



General Assembly

January Session, 2005

Raised Bill No. 1195

LCO No. 3833

03833_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL
STATUTES AND RESTRICTING THE DISCLOSURE OF PERSONAL
INFORMATION OF EMPLOYEES OF THE DIVISION OF CRIMINAL
JUSTICE.**

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2 repealed and the following is substituted in lieu thereof (*Effective*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13 repealed and the following is substituted in lieu thereof (*Effective*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26 repealed and the following is substituted in lieu thereof (*Effective*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 submits a written request
73 and furnishes such individual's business address to the commissioner,
74 such business address only shall be disclosed or available for public
75 inspection to the extent authorized by this section.

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| 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) |

Statement of Purpose:

To provide that the crime of failure to appear is committed when a person on probation wilfully fails to appear at any court hearing related to a violation of that probation, revise the definitions of "shotgun" and "electronic defense weapon", authorize police officers to seize electronic defense weapons while investigating the commission of family violence crimes and restrict the disclosure by the Department of Motor Vehicles of personal information of employees of the Division of Criminal Justice.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]