456 subdivision (2) of subsection (a) of section 53-21, section 53a-70,
457 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a
458 persistent dangerous felony offender pursuant to subsection (h) of
459 section 53a-40 or as a persistent serious felony offender pursuant to
460 subsection (j) of section 53a-40.

461 Sec. 22. Subdivision (2) of section 54-250 of the general statutes is
462 repealed and the following is substituted in lieu thereof:

463 (2) "Criminal offense against a victim who is a minor" means (A) a
464 violation of subdivision (2) of section 53-21 of the general statutes in
465 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
466 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
467 subdivision (1), (4) or (8) of subsection (a) of section 53a-71,
468 subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of
469 subsection (a) of section 53a-86, subdivision (2) of subsection (a) of
470 section 53a-87, section 53a-196a, 53a-196b, 53a-196c or 53a-196d, (B) a
471 violation of section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or
472 53a-186, provided the court makes a finding that, at the time of the
473 offense, the victim was under eighteen years of age, (C) a violation of
474 any of the offenses specified in subparagraph (A) or (B) of this
475 subdivision for which a person is criminally liable under section 53a-8,
476 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any

477 offense specified in subparagraph (A), (B) or (C) of this subdivision the
478 essential elements of which are substantially the same as said offense.

479 Sec. 23. Subsection (a) of section 54-260 of the general statutes is
480 repealed and the following is substituted in lieu thereof:

481 (a) For the purposes of this section, "sexual offender" means any
482 person convicted of a violation of subdivision (2) of section 53-21 of the
483 general statutes in effect prior to October 1, 2000, subdivision (2) of
484 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
485 53a-72a or 53a-72b committed on or after October 1, 1995.

486 Sec. 24. Subsection (b) of section 54-47f of the general statutes is
487 repealed and the following is substituted in lieu thereof:

488 (b) The attendance of witnesses and the production of documents at
489 such [investigations] investigation may be compelled by subpoena,
490 signed by any official authorized to issue such process.

491 Sec. 25. Subsection (b) of section 54-64a of the general statutes is
492 repealed and the following is substituted in lieu thereof:

493 (b) (1) When any arrested person charged with the commission of a
494 class A felony, a class B felony, except a violation of section 53a-86 or
495 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
496 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
497 inclusive, section 53a-72a, [53a-72b,] 53a-95, 53a-103, 53a-103a, 53a-114,
498 53a-136 or 53a-216, or a family violence crime, as defined in section
499 46b-38a, is presented before the Superior Court, said court shall, in
500 bailable offenses, promptly order the release of such person upon the
501 first of the following conditions of release found sufficient to
502 reasonably assure the appearance of the arrested person in court and
503 that the safety of any other person will not be endangered: (A) Upon
504 [his] such person's execution of a written promise to appear without
505 special conditions, (B) upon [his] such person's execution of a written

506 promise to appear with nonfinancial conditions, (C) upon [his] such
507 person's execution of a bond without surety in no greater amount than
508 necessary, (D) upon [his] such person's execution of a bond with surety
509 in no greater amount than necessary. In addition to or in conjunction
510 with any of the conditions enumerated in subparagraphs (A) to (D),
511 inclusive, of this subdivision, the court may, when it has reason to
512 believe that the person is drug-dependent and where necessary,
513 reasonable and appropriate, order the person to submit to a urinalysis
514 drug test and to participate in a program of periodic drug testing and
515 treatment. The results of any such drug test shall not be admissible in
516 any criminal proceeding concerning such person.

517 (2) The court may, in determining what conditions of release will
518 reasonably assure the appearance of the arrested person in court and
519 that the safety of any other person will not be endangered, consider the
520 following factors: (A) The nature and circumstances of the offense, (B)
521 such person's record of previous convictions, (C) such person's past
522 record of appearance in court after being admitted to bail, (D) such
523 person's family ties, (E) such person's employment record, (F) such
524 person's financial resources, character and mental condition, (G) such
525 person's community ties, (H) the number and seriousness of charges
526 pending against the arrested person, (I) the weight of the evidence
527 against the arrested person, (J) the arrested person's history of
528 violence, (K) whether the arrested person has previously been
529 convicted of similar offenses while released on bond, and (L) the
530 likelihood based upon the expressed intention of the arrested person
531 that such person will commit another crime while released.

532 Sec. 26. This act shall take effect July 1, 2001.

Statement of Legislative Commissioners:

Technical changes were made in sections 1 and 2 for purposes of gender neutrality.

JUD *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Various State Agencies

Municipal Impact: None

Explanation

State Impact:

There is no fiscal impact associated with this bill. It makes minor changes to the statutes to conform them to current practice and makes technical changes.

The bill specifies that plaintiffs must pay a \$25 fee when they serve legal process on the Secretary of the State as the designated agency of certain out-of-state entities. There is no fiscal impact resulting from this change as it conforms statute with the current practice and fee collected by the agency.

The bill also makes minor changes in the statutes concerning assault of persons with mental retardation and in the statutes concerning possession of a weapon on school grounds. Any impact, if it were to occur, would be minimal to criminal justice agencies and the state.

OLR Bill Analysis

sHB 7028

AN ACT MAKING TECHNICAL AND OTHER CHANGES TO CERTAIN JUDICIARY-RELATED STATUTES.

SUMMARY:

This bill makes minor changes to the laws related to (1) the secretary of the state's service of process fees; (2) second-degree assault against elderly, blind, disabled, pregnant, or mentally retarded people; and (3) weapons possession at schools and school-sponsored activities.

It also makes technical, grammatical, and conforming changes.

EFFECTIVE DATE: July 1, 2001

SERVICE OF PROCESS FEES

The bill specifies that plaintiffs must pay a \$25 fee when they serve legal process on the secretary of the state as the designated agent of an out-of-state surviving or resulting trust or other business entity created by the merger or consolidation of a statutory trust. This is the same amount set under other statutes authorizing service on the secretary as an entity's designated agent. Current law requires the fee, but does not specify an amount.

ASSAULT OF AN ELDERLY, BLIND, DISABLED, PREGNANT, OR MENTALLY RETARDED PERSON

By law, a person commits second-degree assault on an elderly, blind, disabled, pregnant, or mentally retarded person when he commits (1) second-degree assault or larceny (taking money or property away from someone who has it in his physical possession) against an elderly, blind, disabled, or pregnant person or (2) second-degree assault on a person with mental retardation, so long as the perpetrator does not also have mental retardation.

The bill adds the commission, by a non-retarded person, of second-degree larceny against a person with mental retardation as a basis for conviction of this offense. It thus makes the elements of the crime the same for all covered groups.

Second-degree assault against a victim in one of these protected groups is a class D felony, punishable by imprisonment for two to five years, a fine of up to \$5,000, or both.

WEAPONS POSSESSION ON SCHOOL GROUNDS

The bill exempts people who lawfully possess a firearm for use in a school-sponsored activity from the crime of weapons possession on school grounds. By law, people commit this crime when they possess a firearm or dangerous weapon on school property or at school-sponsored activities (those a board of education sponsors or authorizes, held on school property or elsewhere) when they know that they are not licensed or privileged to do so. But people who lawfully have a gun on school property for use in a school-sponsored activity (such as a school's rifle club) are exempt. It is unclear whether current law also exempts such people when the activity is held off campus.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 40 Nay 0