



Senate

General Assembly

File No. 547

January Session, 2005

Substitute Senate Bill No. 1195

Senate, April 27, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL STATUTES, THE DISCLOSURE OF PERSONAL INFORMATION OF EMPLOYEES OF CERTAIN AGENCIES AND THE SALE OF BODY ARMOR.

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

1 Section 1. Subsection (a) of section 53a-172 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (a) A person is guilty of failure to appear in the first degree when (1)
5 while charged with the commission of a felony and while out on bail
6 or released under other procedure of law, [he] such person wilfully
7 fails to appear when legally called according to the terms of [his] such
8 person's bail bond or promise to appear, or (2) while on probation for
9 conviction of a felony, [he] such person wilfully fails to appear when
10 legally called for [a violation of probation hearing] any court hearing
11 relating to a violation of such probation.

12 Sec. 2. Subsection (a) of section 53a-173 of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective*
14 *October 1, 2005*):

15 (a) A person is guilty of failure to appear in the second degree when
16 (1) while charged with the commission of a misdemeanor or a motor
17 vehicle violation for which a sentence to a term of imprisonment may
18 be imposed and while out on bail or released under other procedure of
19 law, [he] such person wilfully fails to appear when legally called
20 according to the terms of [his] such person's bail bond or promise to
21 appear, or (2) while on probation for conviction of a misdemeanor or
22 motor vehicle violation, [he] such person wilfully fails to appear when
23 legally called for [a violation of probation hearing] any court hearing
24 related to a violation of such probation.

25 Sec. 3. Subdivision (17) of section 53a-3 of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective*
27 *October 1, 2005*):

28 (17) "Shotgun" means a weapon [designed or redesigned, made or
29 remade, and intended to be fired from the shoulder and] designed or
30 redesigned and made or remade to use the energy of the explosive in a
31 fixed shotgun shell to fire through a smooth bore either a number of
32 ball shot or a single projectile for each single pull of the trigger.

33 Sec. 4. Subdivision (20) of section 53a-3 of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective*
35 *October 1, 2005*):

36 (20) "Electronic defense weapon" means a weapon which by
37 electronic impulse or current is capable of immobilizing a person
38 temporarily, but is not capable of inflicting death or serious physical
39 injury, and includes a stun gun or other conductive energy device.

40 Sec. 5. Subsection (a) of section 46b-38b of the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective*
42 *October 1, 2005*):

43 (a) Whenever a peace officer determines upon speedy information
44 that a family violence crime, except a family violence crime involving a
45 dating relationship, has been committed within such officer's
46 jurisdiction, such officer shall arrest the person or persons suspected of
47 its commission and charge such person or persons with the
48 appropriate crime. The decision to arrest and charge shall not (1) be
49 dependent on the specific consent of the victim, (2) consider the
50 relationship of the parties, or (3) be based solely on a request by the
51 victim. Whenever a peace officer determines that a family violence
52 crime has been committed, such officer may seize any firearm or
53 electronic defense weapon, as defined in subdivision (20) of section
54 53a-3, as amended by this act, at the location where the crime is alleged
55 to have been committed that is in the possession of any person arrested
56 for the commission of such crime or suspected of its commission or
57 that is in plain view. Not later than seven days after any such seizure,
58 the law enforcement agency shall return such firearm or electronic
59 defense weapon in its original condition to the rightful owner thereof
60 unless such person is ineligible to possess such firearm or electronic
61 defense weapon or unless otherwise ordered by the court.

62 Sec. 6. Subsection (e) of section 14-10 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2005*):

65 (e) In the event (1) a federal court judge, federal court magistrate or
66 judge of the Superior Court, Appellate Court or Supreme Court of the
67 state, (2) a member of a municipal police department or a member of
68 the Division of State Police within the Department of Public Safety, (3)
69 an employee of the Department of Correction, (4) an attorney-at-law
70 who represents or has represented the state in a criminal prosecution,
71 [or] (5) a member of the Board of Pardons and Paroles, or (6) an
72 employee of the Division of Criminal Justice or the Division of Public
73 Defender Services submits a written request and furnishes such
74 individual's business address to the commissioner, such business
75 address only shall be disclosed or available for public inspection to the
76 extent authorized by this section.

77 Sec. 7. Section 53-341b of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2005*):

79 (a) No person, firm or corporation shall sell or deliver body armor
80 to another person unless the transferee meets in person with the
81 transferor to accomplish the sale or delivery.

82 (b) The provisions of subsection (a) of this section shall not apply to
83 the sale or delivery of body armor to a sworn member or authorized
84 official of an organized local police department, [or of] the Division of
85 State Police within the Department of Public Safety or the Division of
86 Criminal Justice, to an authorized official of a municipality or the
87 Department of Administrative Services that purchases body armor on
88 behalf of an organized local police department, [or said] the Division
89 of State Police within the Department of Public Safety or the Division
90 of Criminal Justice or to a member of the National Guard or the armed
91 forces reserve.

92 (c) As used in this section, "body armor" means any material
93 designed to be worn on the body and to provide bullet penetration
94 resistance.

95 (d) Any person, firm or corporation that violates the provisions of
96 this section shall be guilty of a class B misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	53a-172(a)
Sec. 2	<i>October 1, 2005</i>	53a-173(a)
Sec. 3	<i>October 1, 2005</i>	53a-3(17)
Sec. 4	<i>October 1, 2005</i>	53a-3(20)
Sec. 5	<i>October 1, 2005</i>	46b-38b(a)
Sec. 6	<i>October 1, 2005</i>	14-10(e)
Sec. 7	<i>October 1, 2005</i>	53-341b

JUD *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Various Criminal Justice Agencies	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Municipal Police Departments	None	None	None

Explanation

The bill makes various minor and technical changes that would have no fiscal impact.

OLR Bill Analysis

sSB 1195

AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL STATUTES, THE DISCLOSURE OF PERSONAL INFORMATION OF EMPLOYEES OF CERTAIN AGENCIES AND THE SALE OF BODY ARMOR**SUMMARY:**

This bill broadens the definitions of “shotgun” and “electronic defense weapon” and allows peace officers to seize electronic defense weapons at the site of a domestic violence crime.

It specifies that a person may be charged with failure to appear if he misses any, rather than just an initial, court appearance for a probation violation.

The bill creates an exemption to the requirement for direct sales of body armor for (1) authorized officials of the Division of Criminal Justice and (2) the Department of Administrative Services (DAS) when buying the armor for the division. The law already exempts (1) members of the National Guard or armed forces reserve, (2) sworn members or authorized officials of local police departments or the State Police, and (3) authorized town officials or DAS buying for local police departments or the State Police.

The bill adds employees of the Criminal Justice and Public Defender Services divisions to the list of federal, state, and local officials who may substitute their business address for their home address in motor vehicle records subject to public disclosure.

EFFECTIVE DATE: October 1, 2005

ELECTRONIC DEFENSE WEAPON

The bill includes a stun gun and any other conductive energy device in the definition of an “electronic defense weapon.” The term already includes weapons that can temporarily immobilize a person through the use of electronic impulse or current. The bill allows peace officers to seize an electronic defense weapon at the site of a domestic violence

crime. They can already seize firearms. The officers must return the weapon to its rightful owner within seven days after seizure unless the owner possessed it illegally or a court orders otherwise.

SHOTGUN

The bill broadens the definition of “shotgun” to include guns that can be fired from the hand, instead of just from the shoulder. These guns, like their shoulder counterparts, must use the energy in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger.

BACKGROUND

Failure to Appear

First-degree failure to appear while on probation for a felony conviction is a class D felony, punishable by up to five years in prison, a \$5,000 fine, or both. Second-degree failure to appear while on probation for a misdemeanor or motor vehicle violation is a class A misdemeanor, punishable by up to one year in prison, a \$2,000 fine, or both.

Disclosure of Motor Vehicle Records

The Department of Motor Vehicles may disclose to the public motor vehicle registration applications, motor vehicle registrations, and any related records. However, the department must replace the residential addresses on these records with the business addresses of the following people who request it and provide their business addresses:

1. federal court magistrates or a federal or state judges,
2. members of local police departments or the State Police,
3. Department of Correction employees,
4. past or present prosecutors, or
5. members of the Board of Pardons and Parole.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0