



General Assembly

Amendment

February Session, 2004

LCO No. 4816

SB0060404816HDO

Offered by:

REP. LAWLOR, 99th Dist.

To: Subst. Senate Bill No. 604

File No. 503

Cal. No. 495

**"AN ACT CONCERNING THE REVISOR'S TECHNICAL
CORRECTIONS TO THE GENERAL STATUTES AND CERTAIN
PUBLIC ACTS."**

1 Strike lines 1694 to 1696, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Sec. 66. Subsections (c) and (d) of section 45a-8 of the general
4 statutes are repealed and the following is substituted in lieu thereof
5 (*Effective from passage*):

6 (c) If suitable court facilities are not provided in accordance with
7 subsection (a) or (b) of this section: [~~(1) the~~] (1) The Probate Court
8 Administrator shall submit a report to the joint standing committee of
9 [cognizance of] the General Assembly having cognizance of matters
10 relating to the judiciary concerning the failure of the probate district to
11 provide the required court facilities, together with a recommendation
12 that the probate district be abolished as a separate district and be
13 consolidated with a contiguous district where suitable court facilities
14 can be provided; or (2) if, in the opinion of the Probate Court

15 Administrator, abolition of the district is not in the public interest and
16 judicial action is necessary to enforce the provision of suitable court
17 facilities, the Probate Court Administrator shall bring an action in the
18 Superior Court to enforce the requirements for the provision of
19 suitable court facilities."

20 After the last section, add the following and renumber sections and
21 internal references accordingly:

22 "Sec. 501. Subsections (b) and (c) of section 14-215 of the general
23 statutes are repealed and the following is substituted in lieu thereof
24 (*Effective from passage*):

25 (b) Except as provided in subsection (c) of this section, any person
26 who violates any provision of subsection (a) of this section shall, for a
27 first offense, be fined not less than one hundred fifty dollars [nor] or
28 more than two hundred dollars or imprisoned not more than ninety
29 days, or be both fined and imprisoned, [for the first offense,] and, for
30 any subsequent offense, shall be fined not less than two hundred
31 dollars [nor] or more than six hundred dollars or imprisoned not more
32 than one year, or be both fined and imprisoned.

33 (c) Any person who operates any motor vehicle during the period
34 [his] such person's operator's license or right to operate a motor vehicle
35 in this state is under suspension or revocation on account of a violation
36 of subsection (a) of section 14-227a, as amended, or section 53a-56b or
37 53a-60d or pursuant to section 14-227b, as amended, shall be fined not
38 less than five hundred dollars [nor] or more than one thousand dollars
39 and imprisoned not more than one year, and, in the absence of any
40 mitigating circumstances as determined by the court, thirty
41 consecutive days of the sentence imposed may not be suspended or
42 reduced in any manner. The court shall specifically state in writing for
43 the record the mitigating circumstances, or the absence thereof.

44 Sec. 502. Subsection (g) of section 14-227a of the general statutes, as
45 amended by section 1 of public act 03-265 and section 47 of public act
46 03-278, is repealed and the following is substituted in lieu thereof

47 (Effective from passage):

48 (g) Any person who violates any provision of subsection (a) of this
49 section shall: (1) For conviction of a first violation, (A) be fined not less
50 than five hundred dollars or more than one thousand dollars, and (B)
51 be (i) imprisoned not more than six months, forty-eight consecutive
52 hours of which may not be suspended or reduced in any manner, or
53 (ii) imprisoned not more than six months, with the execution of such
54 sentence of imprisonment suspended entirely and a period of
55 probation imposed requiring as a condition of such probation that
56 such person perform one hundred hours of community service, as
57 defined in section 14-227e, and (C) have such person's motor vehicle
58 operator's license or nonresident operating privilege suspended for
59 one year; (2) for conviction of a second violation within ten years after
60 a prior conviction for the same offense, (A) be fined not less than one
61 thousand dollars or more than four thousand dollars, (B) be
62 imprisoned not more than two years, one hundred twenty consecutive
63 days of which may not be suspended or reduced in any manner, and
64 sentenced to a period of probation requiring as a condition of such
65 probation that such person perform one hundred hours of community
66 service, as defined in section 14-227e, and (C) (i) have such person's
67 motor vehicle operator's license or nonresident operating privilege
68 suspended for three years or until the date of such person's twenty-
69 first birthday, whichever is longer, or (ii) if such person has been
70 convicted of a violation of subdivision (1) of subsection (a) of this
71 section on account of being under the influence of intoxicating liquor
72 or of subdivision (2) of subsection (a) of this section, have such
73 person's motor vehicle operator's license or nonresident operating
74 privilege suspended for one year and be prohibited for the two-year
75 period following completion of such period of suspension from
76 operating a motor vehicle unless such motor vehicle is equipped with
77 a functioning, approved ignition interlock device, as defined in section
78 [3 of this act] 2 of public act 03-265; and (3) for conviction of a third and
79 subsequent violation within ten years after a prior conviction for the
80 same offense, (A) be fined not less than two thousand dollars or more

81 than eight thousand dollars, (B) be imprisoned not more than three
82 years, one year of which may not be suspended or reduced in any
83 manner, and sentenced to a period of probation requiring as a
84 condition of such probation that such person perform one hundred
85 hours of community service, as defined in section 14-227e, and (C)
86 have such person's motor vehicle operator's license or nonresident
87 operating privilege permanently revoked upon such third offense. For
88 purposes of the imposition of penalties for a second or third and
89 subsequent offense pursuant to this subsection, a conviction under the
90 provisions of subsection (a) of this section in effect on October 1, 1981,
91 or as amended thereafter, a conviction under the provisions of either
92 subdivision (1) or (2) of subsection (a) of this section, a conviction
93 under the provisions of section 53a-56b or 53a-60d or a conviction in
94 any other state of any offense the essential elements of which are
95 determined by the court to be substantially the same as subdivision (1)
96 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
97 shall constitute a prior conviction for the same offense.

98 Sec. 503. Subsection (a) of section 17b-451 of the general statutes, as
99 amended by section 3 of public act 03-267, is repealed and the
100 following is substituted in lieu thereof (*Effective from passage*):

101 (a) Any physician or surgeon licensed under the provisions of
102 chapter 370, any resident physician or intern in any hospital in this
103 state, whether or not so licensed, any registered nurse, any nursing
104 home administrator, nurse's aide or orderly in a nursing home facility,
105 any person paid for caring for a patient in a nursing home facility, any
106 staff person employed by a nursing home facility, any patients'
107 advocate and any licensed practical nurse, medical examiner, dentist,
108 optometrist, chiropractor, podiatrist, social worker, clergyman, police
109 officer, pharmacist, psychologist or physical therapist, who has
110 reasonable cause to suspect or believe that any elderly person has been
111 abused, neglected, exploited or abandoned, or is in a condition which
112 is the result of such abuse, neglect, exploitation or abandonment, or
113 [who] is in need of protective services, shall, not later than seventy-two
114 hours after such suspicion or belief arose, report such information or

115 cause a report to be made in any reasonable manner to the
116 Commissioner of Social Services or to the person or persons
117 designated by the commissioner to receive such reports. Any person
118 required to report under the provisions of this section who fails to
119 make such report within the prescribed time period shall be fined not
120 more than five hundred dollars, except that, if such person
121 intentionally fails to make such report within the prescribed time
122 period, such person shall be guilty of a class C misdemeanor for the
123 first offense and a class A misdemeanor for any subsequent offense.

124 Sec. 504. Section 20-14i of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective from passage*):

126 Any provisions to the contrary notwithstanding, chapter 378 shall
127 not prohibit the administration of medication to persons attending day
128 programs, or residing in residential facilities, under the jurisdiction of
129 the Departments of Children and Families, Correction, Mental
130 Retardation and Mental Health and Addiction Services, or being
131 detained in juvenile detention centers, when such medication is
132 administered by trained persons, pursuant to the written order of a
133 physician licensed under this chapter, a dentist licensed under chapter
134 379, an advanced practice registered nurse licensed to prescribe in
135 accordance with section 20-94a or a physician assistant licensed to
136 prescribe in accordance with section 20-12d, authorized to prescribe
137 such medication. The provisions of this section shall not apply to
138 institutions, facilities or programs licensed pursuant to chapter 368v.

139 Sec. 505. Subsection (d) of section 20-427 of the general statutes, as
140 amended by section 2 of public act 03-186, is repealed and the
141 following is substituted in lieu thereof (*Effective from passage*):

142 (d) The commissioner may, after notice and hearing in accordance
143 with the provisions of chapter 54, impose a civil penalty on any person
144 who engages in or practices the work or occupation for which a
145 certificate of registration is required by this chapter without having
146 first obtained such a certificate of registration or who wilfully employs

147 or supplies for employment a person who does not have such a
148 certificate of registration or who wilfully and falsely pretends to
149 qualify to engage in or practice such work or occupation, or who
150 engages in or practices any of the work or occupations for which a
151 certificate of registration is required by this chapter after the expiration
152 of [his] such person's certificate of registration or who violates any of
153 the provisions of this chapter or the regulations adopted pursuant
154 thereto. Such penalty shall be in an amount not more than five
155 hundred dollars for a first violation of this subsection, not more than
156 seven hundred fifty dollars for a second violation of this subsection
157 occurring not more than three years after a prior violation, not more
158 than one thousand five hundred dollars for a third or subsequent
159 violation of this subsection occurring not more than three years after a
160 prior violation and, in the case of radon mitigation work, such penalty
161 shall be not less than two hundred fifty dollars. Any civil penalty
162 collected pursuant to this subsection shall be deposited in the
163 [Consumer Protection Enforcement Fund] consumer protection
164 enforcement account established in section 21a-8a, as amended.

165 Sec. 506. Subsection (c) of section 20-432 of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective from*
167 *passage*):

168 (c) Payments received under subsection (b) of this section shall be
169 credited to the guaranty fund until the balance in such fund equals
170 seven hundred fifty thousand dollars. Annually, if such fund has an
171 excess, the first four hundred thousand dollars of the excess shall be
172 deposited into the [Consumer Protection Enforcement Fund] consumer
173 protection enforcement account established in section 21a-8a, as
174 amended. Any excess thereafter shall be deposited in the General
175 Fund. Any money in the guaranty fund may be invested or reinvested
176 in the same manner as funds of the state employees retirement system,
177 and the interest arising from such investments shall be credited to the
178 guaranty fund.

179 Sec. 507. Subsection (a) of section 36a-582 of the general statutes, as

180 amended by section 2 of public act 04-14, is repealed and the following
181 is substituted in lieu thereof (*Effective October 1, 2004*):

182 (a) Each applicant for a check cashing license shall pay to the
183 commissioner [] a nonrefundable initial application fee of one
184 thousand dollars and a nonrefundable license fee of one hundred
185 dollars for each location. Each licensee shall pay to the commissioner a
186 nonrefundable location transfer fee of one hundred dollars for each
187 application to transfer a location. Each license issued pursuant to
188 section 36a-581, as amended by [this act] public act 04-14, shall expire
189 at the close of business on June thirtieth of each year unless such
190 license is renewed. Each licensee shall, on or before June twentieth of
191 each year, pay to the commissioner a renewal application fee of seven
192 hundred fifty dollars and a renewal license fee for each location of fifty
193 dollars for the succeeding year, commencing July first.

194 Sec. 508. Subdivision (1) of section 36a-715 of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective from*
196 *passage*):

197 (1) "First mortgage loan" has the same meaning as provided in
198 [subsection (1)] subdivision (6) of section 36a-485.

199 Sec. 509. Subsection (f) of section 45a-676 of the general statutes, as
200 amended by section 5 of public act 03-51, is repealed and the following
201 is substituted in lieu thereof (*Effective from passage*):

202 (f) In selecting a plenary guardian or limited guardian of the person
203 with mental retardation, the court shall be guided by the best interests
204 of the respondent, including, but not limited to, the preference of the
205 respondent as to who should be appointed as plenary guardian or
206 limited guardian. No person shall be excluded from serving as a
207 plenary guardian or limited guardian solely because [he] such person
208 is employed by the Department of Mental Retardation, except that (1)
209 no such employee may be appointed as a plenary guardian or limited
210 guardian of a person with mental retardation residing in a state-
211 operated residential facility for [the mentally retarded] persons with

212 mental retardation located in the Department of Mental Retardation
213 region in which such person is employed; and (2) no such employee
214 shall be so appointed unless no other suitable person to serve as
215 plenary guardian or limited guardian can be found. Any appointment
216 of an employee of the Department of Mental Retardation as a plenary
217 guardian or limited guardian shall be made for a limited purpose and
218 duration. During the term of appointment of any such employee, the
219 Commissioner of Mental Retardation shall search for a suitable person
220 who is not an employee of the department to replace such employee as
221 plenary guardian or limited guardian.

222 Sec. 510. Subsection (e) of section 45a-677 of the general statutes, as
223 amended by section 6 of public act 03-51 and section 97 of public act
224 03-278, is repealed and the following is substituted in lieu thereof
225 (*Effective from passage*):

226 (e) A plenary guardian or limited guardian of a person with mental
227 retardation shall not have the power or authority: (1) To cause the
228 ward to be admitted to any institution for treatment of the mentally ill,
229 except in accordance with the provisions of sections 17a-75 to 17a-83,
230 inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive,
231 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to
232 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 420b;
233 (2) to cause the ward to be admitted to any training school or other
234 facility provided for the care and training of [the mentally retarded]
235 persons with mental retardation if there is a conflict concerning such
236 admission between the guardian and the person with mental
237 retardation or next of kin, except in accordance with the provisions of
238 sections 17a-274, as amended, and 17a-275; (3) to consent on behalf of
239 the ward to a sterilization, except in accordance with the provisions of
240 sections 45a-690 to 45a-700, inclusive; (4) to consent on behalf of the
241 ward to psychosurgery, except in accordance with the provisions of
242 section 17a-543, as amended; (5) to consent on behalf of the ward to the
243 termination of the ward's parental rights, except in accordance with
244 the provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-
245 718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-757,

246 inclusive; (6) to consent on behalf of the ward to the performance of
247 any experimental biomedical or behavioral medical procedure or
248 participation in any biomedical or behavioral experiment, unless it (A)
249 is intended to preserve the life or prevent serious impairment of the
250 physical health of the ward, (B) is intended to assist the ward to regain
251 the ward's abilities and has been approved for the ward by the court,
252 or (C) has been (i) approved by a recognized institutional review
253 board, as defined by 45 CFR 46, 21 CFR 50 and 21 CFR 56, as amended
254 from time to time, which is not a part of the Department of Mental
255 Retardation, (ii) endorsed or supported by the Department of Mental
256 Retardation, and (iii) approved for the ward by such ward's primary
257 care physician; (7) to admit the ward to any residential facility
258 operated by an organization by whom such guardian is employed,
259 except in accordance with the provisions of section 17a-274, as
260 amended; (8) to prohibit the marriage or divorce of the ward; and (9)
261 to consent on behalf of the ward to an abortion or removal of a body
262 organ, except in accordance with applicable statutory procedures
263 when necessary to preserve the life or prevent serious impairment of
264 the physical or mental health of the ward.

265 Sec. 511. Section 45a-716 of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective from passage*):

267 (a) Upon receipt of a petition for termination of parental rights, the
268 Court of Probate, or the Superior Court [] on a case transferred to it
269 from the Court of Probate in accordance with the provisions of
270 subsection (g) of section 45a-715, shall set a time and place for hearing
271 the petition. The time for hearing shall be not more than thirty days
272 after the filing of the petition.

273 (b) The court shall cause notice of the hearing to be given to the
274 following persons, as applicable: (1) The parent or parents of the minor
275 child, including any parent who has been removed as guardian on or
276 after October 1, 1973, under section 45a-606; (2) the father of any minor
277 child born out of wedlock, provided at the time of the filing of the
278 petition (A) he has been adjudicated the father of such child by a court

279 of competent jurisdiction, [or] (B) he has acknowledged in writing that
280 he is the father of such child, [or] (C) he has contributed regularly to
281 the support of such child, [or] (D) his name appears on the birth
282 certificate, [or] (E) he has filed a claim for paternity as provided under
283 section 46b-172a, or (F) he has been named in the petition as the father
284 of the child by the mother; (3) the guardian or any other person whom
285 the court shall deem appropriate; and (4) the Commissioner of
286 Children and Families. If the recipient of the notice is a person
287 described in subdivision (1) or (2) of this subsection or is any other
288 person whose parental rights are sought to be terminated in the
289 petition, the notice shall contain a statement that the respondent has
290 the right to be represented by counsel and that if the respondent is
291 unable to pay for counsel, counsel will be appointed for the
292 respondent. The reasonable compensation for such counsel shall be
293 established by, and paid from funds appropriated to, the Judicial
294 Department, however, in the case of a Probate Court matter, if funds
295 have not been included in the budget of the Judicial Department for
296 such purposes, such compensation shall be established by the Probate
297 Court Administrator and paid from the Probate Court Administration
298 Fund.

299 (c) Except as provided in subsection (d) of this section, notice of the
300 hearing and a copy of the petition, certified by the petitioner, the
301 petitioner's agent or attorney, or the [court] clerk of the court, shall be
302 served at least ten days before the date [for] of the hearing by personal
303 service or service at the person's usual place of abode on the persons
304 enumerated in subsection (b) of this section who are within the state,
305 and by certified mail, return receipt requested, on the Commissioner of
306 Children and Families. If the address of any person entitled to personal
307 service or service at the person's usual place of abode is unknown, or if
308 personal service or service at the person's usual place of abode cannot
309 be reasonably effected within the state, or if any person enumerated in
310 subsection (b) of this section is out of the state, a judge or the clerk of
311 the court shall order notice to be given by registered or certified mail,
312 return receipt requested, or by publication at least ten days before the

313 date of the hearing. Any such publication shall be in a newspaper of
314 general circulation in the place of the last-known address of the person
315 to be notified, whether within or without this state, or, if no such
316 address is known, in the place where the [termination] petition has
317 been filed.

318 (d) In any proceeding pending in the Court of Probate, in lieu of
319 personal service on a parent or the father of a child born out of
320 wedlock who is either a petitioner or who signs under penalty of false
321 statement a written waiver of personal service on a form provided by
322 the Probate Court Administrator, the court may order notice to be
323 given by certified mail, return receipt requested, deliverable to
324 addressee only, [and] at least ten days [prior to] before the date of the
325 hearing. If such delivery cannot reasonably be effected, or if the
326 whereabouts of the parents is unknown, [then] notice shall be ordered
327 to be given by publication [,] as provided in subsection (c) of this
328 section.

329 Sec. 512. Section 6 of public act 03-267 is repealed and the following
330 is substituted in lieu thereof (*Effective from passage*):

331 For the purposes of sections 6 to [10] 9, inclusive, of [this act] public
332 act 03-267:

333 (1) "Person" means any natural person, corporation, partnership,
334 limited liability company, unincorporated business or other business
335 entity;

336 (2) "Elderly person" means any person who is sixty years of age or
337 older;

338 (3) "Blind person" means any person who is blind, as defined in
339 section 1-1f;

340 (4) "Disabled person" means any person who is physically disabled,
341 as defined in section 1-1f;

342 (5) "Mentally retarded person" means any person with mental

343 retardation, as defined in section 1-1g;

344 (6) "Abuse" means any repeated act or omission that causes physical
345 injury or serious physical injury to an elderly, blind, disabled or
346 mentally retarded person, except when (A) the act or omission is a part
347 of the treatment and care, and in furtherance of the health and safety,
348 of the elderly, blind, disabled or mentally retarded person, or (B) the
349 act or omission is based upon the instructions, wishes, consent, refusal
350 to consent or revocation of consent of an elderly, blind, disabled or
351 mentally retarded person, or the legal representative of an incapable
352 elderly, blind, disabled or mentally retarded person. For purposes of
353 this subdivision, "repeated" means an act or omission that occurs on
354 two or more occasions;

355 (7) "Intentionally" means "intentionally" as defined in subdivision
356 (11) of section 53a-3;

357 (8) "Knowingly" means "knowingly" as defined in subdivision (12)
358 of section 53a-3;

359 (9) "Recklessly" means "recklessly" as defined in subdivision (13) of
360 section 53a-3;

361 (10) "Physical injury" means "physical injury" as defined in
362 subdivision (3) of section 53a-3; and

363 (11) "Serious physical injury" means "serious physical injury" as
364 defined in subdivision (4) of section 53a-3.

365 Sec. 513. Subsection (d) of section 17b-10 of the general statutes, as
366 amended by section 1 of substitute senate bill 576 of the current
367 session, is repealed and the following is substituted in lieu thereof
368 (*Effective October 1, 2004*):

369 (d) In lieu of submitting proposed regulations by the date specified
370 in subsection (c) of this section, the department may submit to the
371 legislative regulation review committee a notice not later than thirty-
372 five days before such date that the department will not be able to

373 submit the proposed regulations on or before such date and shall
374 include in such notice (1) the reasons why the department will not
375 submit the proposed regulations by such date, and (2) the date by
376 which the department will submit the proposed regulations. The
377 legislative regulation review committee may require the department to
378 appear before the committee at a time prescribed by the committee to
379 further explain [the reasons for the request] such reasons and to
380 respond to any questions by the committee about the policy. The
381 legislative regulation review committee may request the joint standing
382 committee of the General Assembly having cognizance of matters
383 relating to human services to review the department's policy, the
384 department's reasons for not submitting the proposed regulations by
385 the date specified in subsection (c) of this section and the date by
386 which the department will submit the proposed regulations. Said joint
387 standing committee may review the policy, such reasons and such
388 date, may schedule a hearing thereon and may make a
389 recommendation to the legislative regulation review committee."