



Senate

General Assembly

File No. 226

January Session, 2001

Substitute Senate Bill No. 1058

Senate, April 11, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Section 8-132 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 Any person claiming to be aggrieved by the statement of
4 compensation filed by the redevelopment agency may, at any time
5 within six months after the same has been filed, apply to the superior
6 court for the judicial district in which such property is situated, or, if
7 said court is not in session, to any judge thereof, for a review of such
8 statement of compensation so far as the same affects such applicant,
9 and [said court or such judge, after causing] shall cause notice of the
10 pendency of such application to be given to said redevelopment
11 agency. [.] Said court or judge shall appoint a [state] judge trial referee
12 to make a review of the statement of compensation. Such referee,
13 having given at least ten days' notice to the parties interested of the
14 time and place of hearing, shall hear the applicant and said

15 redevelopment agency, shall view the property and take such
16 testimony as such referee deems material and shall thereupon revise
17 such statement of compensation in such manner as [he] such referee
18 deems proper and forthwith report to the court. Such report shall
19 contain a detailed statement of findings by the referee, sufficient to
20 enable the court to determine the considerations upon which the
21 referee based [his] such referee's conclusions. The report of the referee
22 shall take into account any evidence relevant to the fair market value
23 of the property, including evidence of environmental condition and
24 required environmental remediation. The referee shall make a separate
25 finding for remediation costs and the property owner shall be entitled
26 to a setoff of such costs in any pending or subsequent action to recover
27 remediation costs for the property. Such report may be rejected for any
28 irregular or improper conduct in the performance of the duties of such
29 referee. If the report is rejected, the court or judge shall appoint
30 another referee to make such review and report. If the report is
31 accepted, such statement of compensation shall be conclusive upon
32 such owner and the redevelopment agency. If no appeal to the
33 Appellate Court is filed within the time allowed by law, or if one is
34 filed and the proceedings have terminated in a final judgment finding
35 the amount due the property owner, the clerk shall send a certified
36 copy of the statement of compensation and of the judgment to the
37 redevelopment agency, which shall, upon receipt thereof, pay such
38 property owner the amount due [him] such property owner as
39 compensation. The pendency of any such application for review shall
40 not prevent or delay whatever action is proposed with regard to such
41 property by the project area redevelopment plan.

42 Sec. 2. Section 13a-76 of the general statutes is repealed and the
43 following is substituted in lieu thereof:

44 Any person claiming to be aggrieved by the assessment of such
45 special damages or such special benefits by the commissioner may, at
46 any time within six months after the same has been so filed, apply to

47 the superior court for the judicial district within which such land is
48 situated or, if said court is not in session, to any judge thereof for a
49 reassessment of such damages or such benefits so far as the same affect
50 such applicant, and [said court or such judge, after causing] shall cause
51 notice of the pendency of such application to be given to said
52 commissioner. [.] Said court or judge shall appoint a judge trial referee
53 to make such reassessment of such damages or such benefits. Such trial
54 referee, having given at least ten days' notice to the parties interested
55 of the time and place of hearing, shall hear the applicant and said
56 commissioner, shall view the land and take such testimony as such
57 trial referee deems material and shall thereupon reassess such
58 damages and benefits so far as they affect such applicant. If the
59 amount of the reassessment of such damages awarded to any such
60 property owner exceeds the amount of the assessment of such
61 damages by the commissioner for such land, such trial referee shall
62 award to such property owner such appraisal fees as such trial referee
63 determines to be reasonable. If no appeal to the Appellate Court is
64 filed within the time allowed by law, or if one is filed and the
65 proceedings have terminated in a final judgment finding the amount
66 due the landowner, the clerk shall send a certified copy of the
67 assessment of the commissioner and of the judgment to the
68 Comptroller, who shall, upon receipt thereof, draw [his] the
69 Comptroller's order upon the Treasurer in favor of the landowner for
70 the amount due [him] the landowner as damages. The pendency of
71 any such application for reassessment shall not prevent or delay the
72 layout, extension, alteration, widening, change of grade or other
73 improvement of any such highway. [As used in this section, a trial
74 referee means a referee appointed pursuant to subdivision (1) or (2) of
75 subsection (a) of section 52-434 and designated a trial referee pursuant
76 to subsection (b) of said section.]

77 Sec. 3. Subsection (h) of section 47a-14h of the general statutes is
78 repealed and the following is substituted in lieu thereof:

79 (h) On each rent due date on or after the date when the complaint is
80 filed with the clerk of the court, or within [ten days thereof] nine days
81 thereafter or, in the case of a week-to-week tenancy, within four days
82 thereafter, the tenant shall deposit with the clerk of the court an
83 amount equal to the last agreed-upon rent. If all or a portion of the
84 tenant's rent is being paid to the landlord by a housing authority,
85 municipality, state agency or similar entity, this requirement shall be
86 satisfied if the tenant deposits an amount equal to [his] such tenant's
87 portion of the last agreed-upon rent with the clerk. The court may
88 make such entity a party to the action. The clerk shall accept such
89 payment of rent and shall provide the tenant with a receipt. Payment
90 to the clerk shall, for all purposes, be the equivalent of having made
91 payment to the landlord himself. No landlord may maintain an action
92 against a tenant to recover possession for nonpayment of rent if an
93 amount equal to the rent due has been received by the clerk. When the
94 complaint and notice of the action are served pursuant to subsection
95 (c) or (d) of this section, the clerk shall promptly notify the landlord of
96 the receipt of any such payment and of the prohibition against
97 maintaining an action to recover possession for nonpayment of rent. If
98 the complainant fails to make such payment of rent, the court may,
99 after proper notice, upon its own motion or upon motion by the
100 landlord, dismiss the complaint.

101 Sec. 4. Section 51-36a of the general statutes is repealed and the
102 following is substituted in lieu thereof:

103 (a) For the purposes of this section, "employees of the Judicial
104 Department" shall not include employees of the courts of probate or
105 the Public Defender Services Commission, and "records" shall not
106 include records maintained by the courts of probate or the Public
107 Defender Services Commission.

108 (b) Notwithstanding any other provision of the general statutes,
109 employees of the Judicial Department shall, in the performance of their

110 duties, have the right of access to all records maintained by the Judicial
111 Department, including erased records, and may disclose the
112 information contained in such records to the extent necessary for the
113 performance of their duties.

114 (c) Notwithstanding any other provision of the general statutes,
115 Judicial Department contractors and authorized agents of the Judicial
116 Department may access records maintained by the Judicial
117 Department, including erased records, and may disclose the
118 information contained in such records to the extent necessary for the
119 performance of their duties for the Judicial Department.

120 Sec. 5. Subsection (b) of section 51-164n of the general statutes is
121 repealed and the following is substituted in lieu thereof:

122 (b) Notwithstanding any provision of the general statutes to the
123 contrary, any person who is alleged to have committed (1) a violation
124 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-18, 7-
125 35, 7-41, 7-83, 7-104, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-
126 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
127 170aa, 12-292, 12-326g, subsection (4) of section 12-408, subsection (3),
128 (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
129 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124,
130 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section
131 13b-42, section 13b-90, 13b-221, 13b-224, 13b-292, 13b-336, 13b-337, 13b-
132 338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section
133 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a,
134 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
135 section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66,
136 section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section
137 14-97a, [subsection (c) of section 14-100a,] section 14-100b, 14-103a, 14-
138 106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation as
139 specified in subsection (f) of section 14-164i, section 14-219 specified in
140 subsection (e) of said section, subsection (b) of section 14-227a, section

141 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section 14-261a,
142 section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278, 14-279,
143 subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320,
144 14-321, 14-325a, 14-326, 14-330, 14-332a, subdivision (1), (2) or (3) of
145 section 14-386a, section 15-33, subsection (a) of section 15-115, section
146 16-256, 16-256e, 16a-15, 16a-22, subsection (a) or (b) of section 16a-22h,
147 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
148 17b-131, 17b-137, 17b-407, 17b-451, 17b-734, subsection (b) of section
149 17b-736, 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-
150 87a, section 19a-91, 19a-105, 19a-107, 19a-108, 19a-215, 19a-219, 19a-222,
151 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,
152 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,
153 20-257, 20-265, 20-324e, subsection (a) of section 20-341, section 20-341l,
154 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
155 76a, 21a-21, 21a-25, 21a-26, 21a-30, 21a-31, subsection (a) of section 21a-
156 37, section 21a-46, 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-
157 79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-
158 15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b,
159 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-
160 100, 22-111o, 22-123, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326,
161 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-
162 391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of section
163 22a-250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-
164 37, 23-38, 23-46, 23-61b, subsection (a) or (b) of section 23-65, section
165 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
166 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,
167 26-141, 26-207, 26-215, 26-221, 26-222, 26-224a, 26-227, 26-230, 26-234,
168 26-267, 26-269, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-
169 210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3,
170 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25,
171 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-
172 51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section
173 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of

174 section 31-273, section 31-288, 36a-787, 42-230, 44-3, 45a-450, 45a-634,
175 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-
176 22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or
177 (b) of section 53-211, section 53-212a, 53-249a, 53-252, 53-264, 53-301,
178 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-
179 450, or (2) a violation under the provisions of chapter 268, or (3) a
180 violation of any regulation adopted in accordance with the provisions
181 of section 12-484, 12-487 or 13b-410, shall follow the procedures set
182 forth in this section.

183 Sec. 6. Subsection (a) of section 52-351b of the general statutes is
184 repealed and the following is substituted in lieu thereof:

185 (a) A judgment creditor may obtain discovery from the judgment
186 debtor, or from any third person [he] the judgment creditor reasonably
187 believes, in good faith, may have assets of the judgment debtor, or
188 from any financial institution to the extent provided by this section, of
189 any matters relevant to satisfaction of the money judgment. The
190 judgment creditor shall commence any discovery proceeding by
191 serving an initial set of interrogatories, in a prescribed form containing
192 such questions as to the assets and employment of the judgment
193 debtor as may be approved by the judges of the Superior Court or their
194 designee, on the person from whom discovery is sought. Service of an
195 initial set of interrogatories relevant to obtaining satisfaction of a
196 money judgment of a small claims session of the Superior Court may
197 be made [, upon request of the judgment creditor, by the clerk of the
198 court] by sending such interrogatories by certified mail, return receipt
199 requested, to the person from whom discovery is sought. [, provided
200 the judgment creditor pays to such clerk a fee of five dollars for each
201 mailing requested.] Questions contained in the interrogatory form
202 shall be in clear and simple language and shall be placed on the page
203 in such manner as to leave space under each question for the person
204 served to insert [his] such person's answer. Such person shall answer
205 the interrogatories and return them to the judgment creditor within

206 thirty days of the date of service. Interrogatories served on a judgment
207 debtor shall be signed by such debtor under penalty of false statement.
208 With respect to assets, the person served is required to reveal
209 information concerning the amount, nature and location of the
210 judgment debtor's nonexempt assets up to an amount clearly sufficient
211 in value to ensure full satisfaction of the judgment with interest and
212 costs, provided disclosure shall be first required as to assets subject to
213 levy or foreclosure within the state. If interrogatories are served on a
214 financial institution, the financial institution shall disclose only
215 whether it holds funds of the judgment debtor on account and the
216 balance of such funds, up to the amount necessary to satisfy the
217 judgment.

218 Sec. 7. Subsection (a) of section 52-260 of the general statutes is
219 repealed and the following is substituted in lieu thereof:

220 (a) The fees of a witness for attendance before any court, the General
221 Assembly or any committee thereof, when summoned by the state, or
222 before any legal authority, shall be fifty cents a day, and for travel to
223 the place of trial, except as provided in section 54-152, shall be the
224 same amount per mile as provided for state employees pursuant to
225 section 5-141c. Whenever a garnishee is required to appear before any
226 court, such garnishee shall receive the same fees as a witness in a civil
227 action and be paid in the same manner. The clerk of the Superior
228 Court, upon request, shall, on the day of attendance, pay the fee of any
229 witness summoned by the state to appear before the court.

230 Sec. 8. Subsection (i) of section 54-36a of the general statutes is
231 repealed and the following is substituted in lieu thereof:

232 (i) A return of compliance with the court order, on a form
233 prescribed by the Office of the Chief Court Administrator, shall be
234 filed with the clerk of the court by the person or department to whom
235 notice is sent in accordance with the provisions of subsection (h) of this
236 section. If the court ordered the seized property returned to the owner

237 within six months upon proper claim therefor, the return of the
238 compliance shall be filed [upon] within seventy-two hours of the
239 return of the property to the owner. If the owner does not claim the
240 property within six months, then the return of compliance shall be
241 filed [upon immediate] within seventy-two hours of compliance with
242 the order of the court pursuant to subsection (d) of this section. Failure
243 to comply with the court order within ninety days following expiration
244 of the period within which the owner of the property may claim the
245 property shall constitute criminal contempt. If the court renders an
246 order concerning the disposition of the property other than an order to
247 return the property to the owner, the return of compliance shall be
248 filed with the clerk [forthwith] within seventy-two hours of
249 compliance with the court order. Failure to comply with the court
250 order within ninety days of receipt of such order shall constitute
251 criminal contempt. Failure to file [the] a return of compliance [or to
252 comply with the court order] as set forth in this subsection shall
253 constitute criminal contempt. Anyone convicted of criminal contempt
254 may be punished by a fine of not more than one hundred dollars. Each
255 failure to comply with a court order and each failure to file a return of
256 compliance within the required period shall constitute a separate
257 criminal contempt.

258 Sec. 9. Section 54-66a of the general statutes is repealed and the
259 following is substituted in lieu thereof:

260 Any bail bond posted in any criminal proceeding in this state shall
261 be automatically terminated and released whenever the defendant: (1)
262 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
263 granted admission to the pretrial alcohol education system pursuant to
264 section 54-56g; (3) is granted admission to the pretrial family violence
265 education program pursuant to section 46b-38c; (4) is granted
266 admission to the community service labor program pursuant to section
267 53a-39c; (5) is granted admission to the pretrial drug education
268 program pursuant to section 54-56i; (6) has the complaint or

269 information filed against [him] such defendant dismissed; (7) is
270 acquitted; [or] (8) is sentenced by the court; (9) is granted admission to
271 the pretrial school violence prevention program pursuant to section 54-
272 56j; or (10) is charged with a violation of section 29-33 and prosecution
273 has been suspended pursuant to subsection (h) of section 29-33.

274 Sec. 10. Subsection (b) of section 54-82i of the general statutes is
275 repealed and the following is substituted in lieu thereof:

276 (b) If a judge of a court of record in any state which by its laws has
277 made provision for commanding persons within that state to attend
278 and testify in this state certifies, under the seal of such court, that there
279 is a criminal prosecution pending in such court, or that a grand jury
280 investigation has commenced or is about to commence, that a person
281 being within this state is a material witness in such prosecution or
282 grand jury investigation and that [his] the presence of such witness
283 will be required for a specified number of days, upon presentation of
284 such certificate to any judge of a court of record in the judicial district
285 in which such person is, such judge shall fix a time and place for a
286 hearing and shall make an order directing the witness to appear at
287 such time and place for such hearing. If, at such hearing, the judge
288 determines that the witness is material and necessary, that it will not
289 cause undue hardship to the witness to be compelled to attend and
290 testify in the prosecution or a grand jury investigation in the other
291 state and that the laws of such other state and the laws of any other
292 state through which the witness may be required to pass by ordinary
293 course of travel will give to [him] such witness protection from arrest
294 and from the service of civil or criminal process, [he] the judge shall
295 issue a summons, with a copy of the certificate attached, directing the
296 witness to attend and testify in the court where the prosecution is
297 pending, or where a grand jury investigation has commenced or is
298 about to commence at a time and place specified in the summons. At
299 any such hearing, the certificate shall be prima facie evidence of all the
300 facts stated therein. If such certificate recommends that the witness be

301 taken into immediate custody and delivered to an officer of the
302 requesting state to assure [his] the attendance of the witness in such
303 state, such judge may, in lieu of notification of the hearing, direct that
304 such witness be forthwith brought before [him] such judge for such
305 hearing, and, being satisfied, at such hearing, of the desirability of such
306 custody and delivery, of which desirability such certificate shall be
307 prima facie proof, may, in lieu of issuing a subpoena or summons,
308 order that such witness be forthwith taken into custody and delivered
309 to an officer of the requesting state. If such witness, after being paid or
310 tendered by an authorized person the [sum of ten cents a mile] same
311 amount per mile as provided for state employees pursuant to section
312 5-141c for each mile by the ordinary traveled route to and from the
313 court where the prosecution is pending and five dollars each day that
314 [he] such witness is required to travel and attend as a witness, fails,
315 without good cause, to attend and testify as directed in the summons,
316 [he] the witness shall be punished in the manner provided for the
317 punishment of any witness who disobeys a summons issued from a
318 court of record in this state.

319 Sec. 11. Subsection (c) of section 54-82i of the general statutes is
320 repealed and the following is substituted in lieu thereof:

321 (c) If a person in any state, which by its laws has made provision for
322 commanding persons within its borders to attend and testify in
323 criminal prosecutions or in grand jury investigations commenced or
324 about to commence in this state, is a material witness in a prosecution
325 pending in a court of record in this state, or in a grand jury
326 investigation which has commenced or is about to commence, a judge
327 of such court may issue a certificate under the seal of the court, stating
328 such facts and specifying the number of days the witness will be
329 required. Such certificate may include a recommendation that the
330 witness be taken into immediate custody and delivered to an officer of
331 this state to assure [his] the attendance of the witness in this state. Such
332 certificate shall be presented to a judge of a court of record in the

333 judicial district in which the witness is found. If the witness is
334 summoned to attend and testify in this state, [he] the witness shall be
335 tendered the [sum of ten cents] same amount per mile as provided for
336 state employees pursuant to section 5-141c for each mile by the
337 ordinary traveled route to and from the court where the prosecution is
338 pending, and five dollars for each day that [he] such witness is
339 required to travel and attend as a witness. A witness who has
340 appeared in accordance with the provisions of the summons shall not
341 be required to remain within this state a longer period of time than the
342 period mentioned in the certificate, unless otherwise ordered by the
343 court. If such witness, after coming into this state, fails, without good
344 cause, to attend and testify as directed in the summons, [he] the
345 witness shall be punished in the manner provided for the punishment
346 of any witness who disobeys a summons issued from a court of record
347 in this state.

348 Sec. 12. (NEW) (a) The Superior Court, in accordance with rules
349 established by the judges of the Superior Court, may (1) establish a
350 fund to provide assistance to attorneys admitted to the practice of law
351 in this state who have mental health, substance abuse or gambling
352 problems, and (2) assess any person admitted as an attorney by the
353 Superior Court, in accordance with section 51-80 of the general
354 statutes, an annual fee to be deposited in such fund.

355 (b) The Treasurer shall maintain the fund separate and apart from
356 all other moneys, funds and accounts and shall credit any interest
357 earned from the fund to the fund.

358 (c) The fund shall be used only to satisfy the claims approved in
359 accordance with procedures established pursuant to rules of the
360 Superior Court and to pay the reasonable costs of administration of the
361 fund.

362 Sec. 13. Section 46b-56 of the general statutes is amended by adding
363 subsection (g) as follows:

364 (NEW) (g) As part of a decision modifying custody or visitation, the
365 court may order either parent or both of the parents and any child of
366 such parents to participate in counseling and drug or alcohol
367 screening, provided such participation is in the best interest of the
368 child.

369 Sec. 14. Section 13a-74 of the general statutes is repealed and the
370 following is substituted in lieu thereof:

371 After the assessment of damages and benefits provided for in
372 subsection (b) of section 13a-73 has been filed with the clerk of the
373 superior court, the property owner affected may file with said clerk
374 [his] the property owner's written acceptance thereof. Said clerk shall
375 thereupon notify the Comptroller and the commissioner of such
376 acceptance. If the amount to be paid by the state for such land, after
377 deducting any benefits which have been assessed, does not exceed
378 [fifteen] one hundred thousand dollars, said clerk shall send a certified
379 copy of the assessment and the acceptance thereof to the commissioner
380 and the Comptroller, and the Comptroller shall, upon receipt thereof,
381 draw [his] the Comptroller's order upon the Treasurer in favor of such
382 property owner for the amount due [him] such property owner under
383 such assessment. If the amount of such assessment, after deducting
384 any such benefits, exceeds [fifteen] one hundred thousand dollars, said
385 clerk shall not certify the same to the Comptroller until the assessment
386 has been approved as reasonable in amount by a state referee. If such
387 state referee approves such assessment, said clerk shall thereupon send
388 a certified copy of the assessment and the acceptance thereof and a
389 certificate that the same has been so approved to the commissioner and
390 to the Comptroller, and the Comptroller shall, upon receipt thereof,
391 draw [his] the Comptroller's order upon the Treasurer in favor of such
392 property owner for the amount due [him] the property owner on such
393 assessment. If such state referee does not approve such assessment,
394 said clerk shall notify the Attorney General and the commissioner and
395 the latter may file an amended assessment.

396 Sec. 15. Subsection (b) of section 51-47 of the general statutes is
397 repealed and the following is substituted in lieu thereof:

398 (b) In addition to the salary such judge is entitled to receive under
399 subsection (a) of this section, a judge designated as the administrative
400 judge of the appellate system shall receive one thousand dollars in
401 annual salary, each Superior Court judge designated as the
402 administrative judge of a judicial district shall receive one thousand
403 dollars in annual salary and each Superior Court judge designated as
404 the chief administrative judge for facilities, administrative appeals,
405 judicial marshal service or judge trial referees or for the Family,
406 Juvenile, Criminal or Civil Division of the Superior Court shall receive
407 one thousand dollars in annual salary.

408 Sec. 16. Subsection (a) of section 19a-486c of the general statutes is
409 repealed and the following is substituted in lieu thereof:

410 (a) The Attorney General shall disapprove a proposed agreement
411 requiring notice under section 19a-486a as not in the public interest if
412 [he] the Attorney General determines that one or more of the following
413 conditions exist: (1) The transaction is prohibited by Connecticut
414 statutory or common law governing nonprofit entities, trusts or
415 charities; (2) the nonprofit hospital failed to exercise due diligence in
416 (A) deciding to transfer, (B) selecting the purchaser, (C) obtaining a
417 fairness evaluation from an independent person expert in such
418 agreements, or (D) negotiating the terms and conditions of the transfer;
419 (3) the nonprofit hospital failed to disclose any conflict of interest,
420 including, but not limited to, conflicts of interest pertaining to board
421 members, officers, key employees and experts of the hospital, the
422 purchaser or any other party to the transaction; (4) the nonprofit
423 hospital will not receive fair market value for its assets, which, for
424 purposes of this subsection, means the most likely price that the assets
425 would bring in a sale in a competitive and open market under all
426 conditions requisite to a fair sale, with the buyer and seller each acting

427 prudently, knowledgeably and in their own best interest, and with a
428 reasonable time being allowed for exposure in the open market; (5) the
429 fair market value of the assets has been manipulated by any person in
430 a manner that causes the value of the assets to decrease; (6) the
431 financing of the transaction by the nonprofit hospital will place the
432 nonprofit hospital's assets at an unreasonable risk; (7) any
433 management contract contemplated under the transaction is not for
434 reasonable fair value; (8) a sum equal to the fair market value of the
435 nonprofit hospital's assets (A) is not being transferred to one or more
436 persons to be selected by the Superior Court for the judicial district
437 where the nonprofit hospital is located who are not affiliated through
438 corporate structure, governance or membership with either the
439 nonprofit hospital or the purchaser, and (B) is not being used for one of
440 the following purposes: (i) For appropriate charitable health care
441 purposes consistent with the nonprofit hospital's original purpose, (ii)
442 for the support and promotion of health care generally in the affected
443 community, or (iii) with respect to any assets held by the nonprofit
444 hospital that are subject to a use restriction imposed by a donor, for a
445 purpose consistent with the intent of said donor; or (9) the nonprofit
446 hospital or the purchaser has failed to provide the Attorney General
447 with information and data sufficient to evaluate the proposed
448 agreement adequately, provided the Attorney General has notified the
449 nonprofit hospital or the purchaser of the inadequacy of the
450 information or data and has provided a reasonable opportunity to
451 remedy such inadequacy.

JUD **JOINT FAVORABLE SUBST.**

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: Minimal

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

State Impact:

The bill makes various changes in court procedures and results in a variety of minimal fiscal impacts as follows:

Sections 1, 2 and 6 result in minimal savings (less than \$5,000) to the Judicial Department by transferring to private parties the cost of service of process and the cost of postage for notices in various cases. There is also a minimal revenue loss (less than \$1,000) to the state by eliminating a \$5 fee related to the transfer in responsibility to judgment creditors to send interrogatories in small claims cases.

Sections 10 and 11 result in an annual cost of \$18,000 to the Judicial Department by increasing the mileage reimbursement from \$0.10 per mile to the current rate set by the Department of Administrative Services (currently \$0.345 per mile).

Section 12 establishes a fund to provide certain assistance to attorneys. It is anticipated that an annual fee to be assessed against

attorneys will cover all of the costs of administering the fund and would not result in a fiscal impact to the state.

Section 13 conforms statute to a practice that existed until a recent appellate court decision that prohibited the court from ordering parents and children involved in a modification of custody and visitation to participate in drug or alcohol counseling. The cost of such counseling is typically borne by the parties involved but in some cases the court had paid for these services, which resulted in a minimal cost (less than \$25,000). This section would reverse the savings that resulted from the appellate court ruling.

Section 15 results in a cost of \$3,000 to the Judicial Department by expanding the number of chief administrative judges.

Sections 3-5, 7-9, 14 and 16 are either technical or make various changes that do not result in a fiscal impact.

OLR Bill Analysis

sSB 1058

AN ACT CONCERNING COURT OPERATIONS.

SUMMARY:

This bill makes numerous changes to various laws dealing in one way or another with Superior Court operations. Specifically it:

1. authorizes the Superior Court to establish a fund to assist Connecticut-licensed attorneys who have mental health, substance abuse, or gambling problems and to assess licensed attorneys with an annual fee to be deposited in the fund;
2. authorizes the court, when deciding whether to modify child custody or visitation, to order either or both parents and the child to participate in counseling and drug or alcohol screening if it is in the child's best interest;
3. allows the comptroller to pay up to \$100,000, instead of up to \$15,000, without a referee's approval to a landowner whose property the Transportation Commissioner has taken by eminent domain for state highway purposes;
4. gives Judicial Department contractors and authorized agents access to Judicial Department records (employees already have this access), authorizes Judicial Department employees, contractors, and agents to disclose information contained in these records to the extent necessary to perform their duties; and specifies that this access and authority include erased records;
5. establishes timeframes for law enforcement authorities to comply with court orders to return seized property to owners or to otherwise dispose of it, and gives them more time to file papers with the court indicating that they have complied;
6. requires that a bail bond be automatically terminated and released

when (a) a criminal defendant is granted admission to the pretrial school violence program or (b) the court suspends the prosecution of someone in any case involving handguns transfers to prohibited people or in violation of the transfer procedures, if it finds the violation is not serious, the accused will probably not offend again, and he has not previously violated the law;

7. gives an additional \$1,000 a year to each Superior Court judge who is designated a chief administrative judge for administrative appeals, the judicial marshal service, or judge trial referees;
8. requires the property owner, instead of the Superior Court, to notify the Department of Transportation commissioner when he goes to court to challenge the commissioner's assessment of special damages or special benefits for taking of property by eminent domain;
9. increases the mileage fees in criminal cases for material witnesses ordered by a court to attend and testify from 10 cents a mile to the amount established by the Commissioner of Administrative services with the Secretary of the Office of Policy and Management's approval (currently 34.5 cents per mile);
10. requires that judge trial referees, instead of trial referees review the amount offered by a redevelopment agency that wants to obtain property by eminent domain in an appeal by the owner to the Superior Court, and requires that the owner, instead of the court give notice of the appeal to the redevelopment agency; and
11. authorizes the judgment creditor in a small claims case, instead of the court clerk, to send interrogatories to the appropriate people or institutions (A judgment creditor is someone owed money under a judgment entered in his favor. Interrogatories are used to locate money or other assets to satisfy the judgment.);

By law, any tenant who claims his landlord has not performed his statutory duties may file a complaint in Superior Court to seek relief.

The bill requires that the tenant deposit an amount equal to the last agreed-upon rent with the court clerk within nine instead of 10 days after the rent is due. In the case of a week-to-week tenancy, the bill

requires it be deposited within four instead of 10 days after the rent is due.

By law, the Attorney General can disapprove a proposed agreement for the resale of a nonprofit hospital to a for-profit entity as not in the public interest if he determines that one or more candidates exist. The bill specifies that, in connection with one of those conditions, it is the Superior Court for the Judicial District where the nonprofit hospital is located that selects the person or people to receive an amount equal to the fair market value of the hospital's assets.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2001

COMPTROLLER PAYMENT

By law, a land owner may file with the court clerk a written acceptance of the assessment of damage and benefits established by the DOT when it takes his property by eminent domain. The clerk must then notify the comptroller and commissioner of the acceptance.

The bill allows the Comptroller, when the amount to be paid the landowner, minus any benefits to him, exceeds \$100,000 instead of \$15,000, to pay the landowner without a referee's approval that the amount is reasonable.

RETURN OF SEIZED PROPERTY

The bill gives law enforcement personnel and agencies an additional 90 days to comply with a court order to return seized property to the owner or otherwise dispose of it before they will be in criminal contempt of court. Under current law, courts give them six weeks to return property to the owner but does not specify a time frame for complying with an order to otherwise dispose of the property. By law, the penalty for a violation is a fine of up to \$100. The bill also gives them 72 hours from the time the property is returned or otherwise disposed of pursuant to court order to file a "return of compliance" form with the court indicating the property was returned or disposed of. Current law requires that the form be filed when the official

complies with the order.

BACKGROUND

Erased Records

Police, court, and prosecutorial records must be erased when (1) a criminal case is dismissed or nolle, (2) a defendant is acquitted or granted an absolute pardon, or (3) the crime for which he was convicted is later decriminalized. Juvenile delinquency records and records of children who are members of families with service needs must be erased after (1) the child is discharged from Superior Court's supervision or the Department of Children and Families' custody; (2) two to four years, depending on the seriousness of the case, have passed and no other juvenile proceedings have been instituted against the child; and (3) the child is at least 16 years of age.

Erased records may not be disclosed, except under limited circumstances, but they are generally not physically destroyed unless the defendant requests it. Records erased due to decriminalization of a crime must be destroyed without a request.

The law allows erased records to be disclosed to crime victims or their representatives if they make a written request to the court indicating that they have filed or intend to file a lawsuit as a result of the crime. The court may only grant request received within one year after the date of the disposition of the criminal case.

Referees and Judge Trial Referees

Any judge who retires at the mandatory retirement age of 70 becomes a state referee and may be reappointed as a referee by the governor and General Assembly. Judge trial referees are referees who have been specifically designated as such by the Chief Justice of the Supreme Court.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 35 Nay 1