



# Senate

## File No. 796

General Assembly

January Session, 2003

**(Reprint of File No. 318)**

Substitute Senate Bill No. 900  
As Amended by Senate Amendment  
Schedules "A", "B" and "C" and House  
Amendment Schedules "A", "C", "D",  
"E" and "F"

Approved by the Legislative Commissioner  
May 31, 2003

**AN ACT CONCERNING COURT OPERATIONS, HOUSING MATTERS,  
CHANGES OF NAMES, NOTICE TO THE SURETY ON A FORFEITED  
BOND, LIFE INSURANCE AS SECURITY FOR THE PAYMENT OF  
ALIMONY AND CHILD SUPPORT AND TECHNICAL REVISIONS TO  
CERTAIN STATUTES PERTAINING TO THE JUDICIAL BRANCH.**

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

1 Section 1. Section 4b-13 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Commissioner of Public Works may make regulations for  
4 the maintenance of order on and the use of parking areas on any  
5 property owned by the state or under the supervision of said  
6 commissioner, except as provided in sections 2-71h, 10a-79, 10a-92 and  
7 10a-139 and except for properties under the supervision, care and  
8 control of the Chief Court Administrator. Any person violating any  
9 such regulation shall be fined not more than seventy-five dollars and  
10 the vehicle in violation of such regulation may be towed. The  
11 enforcement of such regulations shall be by special policemen

12 appointed under section 29-18 and by Department of Public Works  
13 buildings and grounds patrol officers, except that only such special  
14 policemen may tow, or cause the towing of, such vehicles.

15 (b) The Chief Court Administrator may establish policies and  
16 procedures for the maintenance of order and the use of parking areas  
17 on any property under the supervision, care and control of the Chief  
18 Court Administrator. Such policies and procedures may provide that  
19 any vehicle parked on such property in violation of such policies and  
20 procedures shall be towed.

21 [(b)] (c) Each state agency shall develop a program to encourage its  
22 employees to use mass transportation. Such program shall address the  
23 feasibility of restricting the amount of free parking by at least ten per  
24 cent for those state employees who work in urban areas and for  
25 providing such employees with subsidies to ride mass transportation.  
26 Each state agency shall submit its program to the Department of Public  
27 Works. [no later than January 1, 1992.] For the purposes of this  
28 [section] subsection, "state agency" means each state department, office  
29 or other agency of the state; and "urban area" means any town or city  
30 having a population of seventy-five thousand or more or any town or  
31 city in which one hundred or more state employees are employed at  
32 the same site. The Secretary of the Office of Policy and Management, in  
33 consultation with the Commissioner of Public Works, shall adopt  
34 regulations, in accordance with the provisions of chapter 54, after  
35 receipt of and pursuant to each state agency's plan to determine the  
36 amount and process by which a state employee may obtain a subsidy.

37 Sec. 2. Subsection (a) of section 6-32d of the general statutes is  
38 repealed and the following is substituted in lieu thereof (*Effective*  
39 *October 1, 2003*):

40 (a) Except as otherwise agreed between the [advisory board] judicial  
41 branch and the Department of Correction or other appropriate agency,  
42 [as of April 12, 2000,] the responsibility for transportation and custody  
43 of prisoners shall be assumed as follows:

44 (1) The [Judicial Department] judicial branch shall be responsible for  
45 the transportation of male prisoners between courthouses and: (A)  
46 Community correction centers, until sentencing; (B) other places of  
47 confinement after arraignment and until sentencing; and (C) the place  
48 of initial confinement, after sentencing. In addition, the [Judicial  
49 Department] judicial branch shall be responsible for the transportation  
50 of adult female prisoners between courthouses and community  
51 correction centers, not including the correctional institution at Niantic.  
52 If such transportation is in other than state vehicles, the owner of the  
53 vehicle used shall be reimbursed by the state at the rate then  
54 established for state employees within the Office of Policy and  
55 Management.

56 (2) The Department of Correction shall be responsible for the  
57 transportation of adult female prisoners between places of  
58 confinement and either courthouses or community correction centers,  
59 at the discretion of the Commissioner of Correction. In the  
60 transportation of prisoners between courthouses and community  
61 correctional centers, there shall be complete separation of male and  
62 female prisoners.

63 (3) The [Judicial Department] judicial branch shall be responsible for  
64 the custody of prisoners at courthouses, except that the local police  
65 operating any lockup which is designated by the Chief Court  
66 Administrator as a courthouse lockup shall be responsible for the  
67 custody of prisoners within that lockup. In addition, if such designated  
68 lockup is not in the same building as the courthouse serviced by it, the  
69 local police operating such designated lockup shall be responsible for  
70 escorting prisoners from the lockup to the courthouse. The town in  
71 which such a designated lockup is located shall be reimbursed  
72 pursuant to section 7-135a.

73 (4) In Hartford County, the Lafayette Street courthouse shall be  
74 used as housing for persons arrested by the police department of the  
75 city of Hartford and held for presentment at the next session of the  
76 court pursuant to the following terms and conditions: (A) No arrestees

77 shall be admitted or released directly to or from the lockup, and no  
78 social visits shall be permitted at the lockup; (B) all processing and  
79 booking shall be accomplished by the police department of the city of  
80 Hartford at its booking facility; (C) after arrival at the lockup and prior  
81 to arraignment, the release of any arrestee, with or without bond, shall  
82 be accomplished by the police department of the city of Hartford from  
83 its booking facility; and (D) the [Judicial Department] judicial branch  
84 shall be responsible for the operation of the lockup at the Lafayette  
85 Street courthouse and the transportation of arrestees prior to  
86 arraignment from the [Morgan Street facility or other] booking facility  
87 of the police department of the city of Hartford.

88 Sec. 3. Subsection (b) of section 15-133c of the general statutes is  
89 repealed and the following is substituted in lieu thereof (*Effective*  
90 *October 1, 2003*):

91 [(b) A certified copy of a conviction for a violation of section 15-133  
92 or 15-134 shall be sent within thirty days of conviction to the  
93 Commissioner of Environmental Protection without charge by the  
94 clerk of the court wherein such conviction has been had.]

95 (b) The clerk of the court in which a conviction for a violation of  
96 section 15-133 or 15-134 is rendered shall cause notice of such  
97 conviction to be given to the Commissioner of Environmental  
98 Protection not later than thirty days after such conviction.

99 Sec. 4. Subsection (e) of section 46b-15 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective*  
101 *October 1, 2003*):

102 (e) The applicant shall cause notice of the hearing pursuant to  
103 subsection (b) of this section and a copy of the application and the  
104 applicant's affidavit and of any ex parte order issued pursuant to  
105 subsection (b) of this section to be served on the respondent not less  
106 than five days before the hearing. The cost of such service shall be paid  
107 for by the judicial branch. Upon the granting of an ex parte order, the  
108 clerk of the court shall provide two certified copies of the order to the

109 applicant. Upon the granting of an order after notice and hearing, the  
110 clerk of the court shall provide two certified copies of the order to the  
111 applicant and a copy to the respondent. Every order of the court made  
112 in accordance with this section after notice and hearing shall contain  
113 the following language: "This court had jurisdiction over the parties  
114 and the subject matter when it issued this protection order.  
115 Respondent was afforded both notice and opportunity to be heard in  
116 the hearing that gave rise to this order. Pursuant to the Violence  
117 Against Women Act of 1994, 18 USC 2265, this order is valid and  
118 enforceable in all fifty states, any territory or possession of the United  
119 States, the District of Columbia, the Commonwealth of Puerto Rico  
120 and tribal lands." Immediately after making service on the respondent,  
121 the [state marshal] proper officer shall provide a true and attested copy  
122 of any ex parte order, including the applicant's affidavit and a cover  
123 sheet stating the date and time the respondent was served, to the law  
124 enforcement agency for the town in which the applicant resides. If the  
125 respondent does not reside in such town, the [state marshal] proper  
126 officer shall immediately transmit by facsimile a true and attested copy  
127 of the order, including the applicant's affidavit, to the law enforcement  
128 agency for the town in which the respondent resides. The clerk of the  
129 court shall send, by facsimile or other means, a copy of any ex parte  
130 order and of any order after notice and hearing, or the information  
131 contained in any such order, to the law enforcement agency for the  
132 town in which the applicant resides and, if the respondent resides in a  
133 town different than the town in which the applicant resides, to the law  
134 enforcement agency for the town in which the respondent resides,  
135 within forty-eight hours of the issuance of such order. If the applicant  
136 is employed in a town different than the town in which the applicant  
137 resides, the clerk of the court shall send, by facsimile or other means, a  
138 copy of any such order, or the information contained in any such  
139 order, to the law enforcement agency for the town in which the  
140 applicant is employed within forty-eight hours of the issuance of such  
141 order. If the applicant is employed in a town different than the town in  
142 which the applicant resides, or in which the respondent resides, the  
143 [state marshal] proper officer shall transmit by facsimile a true and

144 attested copy of any such order, including the applicant's affidavit, to  
145 the law enforcement agency for the town in which the applicant is  
146 employed.

147 Sec. 5. Subsection (e) of section 46b-38c of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective*  
149 *October 1, 2003*):

150 (e) A protective order issued under this section may include  
151 provisions necessary to protect the victim from threats, harassment,  
152 injury or intimidation by the defendant, including, but not limited to,  
153 an order enjoining the defendant from (1) imposing any restraint upon  
154 the person or liberty of the victim, (2) threatening, harassing,  
155 assaulting, molesting or sexually assaulting the victim, or (3) entering  
156 the family dwelling or the dwelling of the victim. Such order shall be  
157 made a condition of the bail or release of the defendant and shall  
158 contain the following language: "In accordance with section 53a-223,  
159 any violation of this order constitutes criminal violation of a protective  
160 order which is punishable by a term of imprisonment of not more than  
161 five years, a fine of not more than five thousand dollars, or both.  
162 Additionally, in accordance with section 53a-107, entering or  
163 remaining in a building or any other premises in violation of this order  
164 constitutes criminal trespass in the first degree [ These are criminal  
165 offenses each] which is punishable by a term of imprisonment of not  
166 more than one year, a fine of not more than two thousand dollars, or  
167 both. Violation of this order also violates a condition of your bail or  
168 release, and may result in raising the amount of bail or revoking  
169 release." Every order of the court made in accordance with this section  
170 after notice and hearing shall also contain the following language:  
171 "This court had jurisdiction over the parties and the subject matter  
172 when it issued this protection order. Respondent was afforded both  
173 notice and opportunity to be heard in the hearing that gave rise to this  
174 order. Pursuant to the Violence Against Women Act of 1994, 18 USC  
175 2265, this order is valid and enforceable in all fifty states, any territory  
176 or possession of the United States, the District of Columbia, the  
177 Commonwealth of Puerto Rico and tribal lands." The information

178 contained in and concerning the issuance of any protective order  
179 issued under this section shall be entered in the registry of protective  
180 orders pursuant to section 51-5c.

181 Sec. 6. Section 46b-38h of the general statutes is repealed and the  
182 following is substituted in lieu thereof (*Effective October 1, 2003*):

183 If any person is convicted of a violation of section 53a-59, 53a-59a,  
184 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-  
185 72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, 53a-223, [or] 53a-223a or  
186 53a-223b, against a family or household member, as defined in section  
187 46b-38a, or a person in a dating relationship, the court shall include a  
188 designation that such conviction involved domestic violence on the  
189 court record for the purposes of criminal history record information, as  
190 defined in subsection (a) of section 54-142g.

191 Sec. 7. Section 46b-122 of the general statutes is repealed and the  
192 following is substituted in lieu thereof (*Effective October 1, 2003*):

193 All matters which are juvenile matters, as [defined] provided in  
194 section 46b-121, shall be kept separate and apart from all other  
195 business of the Superior Court as far as is practicable, except matters  
196 transferred under the provisions of section 46b-127, which matters  
197 shall be transferred to the regular criminal docket of [said] the Superior  
198 Court. Any judge hearing a juvenile matter [shall] may, during such  
199 hearing, exclude from the room in which such hearing is held any  
200 person whose presence is, in the court's opinion, not necessary, except  
201 that in delinquency proceedings any victim of the delinquent act, the  
202 parents or guardian of such victim and any victim advocate appointed  
203 pursuant to section 54-221 shall not be excluded unless the judge  
204 specifically orders otherwise.

205 Sec. 8. Section 46b-124 of the general statutes is repealed and the  
206 following is substituted in lieu thereof (*Effective October 1, 2003*):

207 (a) For the purposes of this section, "records of cases of juvenile  
208 matters" includes, but is not limited to, court records, records

209 regarding juveniles maintained by the Court Support Services  
210 Division, records regarding juveniles maintained by an organization or  
211 agency that has contracted with the judicial branch to provide services  
212 to juveniles, records of law enforcement agencies including  
213 fingerprints, photographs and physical descriptions, and medical,  
214 psychological, psychiatric and social welfare studies and reports by  
215 probation officers, public or private institutions, social agencies and  
216 clinics.

217 [(a)] (b) All records of cases of juvenile matters, as [defined]  
218 provided in section 46b-121, except delinquency proceedings, or any  
219 part thereof, and all records of appeals from probate brought to the  
220 superior court for juvenile matters pursuant to subsection (b) of section  
221 45a-186, [including studies and reports by probation officers, social  
222 agencies and clinics,] shall be confidential and for the use of the court  
223 in juvenile matters, and open to inspection or disclosure to any third  
224 party, including bona fide researchers commissioned by a state agency,  
225 only upon order of the Superior Court, except that (1) the records  
226 concerning any matter transferred from a court of probate pursuant to  
227 section 45a-623 or subsection (g) of section 45a-715 or any appeal from  
228 probate to the superior court for juvenile matters pursuant to  
229 subsection (b) of section 45a-186 shall be available to the court of  
230 probate from which such matter was transferred or from which such  
231 appeal was taken, (2) such records shall be available to (A) the attorney  
232 representing the child or youth, including the Division of Public  
233 Defender Services, in any proceeding in which such records are  
234 relevant, (B) the parents or guardian of the child or youth until such  
235 time as the child or youth reaches the age of majority or becomes  
236 emancipated, (C) an adult adopted person in accordance with the  
237 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,  
238 inclusive, (D) employees of the Division of Criminal Justice who in the  
239 performance of their duties require access to such records, (E)  
240 employees of the judicial branch who in the performance of their  
241 duties require access to such records, (F) another court under the  
242 provisions of subsection (d) of section 46b-115j, (G) the subject of the

243 record, upon submission of satisfactory proof of the subject's identity,  
244 pursuant to guidelines prescribed by the Office of the Chief Court  
245 Administrator, [and] provided the subject has reached the age of  
246 majority or has been emancipated, and (H) the Department of Children  
247 and Families. Any [record] records of cases of juvenile matters, or any  
248 part thereof, [forwarded by said court or any of its employees]  
249 provided to any persons, governmental and private agencies, and  
250 institutions [,] pursuant to this section shall not be disclosed, directly  
251 or indirectly, to any third party not specified in subsection [(c)] (d) of  
252 this section, [save upon order of said court or] except as provided by  
253 court order or in the report required under section 54-76d or 54-91a.

254 [(b)] (c) All records of cases of juvenile matters involving  
255 delinquency proceedings, or any part thereof, [including court records,  
256 records of law enforcement agencies including fingerprints,  
257 photographs and physical descriptions, and medical, psychological,  
258 psychiatric and social welfare studies and reports by probation  
259 officers, public or private institutions, social agencies and clinics,] shall  
260 be confidential and for the use of the court in juvenile matters and  
261 shall not be disclosed except as provided in this section.

262 [(c)] (d) Records of cases of juvenile matters involving delinquency  
263 proceedings shall be available to (1) [Judicial Department] judicial  
264 branch employees who, in the performance of their duties, require  
265 access to such records, and (2) employees and authorized agents of  
266 state or federal agencies involved in (A) the delinquency proceedings,  
267 (B) the provision of services directly to the child, or (C) the design and  
268 delivery of treatment programs pursuant to section 46b-121j. Such  
269 employees and authorized agents include, but are not limited to, law  
270 enforcement officials, state and federal prosecutorial officials, school  
271 officials in accordance with section 10-233h, court officials including  
272 officials of both the regular criminal docket and the docket for juvenile  
273 matters, officials of the Division of Criminal Justice, the Division of  
274 Public Defender Services, the Department of Children and Families,  
275 the Court Support Services Division, the Board of Parole and agencies  
276 under contract with the [Judicial Department] judicial branch, and an

277 advocate appointed pursuant to section 54-221 for a victim of a crime  
278 committed by the child. Such records shall also be available to (i) the  
279 attorney representing the child, including the Division of Public  
280 Defender Services, in any proceeding in which such records are  
281 relevant, (ii) the parents or guardian of the child, until such time as the  
282 subject of the record reaches the age of majority, (iii) the subject of the  
283 record, upon submission of satisfactory proof of the subject's identity,  
284 pursuant to guidelines prescribed by the Office of the Chief Court  
285 Administrator, [and] provided the subject has reached the age of  
286 majority, (iv) law enforcement officials and prosecutorial officials  
287 conducting legitimate criminal investigations, and (v) a state or federal  
288 agency providing services related to the collection of moneys due or  
289 funding to support the service needs of eligible juveniles, provided  
290 such disclosure shall be limited to that information necessary for the  
291 collection of and application for such moneys. [Such records] Records  
292 disclosed pursuant to this subsection shall not be further disclosed,  
293 except that information contained in such records may be disclosed in  
294 connection with bail or sentencing reports in open court during  
295 criminal proceedings involving the subject of such information.

296 [(d) The record of the case of a juvenile matter] (e) Records of cases  
297 of juvenile matters involving delinquency proceedings, or any part  
298 thereof, may be disclosed upon order of the court to any person who  
299 has a legitimate interest in the information and is identified in such  
300 order. Records disclosed pursuant to this subsection shall not be  
301 further disclosed.

302 [(e) The record of the case of a juvenile matter] (f) Records of cases  
303 of juvenile matters involving delinquency proceedings, or any part  
304 thereof, shall be available to the victim of the crime committed by such  
305 child to the same extent as the record of the case of a defendant in a  
306 criminal proceeding in the regular criminal docket of the Superior  
307 Court is available to a victim of the crime committed by such  
308 defendant. The court shall designate an official from whom such  
309 victim may request such information. Records disclosed pursuant to  
310 this subsection shall not be further disclosed.

311        [(f)] (g) Information concerning a child who has escaped from a  
312 detention center or from a facility to which he has been committed by  
313 the court or for whom an arrest warrant has been issued with respect  
314 to the commission of a felony may be disclosed by law enforcement  
315 officials.

316        [(g)] (h) Nothing in this section shall be construed to prohibit any  
317 person employed by the [Judicial Department] judicial branch from  
318 disclosing any [such] records, information or files in his possession to  
319 any person employed by the Division of Criminal Justice as a  
320 prosecutorial official, inspector or investigator who, in the  
321 performance of his duties, requests such records, information or files,  
322 [nor shall] or to prohibit any such employee of said division [be  
323 prohibited] from disclosing any records, information or files in his  
324 possession to any such employee of the [Judicial Department] judicial  
325 branch who, in the performance of his duties, requests such records,  
326 information or files.

327        [(h)] (i) A state's attorney shall disclose to the defendant or his  
328 counsel in a criminal prosecution, without the necessity of a court  
329 order, exculpatory information and material contained in any record  
330 disclosed to such state's attorney pursuant to this section and may  
331 disclose, without a court order, information and material contained in  
332 any such record which could be the subject of a disclosure order.

333        Sec. 9. Subsection (b) of section 49-15 of the general statutes is  
334 repealed and the following is substituted in lieu thereof (*Effective*  
335 *October 1, 2003*):

336        (b) Upon the filing of a bankruptcy petition by a mortgagor under  
337 Chapter 13 of Title 11 of the United States Code, any judgment against  
338 the mortgagor foreclosing the title to real estate by strict foreclosure  
339 shall be opened automatically without action by any party or the court,  
340 provided, the provisions of such judgment, other than the  
341 establishment of law days, shall not be set aside under this subsection;  
342 but no such judgment shall be opened after the title has become

343 absolute in any encumbrancer or the mortgagee, or any person  
344 claiming under such encumbrancer or mortgagee. The mortgagor shall  
345 file a copy of the bankruptcy petition, or an affidavit setting forth the  
346 date the bankruptcy petition was filed, with the clerk of the court in  
347 which the foreclosure matter is pending. Upon the determination of  
348 the automatic stay authorized pursuant to 11 USC 362, the mortgagor  
349 shall file with such clerk an affidavit setting forth the date the stay was  
350 terminated.

351 Sec. 10. Subsection (a) of section 51-1a of the general statutes is  
352 repealed and the following is substituted in lieu thereof (*Effective*  
353 *October 1, 2003*):

354 (a) The Judicial Department of the state shall consist of the Supreme  
355 Court, the Appellate Court, the Superior Court, [the courts of probate,]  
356 the Office of the Chief Court Administrator [, the Commission on  
357 Official Legal Publications] and their employees and divisions, the  
358 courts of probate, and, as provided in chapter 887, the Public Defender  
359 Services Commission. For the purposes of the general statutes, "judicial  
360 branch" means the Judicial Department.

361 Sec. 11. Section 51-36 of the general statutes is repealed and the  
362 following is substituted in lieu thereof (*Effective October 1, 2003*):

363 (a) The Chief Court Administrator may cause any and all court  
364 records, papers or documents other than records concerning title to  
365 land, required to be retained indefinitely or for a period of time  
366 defined by (1) rules of court, (2) directives promulgated by the Office  
367 of the Chief Court Administrator, or (3) statute, to be microfilmed. The  
368 device used to reproduce such records, papers or documents on [film]  
369 microfilm shall be one which accurately reproduces the original  
370 thereof in detail. Such microfilm shall be considered and treated the  
371 same as the original records, papers or documents, provided a  
372 certificate of authenticity appears on each roll of microfilm. A  
373 transcript, exemplification or certified copy thereof shall for all  
374 purposes be deemed to be a transcript, exemplification or certified

375 copy of the original. The original court records, papers or documents  
376 so reproduced may be disposed of in such manner as approved by the  
377 Office of the Chief Court Administrator. For the purposes of this  
378 subsection, [microfilm shall include] "microfilm" includes microcard,  
379 microfiche, microphotograph, electronic medium or any other process  
380 which actually reproduces or forms a durable medium for so  
381 reproducing the original.

382 (b) Except as provided in subsection (c) of this section, any judge of  
383 the Superior Court may order that official records of evidence or  
384 judicial proceedings in said court, the Court of Common Pleas or the  
385 Circuit Court, including official notes and tapes of evidence or judicial  
386 proceedings concerning title to land, taken more than seven years prior  
387 to the date of such order by any stenographer or official court reporter,  
388 be destroyed by the person having the custody thereof.

389 (c) (1) In cases in which a person has been convicted after trial of a  
390 felony, other than a capital felony, the official records of evidence or  
391 judicial proceedings in the court may be destroyed upon the expiration  
392 of twenty years from the date of disposition of such case or upon the  
393 expiration of the sentence imposed upon such person, whichever is  
394 later.

395 (2) In cases in which a person has been convicted after trial of a  
396 capital felony, the official records of evidence or judicial proceedings in  
397 the court may be destroyed upon the expiration of [twenty-five]  
398 seventy-five years from the [death] conviction of such person.

399 (d) All court records other than records concerning title to land may  
400 be destroyed in accordance with rules of court. Records concerning  
401 title to land shall not be subject to any such destruction, except that  
402 official notes and tapes of evidence or judicial proceedings concerning  
403 title to land may be destroyed. All court records may be transferred to  
404 any agency of this state or to any federal agency in accordance with  
405 rules of court or directives promulgated by the Office of the Chief  
406 Court Administrator, provided records in any action concerning title

407 to land terminated by a final judgment affecting any right, title or  
408 interest in real property shall be retained for not less than forty years in  
409 the office of the clerk of the court location in which the judgment was  
410 rendered. Any other [Judicial Department] judicial branch books,  
411 records, papers or documents may be destroyed or transferred to any  
412 agency of this state or to any federal agency in accordance with  
413 directives promulgated by the Office of the Chief Court Administrator.

414 (e) For the purposes of this section, "official records of evidence or  
415 judicial proceedings" includes (1) the court file, [from which no  
416 documents have been removed,] that contains the original documents  
417 or copies of any original documents that have been removed, (2) all  
418 exhibits from the parties, whether marked for identification or  
419 admitted as full exhibits, and (3) the transcripts of all proceedings held  
420 in the matter, including voir dire.

421 Sec. 12. Subsection (b) of section 51-164n of the general statutes is  
422 repealed and the following is substituted in lieu thereof (*Effective*  
423 *October 1, 2003*):

424 (b) Notwithstanding any provision of the general statutes to the  
425 contrary, any person who is alleged to have committed (1) a violation  
426 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-  
427 41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350,  
428 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 [,  
429 or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6)  
430 of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-  
431 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-  
432 140, 13a-143b, 13a-247 [,  
433 or 13a-253, subsection (f) of section 13b-42,  
434 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,  
435 13b-410b [,  
436 or 13b-410c, subsection (a), (b) or (c) of section 13b-412,  
437 section 13b-414, subsection (d) of section 14-12, section 14-20a [,  
438 or 14-  
439 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,  
section 14-43, 14-49, 14-50a [,  
or 14-58, subsection (b) of section 14-66,  
section 14-66a, 14-66b [,  
or 14-67a, subsection (f) of section 14-80h,  
section 14-97a, [section] 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-

440 152, 14-153 [.] or 14-163b, a first violation as specified in subsection (f)  
441 of section 14-164i, section 14-219 as specified in subsection (e) of said  
442 section, section 14-240, 14-249 [.] or 14-250, subsection (a), (b) or (c) of  
443 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,  
444 14-278 [.] or 14-279, subsection (e) of section 14-283, section 14-291, 14-  
445 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 [.] or 14-332a,  
446 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection  
447 (a) of section 15-115, section 16-256, 16-256e, 16a-15 [.] or 16a-22,  
448 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,  
449 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-451  
450 [.] or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,  
451 19a-39 [.] or 19a-87, subsection (b) of section 19a-87a, section 19a-91,  
452 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,  
453 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,  
454 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 [.] or 20-  
455 324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,  
456 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21,  
457 21a-25, 21a-26 [.] or 21a-30, subsection (a) of section 21a-37, section 21a-  
458 46, 21a-61, 21a-63 [.] or 21a-77, subsection (b) of section 21a-79, section  
459 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-  
460 29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-  
461 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-  
462 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 [.] or 22-342,  
463 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-  
464 413, 22-414, 22-415, 22a-66a [.] or 22a-246, subsection (a) of section 22a-  
465 250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-37,  
466 23-38, 23-46 [.] or 23-61b, subsection (a) or (b) of section 23-65, section  
467 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,  
468 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,  
469 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-  
470 109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-  
471 341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,  
472 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
473 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a [.] or 31-54, subsection  
474 (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-

475 89b [.] or 31-134, subsection [(g)] (i) of section 31-273, section 31-288,  
476 36a-787, 42-230, 45a-450, 45a-634 [.] or 45a-658, subdivision (13) or (14)  
477 of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47,  
478 49-8a, 49-16 [.] or 53-133, subsection (a) or (b) of section 53-211, or  
479 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-  
480 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the  
481 provisions of chapter 268, or (3) a violation of any regulation adopted  
482 in accordance with the provisions of section 12-484, 12-487 or 13b-410,  
483 shall follow the procedures set forth in this section.

484 Sec. 13. Subsection (a) of section 51-247 of the general statutes is  
485 repealed and the following is substituted in lieu thereof (*Effective*  
486 *October 1, 2003*):

487 (a) Each full-time employed juror shall be paid regular wages by  
488 [his] the juror's employer for the first five days, or part thereof, of [his  
489 juror] jury service. Such payment shall be subject to the requirements  
490 of section 31-71b and any employer who violates this section shall be  
491 subject to the provisions of sections 31-71g and 31-72. A person shall  
492 not be considered a full-time employed juror on any day of [juror] jury  
493 service in which such person (1) would not have accrued regular  
494 wages to be paid by the employer if such person were not serving as a  
495 juror on that day, or (2) would not have worked more than one-half of  
496 a shift which extends into another day if such person were not serving  
497 as a juror on that day. Each juror not considered a full-time employed  
498 juror on a particular day of [juror] jury service pursuant to subdivision  
499 (1) or (2) [above] of this subsection shall be reimbursed by the state for  
500 necessary out-of-pocket expenses incurred during that day of [juror]  
501 jury service, provided such day of service is within the first five days,  
502 or part thereof, of [juror] jury service. Each part-time employed juror  
503 and unemployed juror shall be reimbursed by the state for necessary  
504 out-of-pocket expenses incurred during the first five days, or part  
505 thereof, of [juror] jury service. Necessary out-of-pocket expenses shall  
506 include, but not be limited to, twenty cents for each mile of travel from  
507 [his] the juror's place of residence to the place of holding the court and  
508 return, and shall exclude food. The mileage shall be determined by the

509 shortest direct route either by highway or by any regular line of  
510 conveyance between the points. A reimbursement award under this  
511 [subdivision] subsection for each day of service shall not be less than  
512 twenty dollars nor more than fifty dollars. For the purposes of this  
513 [subdivision, a] subsection, "full-time employed juror" means an  
514 employee holding a position normally requiring thirty hours or more  
515 of service in each week, which position is neither temporary nor  
516 casual, and includes an employee holding a position through a  
517 temporary help service, as defined in section 31-129, which position  
518 normally requires thirty hours or more of service in each week, who  
519 has been working in that position for a period exceeding ninety days,  
520 and [a] "part-time employed juror" means an employee holding a  
521 position normally requiring less than thirty hours of service in each  
522 week or an employee working on a temporary or casual basis. In the  
523 event that a juror may be considered to be both a full-time employed  
524 juror and a part-time employed juror for any day of the first five days,  
525 or part thereof, of [juror] jury service, such juror shall, for the purposes  
526 of this section, be considered to be a full-time employed juror only.

527 Sec. 14. Subsection (a) of section 52-190a of the general statutes is  
528 repealed and the following is substituted in lieu thereof (*Effective*  
529 *October 1, 2003*):

530 (a) No civil action shall be filed to recover damages resulting from  
531 personal injury or wrongful death occurring on or after October 1,  
532 1987, whether in tort or in contract, in which it is alleged that such  
533 injury or death resulted from the negligence of a health care provider,  
534 unless the attorney or party filing the action has made a reasonable  
535 inquiry as permitted by the circumstances to determine that there are  
536 grounds for a good faith belief that there has been negligence in the  
537 care or treatment of the claimant. The complaint or initial pleading  
538 shall contain a certificate [, on a form prescribed by the rules of the  
539 superior court,] of the attorney or party filing the action that such  
540 reasonable inquiry gave rise to a good faith belief that grounds exist  
541 for an action against each named defendant. For the purposes of this  
542 section, such good faith may be shown to exist if the claimant or his

543 attorney has received a written opinion, which shall not be subject to  
544 discovery by any party except for questioning the validity of the  
545 certificate, of a similar health care provider, as defined in section 52-  
546 184c, which similar health care provider shall be selected pursuant to  
547 the provisions of said section, that there appears to be evidence of  
548 medical negligence. In addition to such written opinion, the court may  
549 consider other factors with regard to the existence of good faith. If the  
550 court determines, after the completion of discovery, that such  
551 certificate was not made in good faith and that no justiciable issue was  
552 presented against a health care provider that fully cooperated in  
553 providing informal discovery, the court upon motion or upon its own  
554 initiative [,] shall impose upon the person who signed such certificate  
555 [,] or a represented party, or both, an appropriate sanction [,] which  
556 may include an order to pay to the other party or parties the amount of  
557 the reasonable expenses incurred because of the filing of the pleading,  
558 motion or other paper, including a reasonable attorney's fee. The court  
559 may also submit the matter to the appropriate authority for  
560 disciplinary review of the attorney if the claimant's attorney submitted  
561 the certificate.

562 Sec. 15. Section 54-86e of the general statutes is repealed and the  
563 following is substituted in lieu thereof (*Effective October 1, 2003*):

564 The name and address of the victim of a sexual assault under  
565 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or  
566 risk of injury, or impairing of morals under section 53-21, or of an  
567 attempt thereof, and such other identifying information pertaining to  
568 such victim as determined by the court, shall be confidential and shall  
569 be disclosed only upon order of the Superior Court, except that (1)  
570 such information shall be available to the accused in the same manner  
571 and time as such information is available to persons accused of other  
572 criminal offenses, and (2) if a protective order is issued in a  
573 prosecution under any of said sections, the name and address of the  
574 victim, in addition to the information contained in and concerning the  
575 issuance of such order, shall be entered in the registry of protective  
576 orders pursuant to section 51-5c.

577 Sec. 16. Subdivision (f) of section 47a-68 of the general statutes is  
578 repealed and the following is substituted in lieu thereof (*Effective*  
579 *October 1, 2003*):

580 (f) All actions involving one or more violations of any state or  
581 municipal health, housing, building, electrical, plumbing, fire or  
582 sanitation code, including violations occurring in commercial  
583 properties, or of any other statute, ordinance or regulation concerned  
584 with the health, safety or welfare of any occupant of any housing.

585 Sec. 17. Section 52-11 of the general statutes is repealed and the  
586 following is substituted in lieu thereof (*Effective October 1, 2003*):

587 (a) The superior court in each judicial district shall have jurisdiction  
588 of complaints praying for a change of name, brought by any person  
589 residing in the judicial district, and may change the name of the  
590 complainant, who shall thereafter be known by the name prescribed by  
591 said court in its decree.

592 (b) Whenever the court, pursuant to this section, orders a change of  
593 name of a person, the clerk of the court shall notify the Commissioner  
594 of Public Safety of the issuance of such order if the clerk finds that such  
595 person is listed in the registry established and maintained pursuant to  
596 section 54-257, as amended by this act.

597 Sec. 18. Section 45a-99 of the general statutes is repealed and the  
598 following is substituted in lieu thereof (*Effective October 1, 2003*):

599 (a) The courts of probate shall have concurrent jurisdiction with the  
600 Superior Court, as provided in section 52-11, as amended by this act, to  
601 grant a change of name, except a change of name granted in  
602 accordance with subsection (a) of section 46b-63.

603 (b) Whenever the court, pursuant to this section, orders a change of  
604 name of a person, the court shall notify the Commissioner of Public  
605 Safety of the issuance of such order if the court finds that such person  
606 is listed in the registry established and maintained pursuant to section

607 54-257, as amended by this act.

608 Sec. 19. Section 54-257 of the general statutes is amended by adding  
609 subsection (e) as follows (*Effective October 1, 2003*):

610 (NEW) (e) Whenever the Commissioner of Public Safety receives  
611 notice from a superior court pursuant to section 52-11, as amended by  
612 this act, or a probate court pursuant to section 45a-99, as amended by  
613 this act, that such court has ordered the change of name of a person,  
614 and the department determines that such person is listed in the  
615 registry, the department shall revise such person's registration  
616 information accordingly.

617 Sec. 20. Subsection (b) of section 54-260 of the general statutes is  
618 repealed and the following is substituted in lieu thereof (*Effective*  
619 *October 1, 2003*):

620 (b) Any sexual offender who is released from a correctional  
621 institution on parole or who is sentenced to a period of probation shall,  
622 during the period of such parole or probation and as a condition of  
623 such parole or probation, immediately notify [his] such person's parole  
624 officer or probation officer, as the case may be, whenever [he] such  
625 person changes [his] such person's name or residence address. Each  
626 parole officer or probation officer who is notified of such change of  
627 address shall notify the chief of police of the police department or  
628 resident state trooper for the municipality of the new address of the  
629 parolee or probationer and any other law enforcement official [he]  
630 such parole officer or probation officer deems appropriate.

631 Sec. 21. Subsection (a) of section 54-65a of the general statutes is  
632 repealed and the following is substituted in lieu thereof (*Effective April*  
633 *1, 2004*):

634 (a) Whenever an arrested person is released upon the execution of a  
635 bond with surety in an amount of five hundred dollars or more and  
636 such bond is ordered forfeited because the principal failed to appear in  
637 court as conditioned in such bond, the court shall, at the time of

638 ordering the bond forfeited: (1) Issue a rearrest warrant or a capias  
639 directing a proper officer to take the defendant into custody, (2)  
640 provide written notice to the surety on the bond that the principal has  
641 failed to appear in court as conditioned in such bond, except that if the  
642 surety on the bond is an insurer, as defined in section 38a-660, the  
643 court shall provide such notice to such insurer and not to the surety  
644 bail bond agent, as defined in section 38a-660, and (3) order a stay of  
645 execution upon the forfeiture for six months. When the principal  
646 whose bond has been forfeited is returned to custody pursuant to the  
647 rearrest warrant or a capias within six months of the date such bond  
648 was ordered forfeited, the bond shall be automatically terminated and  
649 the surety released and the court shall order new conditions of release  
650 for the defendant in accordance with section 54-64a. When the  
651 principal whose bond has been forfeited returns to court voluntarily  
652 within five business days of the date such bond was ordered forfeited,  
653 the court may, in its discretion, and after finding that the defendant's  
654 failure to appear was not wilful, vacate the forfeiture order and  
655 reinstate the bond. Such stay of execution shall not prevent the  
656 issuance of a rearrest warrant or a capias.

657 Sec. 22. (NEW) (*Effective October 1, 2003*) The Chief Court  
658 Administrator shall require that the United States flag be displayed  
659 outside each courthouse of this state from sunrise to sunset of each  
660 day.

661 Sec. 23. Section 46b-82 of the general statutes is repealed and the  
662 following is substituted in lieu thereof (*Effective October 1, 2003*):

663 At the time of entering the decree, the Superior Court may order  
664 either of the parties to pay alimony to the other, in addition to or in  
665 lieu of an award pursuant to section 46b-81. The order may direct that  
666 security be given therefor on such terms as the court may deem  
667 desirable, including an order to either party to contract with a third  
668 party for periodic payments or payments contingent on a life to the  
669 other party. The court may order that a party obtain life insurance as  
670 such security unless such party proves, by a preponderance of the

671 evidence, that such insurance is not available to such party, such party  
672 is unable to pay the cost of such insurance or such party is  
673 uninsurable. In determining whether alimony shall be awarded, and  
674 the duration and amount of the award, the court shall hear the  
675 witnesses, if any, of each party, except as provided in subsection (a) of  
676 section 46b-51, shall consider the length of the marriage, the causes for  
677 the annulment, dissolution of the marriage or legal separation, the age,  
678 health, station, occupation, amount and sources of income, vocational  
679 skills, employability, estate and needs of each of the parties and the  
680 award, if any, which the court may make pursuant to section 46b-81,  
681 and, in the case of a parent to whom the custody of minor children has  
682 been awarded, the desirability of such parent's securing employment.

683 Sec. 24. Subsection (f) of section 46b-84 of the general statutes is  
684 repealed and the following is substituted in lieu thereof (*Effective*  
685 *October 1, 2003*):

686 (f) After the granting of a decree annulling or dissolving the  
687 marriage or ordering a legal separation, and upon complaint or motion  
688 with order and summons made to the Superior Court by either parent  
689 or by the Commissioner of Administrative Services in any case arising  
690 under subsection (a) or (b) of this section, the court shall inquire into  
691 the child's need of maintenance and the respective abilities of the  
692 parents to supply maintenance. The court shall make and enforce the  
693 decree for the maintenance of the child as it considers just, and may  
694 direct security to be given therefor, including an order to either party  
695 to contract with a third party for periodic payments or payments  
696 contingent on a life to the other party. The court may order that a party  
697 obtain life insurance as such security unless such party proves, by a  
698 preponderance of the evidence, that such insurance is not available to  
699 such party, such party is unable to pay the cost of such insurance or  
700 such party is uninsurable. The court shall include in each support  
701 order a provision for the health care coverage of the child which  
702 provision may include an order for either parent to name any child  
703 who is subject to the provisions of subsection (a) or (b) of this section  
704 as a beneficiary of any medical or dental insurance or benefit plan

705 carried by such parent or available to such parent on a group basis  
 706 through an employer or a union. Any such employment-based order in  
 707 a IV-D support case shall be enforced using a National Medical  
 708 Support Notice as provided in section 46b-88. If such insurance  
 709 coverage is unavailable at reasonable cost, the provision for health care  
 710 coverage may include an order for either parent to apply for and  
 711 maintain coverage on behalf of the child under the HUSKY Plan, Part  
 712 B. The noncustodial parent shall be ordered to apply for the HUSKY  
 713 Plan, Part B only if such parent is found to have sufficient ability to  
 714 pay the appropriate premium. In any IV-D support case in which the  
 715 noncustodial parent is found to have insufficient ability to provide  
 716 medical insurance coverage and the custodial party is the HUSKY  
 717 Plan, Part A or Part B applicant, the provision for health care coverage  
 718 may include an order for the noncustodial parent to pay such amount  
 719 as is specified by the court or family support magistrate to the state or  
 720 the custodial party, as their interests may appear, to offset the cost of  
 721 any insurance payable under the HUSKY Plan, Part A or Part B. In no  
 722 event may such order include payment to offset the cost of any such  
 723 premium if such payment would reduce the amount of current  
 724 support required under the child support guidelines.

725 Sec. 25. (*Effective October 1, 2003*) Sections 54-123b and 54-123c of the  
 726 general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>

Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>
Sec. 18	<i>October 1, 2003</i>
Sec. 19	<i>October 1, 2003</i>
Sec. 20	<i>October 1, 2003</i>
Sec. 21	<i>April 1, 2004</i>
Sec. 22	<i>October 1, 2003</i>
Sec. 23	<i>October 1, 2003</i>
Sec. 24	<i>October 1, 2003</i>
Sec. 25	<i>October 1, 2003</i>

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:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Judicial Dept.	GF - Cost	Significant	Significant
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill directs the Chief Court Administrator to require that the U.S. flag be flown daily outside each state courthouse from sunrise to sunset. This would result in a significant cost. The bill also makes various technical and minor changes that have no fiscal impact.

Senate Amendment "A" makes the civil case withdrawal provision effective January 1, 2004, rather than October 1, 2003. There is no related fiscal impact.

Senate Amendment "B" specifies that certain actions can be brought in housing court rather than the regular civil docket. There is no related fiscal impact since this conforms statute to current practice.

Senate Amendment "C" removes a provision that would have eliminated the requirement that plaintiffs get court permission to withdraw their suits once a hearing on the merits has begun. There is no related fiscal impact.

House Amendment "A" eliminates civil case withdrawal provisions, thereby leaving current law unchanged.

House Amendment "C" requires that (1) the Superior Court and the

probate court notify the Department of Public Safety (DPS) upon issuance of a change of name order involving persons listed in the sexual offender registry and (2) DPS must update that registry accordingly. These duties can be accomodated without additional appropriations.

House Amendment "D" requires the Judicial Department to notify an insurer, rather than a bail bond agent, if said insurer provides surety on a bond that is \$500 or more and the court orders forfeiture because the principal failed to appear. There is no related fiscal impact.

House Amendment "E" requires the Chief Court Administrator to provide that the United States flag be displayed outside each courthouse of this state from sunrise to sunset of each day, including holidays and weekends. Full compliance with this provision would require additional appropriations to cover overtime costs.

House Amendment "F" specifies that the court may, pursuant to a proceeding to dissolve a marriage, order legal separation, or grant an annulment, order either parent to obtain life insurance as security for the future maintenance of a child. There is no related fiscal impact.

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**OLR Bill Analysis**

sSB 900 (as amended by Senate "A", "B", and "C" and House "A", "C", "D", "E", and "F")\*

***AN ACT CONCERNING COURT OPERATIONS AND TECHNICAL REVISIONS TO CERTAIN STATUTES PERTAINING TO THE JUDICIAL BRANCH*****SUMMARY:**

This bill makes a number of changes to statutes applicable to the Judicial Department. It:

1. requires —(a) Superior and Probate court clerks to notify the Department of Public Safety whenever they find that the court has granted a name change to a person listed in the department's sex offender registry, (b) the department to update the registry accordingly, and (c) registered sex offenders released on parole or probation to immediately notify their parole or probation officer of such name changes;
2. directs courts to notify an insurer who provided the surety for an arrestee's bail bond, rather than the surety bail bond agent, when it orders the bond forfeited due to the arrestee's failure to appear in court as required;
3. directs the chief court administrator to require that the U.S. flag be flown daily outside each state courthouse from sunrise to sunset;
4. prohibits courts from ordering a divorcing spouse to obtain life insurance to secure alimony and support obligations when the obligor proves by a preponderance of the evidence that he cannot afford it or that it is unavailable to him;
5. imposes civil and criminal penalties on employers who violate the law requiring wage payments for certain employees summoned for jury duty;

6. increases information about sexual assault victims that courts can order remain confidential;
7. increases juvenile court discretion to decide who can attend court hearings;
8. establishes a uniform definition of “juvenile court records” and makes it applicable to existing confidentiality laws;
9. for family violence cases, updates (a) protective order language and (b) the list of crimes designated as domestic violence-related;
10. imposes state court notification obligations on mortgagors who file bankruptcy petitions while a strict foreclosure action is ongoing;
11. modifies the court record retention period for capital felony cases;
12. directs court clerks to notify the Department of Environmental Protection commissioner of minor boating safety convictions, rather than send him a certified copy of the conviction;
13. allows copies of original documents to be placed in court files when the originals are removed, eliminating the prohibition against removing any documents from these files;
14. permits the chief court administrator to establish policies and procedures for parking areas on any property he supervises and controls, including the option to tow violators’ vehicles;
15. specifies that for statutory purposes, “judicial branch” means the Judicial Department; and
16. specifies that actions involving state or municipal health, housing, building, electrical, plumbing, fire, or sanitation code violations on commercial properties may be filed in housing court.

It also eliminates obsolete statutory references and makes technical changes, eliminating references to two advisory committees made obsolete by the creation of the Judicial Department’s Court Support Services Division.

\*Senate Amendment "A" makes the civil case withdrawal provision effective January 1, 2004, rather than October 1, 2003.

\*Senate Amendment "B" adds the housing court provision.

\*Senate Amendment "C" removes a provision that would have eliminated the requirement that plaintiffs get court permission to withdraw their suits once a hearing on the merits has begun.

\*House Amendment "A" eliminates the original file's civil case withdrawal provisions, thereby leaving the current laws unchanged.

\*House Amendment "C" adds the name change provisions.

\*House Amendment "D" adds the provision concerning bail bond forfeiture notifications.

\*House Amendment "E" adds the flag display provision.

\*House Amendment "F" adds the life insurance exception.

EFFECTIVE DATE: October 1, 2003, except for the bail bond provision, which is effective April 1, 2004.

### **WAGE PAYMENTS FOR JURORS**

By law, employers must pay full-time employees their regular wages for the first five days, or part of that period, of jury service. The bill requires them to make these payments in the same manner and time as they would have paid the juror if he had been at work.

It subjects employers who fail to do so to existing criminal and civil penalties for nonpayment of wages. These are (1) fines between \$2,000 and \$5,000, imprisonment for up to five years, or both (per offense) and (2) double the amount of unpaid wages, plus court costs and attorneys fees, respectively.

### **CONFIDENTIALITY OF SEXUAL ASSAULT VICTIM'S IDENTITY**

The bill expands the authority of courts to make information about a sexual assault victim's identity confidential. Current law makes her name and address confidential. The bill allows courts to order that

other identifying information also be kept confidential.

### **ATTENDANCE AT JUVENILE COURT HEARINGS**

The bill allows, rather than requires, juvenile court judges to exclude people from hearings who they find are not necessary. It retains the current prohibition against crime victims and their parents or guardians and court-appointed victim advocates being excluded unless the judge specifically orders otherwise.

### **JUVENILE COURT RECORDS**

The bill defines “records of cases of juvenile matters” and makes this definition uniformly applicable to the existing juvenile court record confidentiality statute. Under the bill, these are records kept by (1) courts, (2) the Judicial Department’s Court Support Services Division, (3) organizations and agencies serving juveniles under department contracts, and (4) law enforcement agencies. The latter includes fingerprints, photographs and physical descriptions, and reports by probation officers and other agencies.

### **PROTECTIVE AND RESTRAINING ORDERS IN FAMILY VIOLENCE CASES**

The bill updates language that must be included in protective orders issued in family violence cases, conforming it to the increased penalty for violations (from a class A misdemeanor to a class D felony) enacted in PA 02-127.

It also adds criminal violation of a restraining order, a crime created in PA 02-127, to the list of crimes designated in court records as domestic violence-related for criminal history record purposes.

### **STRICT FORECLOSURES AND BANKRUPTCY PETITIONS**

By law, strict foreclosure judgments are automatically reopened when a mortgagor files a bankruptcy petition before title to the property has passed absolutely to someone else. The bill requires the mortgagor to file with the clerk of the court in which the foreclosure matter is pending a copy of the bankruptcy petition or an affidavit setting forth its filing date. He must also file an affidavit with the clerk indicating the date the bankruptcy court’s automatic stay ended.

## RECORD RETENTION IN CAPITAL CASES

The bill permits courts to destroy the official records of evidence and judicial proceedings in capital felony cases 75 years after the person's conviction. Currently, they must wait until the convicted person has been dead for 25 years.

By law, capital felonies are punishable by execution or life imprisonment.

## BACKGROUND

### *Legislative History*

The Senate referred the bill (File 318) to the Government Administration and Elections Committee on April 23. That committee voted the bill favorably on April 30. On May 7, the Senate referred it to the Labor and Public Employees Committee, which reported it favorably on May 14.

## COMMITTEE ACTION

### Judiciary Committee

Joint Favorable Substitute

Yea 39    Nay 1

### Government Administration and Elections Committee

Joint Favorable Report

Yea 18    Nay 0

### Labor and Public Employees Committee

Joint Favorable Report

Yea 14    Nay 0