



General Assembly

February Session, 2004

Amendment

LCO No. 4054

SB0005704054HRO

Offered by:

REP. COLLINS, 117th Dist.

REP. PISCOPO, 76th Dist.

REP. MINER, 66th Dist.

To: Senate Bill No. 57

File No. 310

Cal. No. 465

"AN ACT CONCERNING DEBARMENT REFORM."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 7-112 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 The provisions of [sections 31-52, 31-53 and 31-54] section 31-52
6 shall apply to the construction, remodeling or repair of any public
7 building by any political subdivision of this state or any of its agents.

8 Sec. 2. Section 7-502 of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective October 1, 2004*):

10 [(a) The provisions of section 31-53 shall apply to contractual
11 arrangements for the construction, reconstruction or rehabilitation of
12 development property.]

13 [(b)] (a) The provisions of sections 49-41 to 49-43, inclusive, shall
14 apply to any construction, reconstruction or rehabilitation of
15 development property undertaken by a municipality or a
16 governmental unit or nonprofit corporation to which a municipality
17 has delegated powers pursuant to section 7-486.

18 [(c)] (b) The provisions of sections 7-467 to 7-473c, inclusive, 7-474 to
19 7-477, inclusive, and of chapter 561 and any provisions of any special
20 act, municipal charter or ordinance granting to employees rights of
21 organization, representation and collective bargaining shall apply to
22 any powers exercised or actions undertaken pursuant to this chapter
23 by a municipality or a governmental unit or nonprofit corporation to
24 which a municipality has delegated powers pursuant to section 7-486.

25 Sec. 3. Section 8-74 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2004*):

27 No moderate rental housing project shall be developed until (1) the
28 housing authority or, in the case of a developer, the Commissioner of
29 Economic and Community Development has provided notice to the
30 general public of the project by publication, in ten-point boldface type,
31 of a description of the project in a newspaper of general circulation in
32 the municipality in which the proposed project is to be located; (2) the
33 Commissioner of Economic and Community Development has
34 approved the site, not less than thirty days after publication of the
35 notice required under this section and after having given due
36 consideration to any comments received from the public, the plans and
37 layout and the estimated cost of development, and (3) the
38 commissioner has approved the proposed methods of financing, the
39 proposed rents and income limits for admission and continued
40 occupancy and a detailed estimate of the expenses and revenues
41 thereof. During the period of any grant or loan contract entered into
42 under part I or III of this chapter or this part, the developer shall
43 submit to the commissioner for his approval its rent schedules and its
44 standards of tenant eligibility and continued occupancy, and any
45 changes therein and its proposed budget for each fiscal year, together

46 with such reports and financial and operating statements as the
47 commissioner finds necessary. The commissioner may recommend the
48 use of modern materials and methods of construction and factory-built
49 houses in such projects, provided the use thereof would not be
50 detrimental to the public health and safety, and may, in his discretion,
51 withhold approval of the plans therefor if he believes that failure to
52 use such methods or materials or factory-built houses would result in
53 unnecessarily high costs. The commissioner is authorized to make and
54 enforce reasonable orders and regulations and to determine the
55 allocation of dwelling units to be constructed by an authority. [The
56 provisions of section 31-53 shall apply to housing projects constructed
57 by an eligible developer under this part.]

58 Sec. 4. Section 8-117a of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2004*):

60 Except as limited by the provisions of section 8-118a, sections 8-50 to
61 8-63, inclusive, 8-65 [.] and 8-67 [and 31-53] shall apply to housing
62 authority projects referred to in this part and the property acquired
63 and loans, grants, financial assistance or other financing made or to be
64 made available therefor.

65 Sec. 5. Subdivision (6) of subsection (c) of section 8-169d of the
66 general statutes is repealed and the following is substituted in lieu
67 thereof (*Effective October 1, 2004*):

68 (6) Where federal financial assistance is to be provided in the
69 implementation of a community development program, all laborers
70 and mechanics employed by contractors or subcontractors on
71 construction or rehabilitation work, except as provided under Section
72 110 of said Housing and Community Development Act of 1974, as
73 from time to time amended, and part III of chapter 557 and part I of
74 chapter 558, shall be paid wages at rates not less than those prevailing
75 on similar construction within the locality, as determined by the
76 United States Secretary of Labor under the provisions of the Davis-
77 Bacon Act, as from time to time amended, 40 USC, Sections 276a to

78 276a-5, inclusive, [or by the Labor Commissioner under section 31-53,]
79 and all such persons shall receive overtime compensation in
80 accordance with the provisions of the Contract Work Hours and Safety
81 Standards Act, 40 USC, Sections 327 to 332, inclusive, and section 31-
82 60, as amended, or where no such federal financial assistance is to be
83 provided, then compliance with part III of chapter 557 and part I of
84 chapter 558 shall be required.

85 Sec. 6. Subsection (a) of section 10a-255 of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *October 1, 2004*):

88 (a) To accomplish the purposes of sections 10a-250 to 10a-263,
89 inclusive, the corporation may enter into joint ventures or shared
90 service agreements to procure hospital facilities and to contract for
91 services necessary or useful in connection with the procurement of
92 hospital facilities. The corporation shall establish and adopt specific
93 policies, rules and procedures on purchasing and contracting. Such
94 policies, rules and procedures shall be approved by a two-thirds vote
95 of its full board of directors. The corporation shall conduct its
96 contracting and purchasing operations in accordance with such
97 policies, rules and procedures. Notwithstanding any other provision of
98 law to the contrary, the corporation may enter into joint ventures or
99 shared service agreements and may procure hospital facilities and
100 contract for any services necessary or useful in connection with such
101 procurement either (1) pursuant to a process of open or competitive
102 bidding, provided that (A) the corporation may determine the format,
103 contents and scope of any joint venture or shared service agreement or
104 any procurement of hospital facilities, and services in connection with
105 such procurement, the conditions under which bidding shall take place
106 and the schedule and stipulations for contract award, and (B) the
107 corporation may select the contractor deemed to have submitted the
108 most favorable bid, price and other factors considered, when, in the
109 judgment of the corporation, such award is in the best interests of the
110 hospital, or (2) if the corporation, in its discretion, determines that, due
111 to the nature of the joint venture or shared service agreement or

112 hospital facilities to be contracted for or procured, open or public
113 bidding is either impracticable or not in the best interests of the
114 hospital, through negotiation with such person or persons as the
115 corporation may determine. The terms and conditions of joint ventures
116 or shared service agreements or contracts for hospital facilities shall be
117 determined by the corporation, as shall the fees or other compensation
118 to be paid to such persons under such joint venture, shared service
119 agreement or contract, [provided any contract for construction by the
120 corporation or a subsidiary of a hospital facility shall be subject to the
121 provisions of section 31-53] and any joint venture agreement or shared
122 service agreement of the corporation shall contain a neutrality clause
123 signed by all parties to such joint venture agreement or shared service
124 agreement prohibiting employer interference by such parties in union
125 organizing and education campaigns, prohibiting discrimination in
126 hiring based on past union activity and prohibiting harassment of
127 employees engaged in labor organizing, all in compliance with section
128 31-104 and section 31-105. The joint venture, shared service agreement
129 or contracts entered into by the corporation shall not be subject to the
130 approval of any state department, office or agency other than as
131 provided in this section. Copies of all contracts of the corporation shall
132 be maintained by the corporation at its offices as public records,
133 subject to the exemption provided in subsection (i) of section 10a-253,
134 as amended. Nothing in this subsection shall be deemed to restrict the
135 discretion of the corporation to utilize its own staff and workforce for
136 the performance of any of its assigned responsibilities and functions
137 whenever, in the discretion of the corporation, it becomes necessary,
138 convenient or desirable to do so.

139 Sec. 7. Subsection (b) of section 31-57c of the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective*
141 *October 1, 2004*):

142 (b) Disqualification of a contractor is a serious action that shall be
143 used only in the public interest and for the state government's
144 protection and not for purposes of punishment or in lieu of other
145 applicable enforcement or compliance procedures. The causes for and

146 consequences of disqualification under this section shall be separate
147 from and in addition to causes for and consequences of
148 disqualification under sections 4b-95, [31-53a,] 31-57a and 31-57b.

149 Sec. 8. Subsection (b) of section 31-57d of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective*
151 *October 1, 2004*):

152 (b) Disqualification of a contractor is a serious action that shall be
153 used only in the public interest and for the state government's
154 protection and not for purposes of punishment or in lieu of other
155 applicable enforcement or compliance procedures. The causes for and
156 consequences of disqualification under this section shall be separate
157 from and in addition to causes for and consequences of
158 disqualification under sections 4b-95, [31-53a,] 31-57a and 31-57b.

159 Sec. 9. Section 31-76m of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2004*):

161 Notwithstanding any other provisions of the general statutes, if the
162 Labor Commissioner imposes a fine or civil penalty under the
163 provisions of section 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-52, [31-
164 53, 31-54,] 31-69, 31-69a, 31-76 or 31-76a, as a result of a violation
165 initially reported by a municipal official, the commissioner shall,
166 within thirty days after collecting such fine or penalty, remit one-half
167 of the amount collected to such municipality.

168 Sec. 10. Subsection (a) of section 31-89a of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective*
170 *October 1, 2004*):

171 (a) Payments to employee welfare funds [, as defined in subsection
172 (h) of section 31-53,] which are past due under the terms of a written
173 contract or rules and regulations adopted by the trustees of such funds
174 shall be considered as wages for the purpose of section 31-72. For
175 purposes of this section, "employee welfare funds" means any trust
176 fund established by one or more employers and one or more labor

177 organizations or one or more other third parties not affiliated with the
178 employers to provide from moneys in the fund, whether through the
179 purchase of insurance or annuity contracts or otherwise, benefits
180 under an employee welfare plan; provided such term shall not include
181 any such fund where the trustee, or all of the trustees, are subject to
182 supervision by the Banking Commissioner of this state or any other
183 state or the Comptroller of the Currency of the United States or the
184 Board of Governors of the Federal Reserve System.

185 Sec. 11. Subsection (a) of section 32-665 of the general statutes is
186 repealed and the following is substituted in lieu thereof (*Effective*
187 *October 1, 2004*):

188 (a) Except as otherwise provided in sections 32-650 to 32-668,
189 inclusive, the following provisions of the general statutes, including
190 regulations adopted thereunder, shall not apply to the overall project:
191 Section 3-14b, subdivisions (12), (13) and (14) of section 4-166, sections
192 4-167 to 4-174, inclusive, 4-181a, 4a-1 to 4a-59a, inclusive, 4a-63 to 4a-
193 76, inclusive, title 4b, section 16a-31, chapters 97a, 124 and 126, sections
194 14-311 to 14-314c, inclusive, 19a-37, 22a-16 and subsection (a) of section
195 22a-19. For the purposes of section 22a-12, construction plans relating
196 to the overall project shall not be considered construction plans
197 required to be submitted by state agencies to the Council on
198 Environmental Quality. Notwithstanding any provision of any special
199 act, charter, ordinance, home rule ordinance or chapter 98 no provision
200 of any such act, charter or ordinance or said chapter 98, concerning
201 licenses, permits or approvals by a political subdivision of the state
202 pertaining to building demolition or construction shall apply to the
203 overall project and, notwithstanding any provision of the general
204 statutes, the State Building Inspector and the State Fire Marshal shall
205 have original jurisdiction with respect to the administration and
206 enforcement of the State Building Code and the State Fire Safety Code,
207 respectively, with respect to all aspects of the overall project,
208 including, without limitation, the conduct of necessary reviews and
209 inspections and the issuance of any building permit, certificate of
210 occupancy or other necessary permits or certificates related to building

211 construction, occupancy or fire safety. For the purposes of part III of
212 chapter 557, the stadium facility project, the convention center project
213 and the parking project shall be deemed to be a public works project
214 and consist of public buildings. [except that the provisions relating to
215 payment of prevailing wages to workers in connection with a public
216 works project including, but not limited to, section 31-53 shall not
217 apply to the stadium facility project, the convention center project and
218 the parking project if the project manager or the prime construction
219 contractor has negotiated other wage terms pursuant to a project labor
220 agreement.] The provisions of section 2-32c and subsection (c) of
221 section 2-79a, as amended, shall not apply to any provisions of public
222 act 99-241*, as amended by public act 00-140*, or chapter 588x
223 concerning the overall project. Any building permit application with
224 respect to the overall project shall be exempt from the assessment of an
225 education fee under subsection (b) of section 29-252a.

226 Sec. 12. Subsection (b) of section 51-164n of the general statutes, as
227 amended by section 9 of public act 03-136, section 12 of public act 03-
228 202 and section 5 of public act 03-267, is repealed and the following is
229 substituted in lieu thereof (*Effective October 1, 2004*):

230 (b) Notwithstanding any provision of the general statutes, any
231 person who is alleged to have committed (1) a violation under the
232 provisions of section 1-9, 1-10, 1-11, 4b-13, as amended, 7-13, 7-14, 7-35,
233 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, as amended, 8-27, 9-63, 9-296, 9-305,
234 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
235 170aa, as amended, 12-292, as amended, or 12-326g, subdivision (4) of
236 section 12-408, as amended, subdivision (3), (5) or (6) of section 12-411,
237 as amended, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107,
238 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as amended, 13a-124, 13a-
239 139, 13a-140, 13a-143b, 13a-247, as amended, or 13a-253, subsection (f)
240 of section 13b-42, as amended, section 13b-90, 13b-221, 13b-292, as
241 amended, 13b-336, 13b-337, as amended, 13b-338, 13b-410a, 13b-410b
242 or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
243 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
244 of section 14-34a, subsection (d) of section 14-35, as amended, section

245 14-43, 14-49, as amended, 14-50a, as amended, or 14-58, as amended,
246 subsection (b) of section 14-66, as amended, section 14-66a, 14-66b or
247 14-67a, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-
248 103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
249 violation as specified in subsection (f) of section 14-164i, section 14-219
250 as specified in subsection (e) of said section, section 14-240, 14-249 or
251 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-262, as
252 amended, 14-264, 14-267a, as amended, 14-269, 14-270, 14-275a, 14-278
253 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-
254 319, 14-320, 14-321, as amended, 14-325a, 14-326, 14-330 or 14-332a,
255 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
256 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or
257 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
258 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, as amended, 17b-131, as
259 amended, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
260 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
261 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
262 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
263 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
264 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341i, 20-
265 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
266 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
267 section 21a-46, 21a-61, as amended, 21a-63, as amended, or 21a-77,
268 subsection (b) of section 21a-79, as amended, section 21a-85, 21a-154,
269 21a-159, as amended, 21a-201, 21a-211, 22-13, 22-14, as amended, 22-15,
270 22-16, 22-29, 22-34, as amended, 22-35, as amended, 22-36, as amended,
271 22-37, as amended, 22-38, as amended, 22-39, as amended, 22-39a, 22-
272 39b, as amended, 22-39c, 22-39d, as amended, 22-39e, as amended, 22-
273 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, as
274 amended, 22-280a, 22-318a, as amended, 22-320h, 22-324a, as amended,
275 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,
276 22-366, 22-391, 22-413, 22-414, as amended, 22-415, as amended, 22a-
277 66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
278 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, as
279 amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of

280 section 23-65, section 25-37, 25-40, as amended, 26-19, 26-21, 26-31, 26-
281 40, 26-40a, as amended, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89,
282 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-
283 215, as amended, 26-224a, as amended, 26-227, as amended, 26-230, as
284 amended, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210,
285 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, as amended, 30-48a, 30-
286 86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-
287 18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44,
288 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or [31-54,] subsection (a) or (c)
289 of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
290 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
291 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
292 as amended, section 46a-59, 46b-22, 46b-24, as amended, 46b-34, 47-
293 34a, as amended, 47-47, 49-8a, as amended, 49-16 or 53-133, subsection
294 (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-252, 53-264,
295 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344, as
296 amended, or 53-450, or (2) a violation under the provisions of chapter
297 268, or (3) a violation of any regulation adopted in accordance with the
298 provisions of section 12-484, 12-487 or 13b-410, shall follow the
299 procedures set forth in this section.

300 Sec. 13. Section 53a-119 of the general statutes, as amended by
301 section 1 of public act 03-201 and section 105 of public act 03-278, is
302 repealed and the following is substituted in lieu thereof (*Effective*
303 *October 1, 2004*):

304 A person commits larceny when, with intent to deprive another of
305 property or to appropriate the same to himself or a third person, he
306 wrongfully takes, obtains or withholds such property from an owner.
307 Larceny includes, but is not limited to:

308 (1) Embezzlement. A person commits embezzlement when he
309 wrongfully appropriates to himself or to another property of another
310 in his care or custody.

311 (2) Obtaining property by false pretenses. A person obtains property

312 by false pretenses when, by any false token, pretense or device, he
313 obtains from another any property, with intent to defraud him or any
314 other person.

315 (3) Obtaining property by false promise. A person obtains property
316 by false promise when, pursuant to a scheme to defraud, he obtains
317 property of another by means of a representation, express or implied,
318 that he or a third person will in the future engage in particular
319 conduct, and when he does not intend to engage in such conduct or
320 does not believe that the third person intends to engage in such
321 conduct. In any prosecution for larceny based upon a false promise,
322 the defendant's intention or belief that the promise would not be
323 performed may not be established by or inferred from the fact alone
324 that such promise was not performed.

325 (4) Acquiring property lost, mislaid or delivered by mistake. A
326 person who comes into control of property of another that he knows to
327 have been lost, mislaid, or delivered under a mistake as to the nature
328 or amount of the property or the identity of the recipient is guilty of
329 larceny if, with purpose to deprive the owner thereof, he fails to take
330 reasonable measures to restore the property to a person entitled to it.

331 (5) Extortion. A person obtains property by extortion when he
332 compels or induces another person to deliver such property to himself
333 or a third person by means of instilling in him a fear that, if the
334 property is not so delivered, the actor or another will: (A) Cause
335 physical injury to some person in the future; or (B) cause damage to
336 property; or (C) engage in other conduct constituting a crime; or (D)
337 accuse some person of a crime or cause criminal charges to be
338 instituted against him; or (E) expose a secret or publicize an asserted
339 fact, whether true or false, tending to subject some person to hatred,
340 contempt or ridicule; or (F) cause a strike, boycott or other collective
341 labor group action injurious to some person's business; except that
342 such a threat shall not be deemed extortion when the property is
343 demanded or received for the benefit of the group in whose interest
344 the actor purports to act; or (G) testify or provide information or

345 withhold testimony or information with respect to another's legal
346 claim or defense; or (H) use or abuse his position as a public servant by
347 performing some act within or related to his official duties, or by
348 failing or refusing to perform an official duty, in such manner as to
349 affect some person adversely; or (I) inflict any other harm which
350 would not benefit the actor.

351 (6) Defrauding of public community. A person is guilty of
352 defrauding a public community who (A) authorizes, certifies, attests or
353 files a claim for benefits or reimbursement from a local, state or federal
354 agency which he knows is false; or (B) knowingly accepts the benefits
355 from a claim he knows is false; or (C) as an officer or agent of any
356 public community, with intent to prejudice it, appropriates its property
357 to the use of any person or draws any order upon its treasury or
358 presents or aids in procuring to be allowed any fraudulent claim
359 against such community. For purposes of this subdivision such order
360 or claim shall be deemed to be property.

361 (7) Theft of services. A person is guilty of theft of services when: (A)
362 With intent to avoid payment for restaurant services rendered, or for
363 services rendered to him as a transient guest at a hotel, motel, inn,
364 tourist cabin, rooming house or comparable establishment, he avoids
365 such payment by unjustifiable failure or refusal to pay, by stealth, or
366 by any misrepresentation of fact which he knows to be false; or (B) (i)
367 with intent to obtain railroad, subway, bus, air, taxi or any other public
368 transportation service without payment of the lawful charge therefor
369 or to avoid payment of the lawful charge for such transportation
370 service which has been rendered to him, he obtains such service or
371 avoids payment therefor by force, intimidation, stealth, deception or
372 mechanical tampering, or by unjustifiable failure or refusal to pay, or
373 (ii) with intent to obtain the use of equipment, including a motor
374 vehicle, without payment of the lawful charge therefor, or to avoid
375 payment of the lawful charge for such use which has been permitted
376 him, he obtains such use or avoids such payment therefor by means of
377 any false or fraudulent representation, fraudulent concealment, false
378 pretense or personation, trick, artifice or device, including, but not

379 limited to, a false representation as to his name, residence,
380 employment, or driver's license; or (C) obtaining or having control
381 over labor in the employ of another person, or of business, commercial
382 or industrial equipment or facilities of another person, knowing that he
383 is not entitled to the use thereof, and with intent to derive a
384 commercial or other substantial benefit for himself or a third person,
385 he uses or diverts to the use of himself or a third person such labor,
386 equipment or facilities.

387 (8) Receiving stolen property. A person is guilty of larceny by
388 receiving stolen property if he receives, retains, or disposes of stolen
389 property knowing that it has probably been stolen or believing that it
390 has probably been stolen, unless the property is received, retained or
391 disposed of with purpose to restore it to the owner. A person who
392 accepts or receives the use or benefit of a public utility commodity
393 which customarily passes through a meter, knowing such commodity
394 (A) has been diverted therefrom, (B) has not been correctly registered,
395 or (C) has not been registered at all by a meter, is guilty of larceny by
396 receiving stolen property.

397 (9) Shoplifting. A person is guilty of shoplifting who intentionally
398 takes possession of any goods, wares or merchandise offered or
399 exposed for sale by any store or other mercantile establishment with
400 the intention of converting the same to his own use, without paying
401 the purchase price thereof. A person intentionally concealing
402 unpurchased goods or merchandise of any store or other mercantile
403 establishment, either on the premises or outside the premises of such
404 store, shall be prima facie presumed to have so concealed such article
405 with the intention of converting the same to his own use without
406 paying the purchase price thereof.

407 (10) Conversion of a motor vehicle. A person is guilty of conversion
408 of a motor vehicle who, after renting or leasing a motor vehicle under
409 an agreement in writing which provides for the return of such vehicle
410 to a particular place at a particular time, fails to return the vehicle to
411 such place within the time specified, and who thereafter fails to return

412 such vehicle to the agreed place or to any other place of business of the
413 lessor within one hundred twenty hours after the lessor shall have sent
414 a written demand to him for the return of the vehicle by registered
415 mail addressed to him at his address as shown in the written
416 agreement or, in the absence of such address, to his last-known
417 address as recorded in the records of the motor vehicle department of
418 the state in which he is licensed to operate a motor vehicle. It shall be a
419 complete defense to any civil action arising out of or involving the
420 arrest or detention of any person to whom such demand was sent by
421 registered mail that he failed to return the vehicle to any place of
422 business of the lessor within one hundred twenty hours after the
423 mailing of such demand.

424 (11) Obtaining property through fraudulent use of an automated
425 teller machine. A person obtains property through fraudulent use of an
426 automated teller machine when such person obtains property by
427 knowingly using in a fraudulent manner an automated teller machine
428 with intent to deprive another of property or to appropriate the same
429 to himself or a third person. In any prosecution for larceny based upon
430 fraudulent use of an automated teller machine, the crime shall be
431 deemed to have been committed in the town in which the machine was
432 located. In any prosecution for larceny based upon more than one
433 instance of fraudulent use of an automated teller machine, (A) all such
434 instances in any six-month period may be combined and charged as
435 one offense, with the value of all property obtained thereby being
436 accumulated, and (B) the crime shall be deemed to have been
437 committed in any of the towns in which a machine which was
438 fraudulently used was located. For the purposes of this subsection,
439 "automated teller machine" means an unmanned device at which
440 banking transactions including, without limitation, deposits,
441 withdrawals, advances, payments and transfers may be conducted,
442 and includes, without limitation, a satellite device and point of sale
443 terminal as defined in section 36a-2, as amended.

444 (12) Library theft. A person is guilty of library theft when (A) he
445 conceals on his person or among his belongings a book or other

446 archival library materials, belonging to, or deposited in, a library
447 facility with the intention of removing the same from the library
448 facility without authority or without authority removes a book or other
449 archival library materials from such library facility, or (B) he mutilates
450 a book or other archival library materials belonging to, or deposited in,
451 a library facility, so as to render it unusable or reduce its value. The
452 term "book or other archival library materials" includes any book,
453 plate, picture, photograph, engraving, painting, drawing, map,
454 manuscript, document, letter, public record, microform, sound
455 recording, audiovisual material in any format, magnetic or other tape,
456 electronic data-processing record, artifact or other documentary,
457 written or printed material regardless of physical form or
458 characteristics, or any part thereof, belonging to, on loan to, or
459 otherwise in the custody of a library facility. The term "library facility"
460 includes any public library, any library of an educational institution,
461 organization or society, any museum, any repository of public records
462 and any archives.

463 (13) Conversion of leased property. (A) A person is guilty of
464 conversion of leased personal property who, with the intent of
465 converting the same to his own use or that of a third person, after
466 renting or leasing such property under an agreement in writing which
467 provides for the return of such property to a particular place at a
468 particular time, sells, conveys, conceals or aids in concealing such
469 property or any part thereof, and who thereafter fails to return such
470 property to the agreed place or to any other place of business of the
471 lessor within one hundred ninety-two hours after the lessor shall have
472 sent a written demand to him for the return of the property by
473 registered or certified mail addressed to him at his address as shown in
474 the written agreement, unless a more recent address is known to the
475 lessor. (B) Any person, being in possession of personal property other
476 than wearing apparel, received upon a written lease, who, with intent
477 to defraud, sells, conveys, conceals or aids in concealing such property,
478 or any part thereof, shall be prima facie presumed to have done so
479 with the intention of converting such property to his own use. (C) A

480 person who uses a false or fictitious name or address in obtaining such
481 leased personal property shall be prima facie presumed to have
482 obtained such leased personal property with the intent of converting
483 the same to his own use or that of a third person. (D) "Leased personal
484 property", as used in this subdivision, means any personal property
485 received pursuant to a written contract, by which one owning such
486 property, the lessor, grants to another, the lessee, the right to possess,
487 use and enjoy such personal property for a specified period of time for
488 a specified sum.

489 [(14) Failure to pay prevailing rate of wages. A person is guilty of
490 failing to pay the prevailing rate of wages when he (A) files a certified
491 payroll, in accordance with section 31-53 which he knows is false, in
492 violation of section 53a-157a, and (B) fails to pay to an employee or to
493 an employee welfare fund the amount attested to in the certified
494 payroll with the intent to convert such amount to his own use or to the
495 use of a third party.]

496 [(15)] ~~(14)~~ Theft of utility service. A person is guilty of theft of utility
497 service when he intentionally obtains electric, gas, water,
498 telecommunications, wireless radio communications or community
499 antenna television service that is available only for compensation: (A)
500 By deception or threat or by false token, slug or other means including,
501 but not limited to, electronic or mechanical device or unauthorized use
502 of a confidential identification or authorization code or through
503 fraudulent statements, to avoid payment for the service by himself or
504 another person; or (B) by tampering or making connection with or
505 disconnecting the meter, pipe, cable, conduit, conductor, attachment or
506 other equipment or by manufacturing, modifying, altering,
507 programming, reprogramming or possessing any device, software or
508 equipment or part or component thereof or by disguising the identity
509 or identification numbers of any device or equipment utilized by a
510 supplier of electric, gas, water, telecommunications, wireless radio
511 communications or community antenna television service, without the
512 consent of such supplier, in order to avoid payment for the service by
513 himself or another person; or (C) with intent to avoid payment by

514 himself or another person for a prospective or already rendered service
515 the charge or compensation for which is measured by a meter or other
516 mechanical measuring device provided by the supplier of the service,
517 by tampering with such meter or device or by attempting in any
518 manner to prevent such meter or device from performing its
519 measuring function, without the consent of the supplier of the service.
520 There shall be a rebuttable presumption that the person to whom the
521 service is billed has the intent to obtain the service and to avoid
522 making payment for the service if, without the consent of the supplier
523 of the service: (i) Any meter, pipe, cable, conduit, conductor,
524 attachment or other equipment has been tampered with or connected
525 or disconnected, (ii) any device, software or equipment or part or
526 component thereof has been modified, altered, programmed,
527 reprogrammed or possessed, (iii) the identity or identification numbers
528 of any device or equipment utilized by the supplier of the service have
529 been disguised, or (iv) a meter or other mechanical measuring device
530 provided by the supplier of the service has been tampered with or
531 prevented from performing its measuring function. The presumption
532 does not apply if the person to whose service the condition applies has
533 received such service for less than thirty-one days or until the service
534 supplier has made at least one meter or service reading and provided a
535 billing statement to the person as to whose service the condition
536 applies. The presumption does not apply with respect to wireless radio
537 communications.

538 ~~[(16)]~~ (15) Air bag fraud. A person is guilty of air bag fraud when
539 such person, with intent to defraud another person, obtains property
540 from such other person or a third person by knowingly installing or
541 reinstalling any object in lieu of an air bag that was designed in
542 accordance with federal safety requirements as provided in 49 CFR
543 571.208, as amended, and which is proper for the make, model and
544 year of the vehicle, as part of the vehicle inflatable restraint system.

545 ~~[(17)]~~ (16) Theft of motor fuel. A person is guilty of theft of motor
546 fuel when such person (A) delivers or causes to be delivered motor
547 fuel, as defined in section 14-327a, as amended, into the fuel tank of a

548 vehicle or into a portable container, or into both, on the premises of a
 549 retail dealer, as defined in section 14-318, as amended, and (B) with the
 550 intent to appropriate such motor fuel to himself or a third person,
 551 leaves such premises without paying the purchase price for such
 552 motor fuel.

553 Sec. 14. (*Effective October 1, 2004*) Sections 8-94, 31-53 to 31-55a,
 554 inclusive, and 53a-157a of the general statutes are repealed."

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>October 1, 2004</i>
Sec. 13	<i>October 1, 2004</i>
Sec. 14	<i>October 1, 2004</i>