



General Assembly

January Session, 2005

**Raised Bill No. 1263**

LCO No. 4256

\*04256\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING COURT OPERATIONS.**

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

1 Section 1. Section 14-223a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 Any operator of a motor vehicle who strikes any officer, as defined  
4 in section 14-1, or any fire police officer, appointed in accordance with  
5 section 7-313a, with such motor vehicle while such officer or fire police  
6 officer is engaged in traffic control or regulation, provided such officer  
7 is in uniform or prominently displaying the badge of his office [,] and  
8 such fire police officer is in compliance with the provisions of section  
9 7-313a, [such operator shall be deemed to have committed an  
10 infraction and] shall be fined not less than one hundred fifty dollars  
11 [nor] or more than two hundred dollars and, for a subsequent offense,  
12 shall be fined not more than two hundred fifty dollars or imprisoned  
13 not more than thirty days, or both.

14 Sec. 2. Section 14-295a of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2005*):

16 An assessment of five dollars shall be imposed against any person  
17 who is convicted of a violation of section 14-219, 14-222 or 14-227a  
18 [who forfeits a cash bond or guaranteed bail bond certificate posted  
19 under section 14-140a or under reciprocal agreements made with other  
20 states for the alleged violation of any of said sections] or who pleads  
21 nolo contendere to a violation of section 14-219 and pays the fine by  
22 mail. Such assessment shall be in addition to any fee, cost or surcharge  
23 imposed pursuant to any other provision of the general statutes. All  
24 assessments collected pursuant to this section shall be deposited in the  
25 General Fund and credited to the brain injury prevention and services  
26 account established under section 14-295b.

27 Sec. 3. Subsection (e) of section 46b-15 of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective*  
29 *October 1, 2005*):

30 (e) The applicant shall cause notice of the hearing pursuant to  
31 subsection (b) of this section and a copy of the application and the  
32 applicant's affidavit and of any ex parte order issued pursuant to  
33 subsection (b) of this section to be served on the respondent not less  
34 than five days before the hearing. The cost of such service shall be paid  
35 for by the judicial branch. Upon the granting of an ex parte order, the  
36 clerk of the court shall provide two certified copies of the order to the  
37 applicant. Upon the granting of an order after notice and hearing, the  
38 clerk of the court shall provide two certified copies of the order to the  
39 applicant and a copy to the respondent. Every order of the court made  
40 in accordance with this section after notice and hearing shall contain  
41 the following language: "This court had jurisdiction over the parties  
42 and the subject matter when it issued this protection order.  
43 Respondent was afforded both notice and opportunity to be heard in  
44 the hearing that gave rise to this order. Pursuant to the Violence  
45 Against Women Act of 1994, 18 USC 2265, this order is valid and  
46 enforceable in all fifty states, any territory or possession of the United  
47 States, the District of Columbia, the Commonwealth of Puerto Rico  
48 and tribal lands." Immediately after making service on the respondent,

49 the proper officer shall [provide a true and attested copy of any ex  
50 parte order, including the applicant's affidavit and a cover sheet] send  
51 or cause to be sent, by facsimile or other means, an information sheet  
52 stating the date and time the respondent was served, to the law  
53 enforcement agency or agencies for the town in which the applicant  
54 resides, [. If the respondent does not reside in such town, the proper  
55 officer shall immediately transmit by facsimile a true and attested copy  
56 of the order, including the applicant's affidavit, to the law enforcement  
57 agency for] the town in which the applicant is employed and the town  
58 in which the respondent resides. The clerk of the court shall send, by  
59 facsimile or other means, a copy of any ex parte order and of any order  
60 after notice and hearing, or the information contained in any such  
61 order, to the law enforcement agency or agencies for the town in which  
62 the applicant resides, [and, if the respondent resides in a town  
63 different than the town in which the applicant resides, to the law  
64 enforcement agency for] the town in which the applicant is employed  
65 and the town in which the respondent resides, within forty-eight hours  
66 of the issuance of such order. [If the applicant is employed in a town  
67 different than the town in which the applicant resides, the clerk of the  
68 court shall send, by facsimile or other means, a copy of any such order,  
69 or the information contained in any such order, to the law enforcement  
70 agency for the town in which the applicant is employed within forty-  
71 eight hours of the issuance of such order. If the applicant is employed  
72 in a town different than the town in which the applicant resides, or in  
73 which the respondent resides, the proper officer shall transmit by  
74 facsimile a true and attested copy of any such order, including the  
75 applicant's affidavit, to the law enforcement agency for the town in  
76 which the applicant is employed.]

77 Sec. 4. Section 51-36 of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2005*):

79 (a) The Chief Court Administrator may cause any and all court  
80 records, papers or documents, [other than records concerning title to  
81 land,] required to be retained indefinitely or for a period of time

82 defined by (1) rules of court, (2) directives promulgated by the Office  
83 of the Chief Court Administrator, or (3) statute, to be microfilmed. The  
84 device used to reproduce such records, papers or documents on  
85 microfilm shall be one which accurately reproduces the original  
86 thereof in detail. Such microfilm shall be considered and treated the  
87 same as the original records, papers or documents, provided a  
88 certificate of authenticity appears on each roll of microfilm. A  
89 transcript, exemplification or certified copy thereof shall for all  
90 purposes be deemed to be a transcript, exemplification or certified  
91 copy of the original. The original court records, papers or documents  
92 so reproduced may be disposed of in such manner as approved by the  
93 Office of the Chief Court Administrator. For the purposes of this  
94 subsection, "microfilm" includes microcard, microfiche,  
95 microphotograph, electronic medium or any other process which  
96 actually reproduces or forms a durable medium for so reproducing the  
97 original.

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

105 (c) (1) In [cases] any case in which a person has been convicted after  
106 trial of a felony, other than a capital felony, the official records of  
107 evidence or judicial proceedings in the court may be destroyed upon  
108 the expiration of twenty years from the date of disposition of such case  
109 or upon the expiration of the sentence imposed upon such person,  
110 whichever is later.

111 (2) In [cases] any case in which a person has been convicted after  
112 trial of a capital felony, the official records of evidence or judicial  
113 proceedings in the court may be destroyed upon the expiration of

114 seventy-five years from the conviction of such person.

115 (3) In any case in which a person has been found not guilty, or in  
116 any case that has been dismissed or was not prosecuted, the court may  
117 order the destruction of all exhibits entered in such case upon the  
118 expiration of ninety days from the final disposition of such case, unless  
119 a prior disposition has been ordered pursuant to section 54-36a. In any  
120 case in which a nolle has been entered, the court may order the  
121 destruction of all exhibits entered in such case upon the expiration of  
122 thirteen months from the final disposition of such case. Not less than  
123 thirty days prior to the scheduled destruction under this subdivision,  
124 the clerk of the court shall send notice to all parties and any party may  
125 request a hearing on such destruction before the court making such  
126 order.

127 (4) In any case in which a person has been convicted after trial of a  
128 misdemeanor or has been adjudicated a youthful offender, or in any  
129 case in which the defendant entered a plea of guilty or nolo  
130 contendere, the court may order the destruction of all exhibits entered  
131 in such case upon the expiration of ninety days following the final  
132 disposition of such case, unless a prior disposition has been ordered  
133 pursuant to section 54-36a. Not less than thirty days prior to the  
134 scheduled destruction under this subdivision, the clerk of the court  
135 shall send notice to all parties and any party may request a hearing on  
136 such destruction before the court making such order.

137 (5) This subsection shall not apply to any biological evidence  
138 required to be preserved under section 54-102jj that has been entered  
139 as an exhibit. This subdivision and subdivisions (3) and (4) of this  
140 subsection shall apply to any criminal or motor vehicle case disposed  
141 of before, on or after the effective date of this section.

142 (d) All court records other than records concerning title to land may  
143 be destroyed in accordance with rules of court. Records concerning  
144 title to land shall not be subject to any such destruction and may be  
145 retained in an electronic format, except that official notes and tapes of

146 evidence or judicial proceedings concerning title to land may be  
147 destroyed. All court records may be transferred to any agency of this  
148 state or to any federal agency in accordance with rules of court or  
149 directives promulgated by the Office of the Chief Court Administrator,  
150 provided records in any action concerning title to land terminated by a  
151 final judgment affecting any right, title or interest in real property shall  
152 be retained for not less than forty years in the office of the clerk of the  
153 court location in which the judgment was rendered. Any other judicial  
154 branch books, records, papers or documents may be destroyed or  
155 transferred to any agency of this state or to any federal agency in  
156 accordance with directives promulgated by the Office of the Chief  
157 Court Administrator.

158 (e) For the purposes of this section, "official records of evidence or  
159 judicial proceedings" includes (1) the court file, that contains the  
160 original documents or copies of any original documents that have been  
161 removed, (2) all exhibits from the parties, whether marked for  
162 identification or admitted as full exhibits, and (3) the transcripts of all  
163 proceedings held in the matter, including voir dire.

164 Sec. 5. Subsection (b) of section 51-164n of the general statutes is  
165 repealed and the following is substituted in lieu thereof (*Effective*  
166 *October 1, 2005*):

167 (b) Notwithstanding any provision of the general statutes, any  
168 person who is alleged to have committed (1) a violation under the  
169 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
170 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
171 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,  
172 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
173 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
174 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
175 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
176 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
177 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,

178 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
179 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
180 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
181 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
182 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
183 14-153 or 14-163b, a first violation as specified in subsection (f) of  
184 section 14-164i, section 14-219 as specified in subsection (e) of said  
185 section, section 14-223a, as amended by this act, 14-240, 14-249 or 14-  
186 250, subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264,  
187 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of  
188 section 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a,  
189 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a,  
190 section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e,  
191 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,  
192 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137  
193 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,  
194 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-  
195 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
196 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
197 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,  
198 subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610,  
199 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,  
200 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-  
201 61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85,  
202 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-  
203 34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-  
204 39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-  
205 279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b)  
206 or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414,  
207 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection  
208 (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-  
209 449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of  
210 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-  
211 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,

212 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,  
213 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-  
214 277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-  
215 12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-  
216 36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a  
217 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-  
218 75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,  
219 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision  
220 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-  
221 34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211,  
222 or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a,  
223 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under  
224 the provisions of chapter 268, or (3) a violation of any regulation  
225 adopted in accordance with the provisions of section 12-484, 12-487 or  
226 13b-410, shall follow the procedures set forth in this section.

227 Sec. 6. Subsection (a) of section 52-185 of the general statutes is  
228 repealed and the following is substituted in lieu thereof (*Effective*  
229 *October 1, 2005*):

230 (a) If the plaintiff in any civil action is not an inhabitant of this state,  
231 or if it does not appear to the authority signing the process that the  
232 plaintiff is able to pay the costs of the action should judgment be  
233 rendered against him, the plaintiff shall [, before the process is signed,]  
234 enter into a recognizance to the adverse party with a financially  
235 responsible inhabitant of this state as surety, or a financially  
236 responsible inhabitant of this state shall enter into a recognizance to  
237 the adverse party, that the plaintiff shall prosecute his action to effect  
238 and answer all costs for which judgment is rendered against him. The  
239 recognizance shall not be discharged by any amendment or alteration  
240 of the process between the time of signing and of serving it.

241 Sec. 7. Subsection (a) of section 52-466 of the general statutes is  
242 repealed and the following is substituted in lieu thereof (*Effective*  
243 *October 1, 2005*):

244 (a) An application for a writ of habeas corpus made by or on behalf  
245 of a person in custody who claims to be illegally confined or deprived  
246 of his liberty shall be made to the superior court or to a judge thereof  
247 for the judicial district [in which the person whose custody is in  
248 question is claimed to be illegally confined or deprived of his liberty,  
249 provided any application made by or on behalf of a person confined in  
250 the Connecticut Correctional Institution, Enfield-Medium or the Carl  
251 Robinson Correctional Institution, Enfield, shall be made to the  
252 superior court or a judge thereof for the judicial district] of Tolland.

253 Sec. 8. Subsection (a) of section 54-1d of the general statutes is  
254 repealed and the following is substituted in lieu thereof (*Effective*  
255 *October 1, 2005*):

256 (a) Except as provided in subsections (b) and (c) of this section,  
257 defendants in criminal actions shall be brought [either] for  
258 arraignment to the court in the geographical area<sub>2</sub> established pursuant  
259 to section 51-348, in which the crime was alleged to have been  
260 committed, or, if the arrest was by warrant, to the court in the  
261 geographical area in which the arrest was made, [for arraignment] or,  
262 if the defendant is arrested on a warrant issued pursuant to section  
263 53a-32 or for failure to appear as provided in section 53a-172 or 53a-  
264 173, to the superior court having jurisdiction over the underlying  
265 criminal prosecution. If the defendant was brought to the court in the  
266 geographical area in which the arrest was made for arraignment and  
267 was not released from custody after such arraignment, the defendant  
268 shall be presented to the court in the geographical area in which the  
269 crime was alleged to have been committed not later than the second  
270 court day following such arraignment. A criminal cause shall not fail  
271 on the ground that it has been submitted to a session of improper  
272 venue.

273 Sec. 9. Section 54-64d of the general statutes is repealed and the  
274 following is substituted in lieu thereof (*Effective October 1, 2005*):

275 (a) When any person is taken into custody on a capias issued by

276 order of the Superior Court, the proper officer or state police officer  
277 taking the person into custody shall, without undue delay, bring such  
278 person before the court [which] that issued the capias.

279 (b) If a courthouse lockup operated by the judicial branch is  
280 available at [such] the court that issued the capias and is operational at  
281 the time the proper officer or state police officer brings [such] the  
282 person taken into custody to the court, the proper officer or state police  
283 officer shall transfer the custody of such person to a judicial marshal at  
284 the court unless such person requires medical attention or there is  
285 insufficient space for such person at such lockup. [If the court is not in  
286 session, the proper officer shall, without undue delay, bring such  
287 person before the clerk or assistant clerk of the court which issued the  
288 capias during the office hours of the clerk. If the clerk's office is not  
289 open, the proper officer shall, without undue delay, take such person  
290 to a community correctional center within the judicial district where  
291 the capias was issued or, if there is no community correctional center  
292 within such judicial district, to the nearest community correctional  
293 center.]

294 (1) If the court is in session, the judicial marshal shall present such  
295 person before the court. If the court is not in session but the clerk's  
296 office is open, the judicial marshal shall present such person before the  
297 clerk or assistant clerk or a person designated by the Chief Court  
298 Administrator.

299 (2) If the court is not in session and the clerk's office is closed, and  
300 such person indicates to the judicial marshal that he or she can meet  
301 the conditions of release fixed by the court, the judicial marshal shall,  
302 without undue delay, either (A) transport such person to a community  
303 correctional center within the judicial district or, if there is no  
304 community correctional center within the judicial district, to the  
305 nearest community correctional center, for the purpose of entering into  
306 the condition of release fixed by the court, or (B) if more expedient,  
307 hold the person in custody until the clerk's office is open or the next

308 session of the court, for the purpose of entering into the condition of  
 309 release fixed by the court. If such person does not indicate to the  
 310 judicial marshal that he or she can meet the conditions of release fixed  
 311 by the court, the judicial marshal shall hold the person in custody until  
 312 the clerk's office is open or the next session of the court, for the  
 313 purpose of entering into the condition of release fixed by the court.

314 (c) If a courthouse lockup operated by the judicial branch is not  
 315 available at the court that issued the capias, or is available but is not  
 316 operational or has insufficient space, the proper officer or state police  
 317 officer taking the person into custody shall, without undue delay,  
 318 transport such person to a community correctional center within the  
 319 judicial district or, if there is no community correctional center within  
 320 the judicial district, to the nearest community correctional center for  
 321 the purpose of entering into the condition of release fixed by the court.

322 (d) The clerk or assistant clerk or a person designated by the  
 323 Commissioner of Correction or by the Chief Court Administrator shall  
 324 order the person taken into custody on the capias to enter into the  
 325 condition of release fixed by the court on the condition that such  
 326 person shall appear before the next session of the superior court  
 327 [which] that issued the capias. Upon the failure of such person to enter  
 328 into the condition of release fixed by the court, the person shall be held  
 329 in the correctional center pursuant to the capias until the next session  
 330 of the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	14-223a
Sec. 2	October 1, 2005	14-295a
Sec. 3	October 1, 2005	46b-15(e)
Sec. 4	October 1, 2005	51-36
Sec. 5	October 1, 2005	51-164n(b)
Sec. 6	October 1, 2005	52-185(a)
Sec. 7	October 1, 2005	52-466(a)
Sec. 8	October 1, 2005	54-1d(a)

Sec. 9	October 1, 2005	54-64d
--------	-----------------	--------

**Statement of Purpose:**

To revise provisions imposing a five dollar assessment on certain motor vehicle violations, to update requirements concerning the entry of orders into the protective order registry, to facilitate e-filing by allowing court records concerning title to land to be filed electronically and permitting the destruction of the paper records after entry into an electronic file, to establish a process for the destruction of exhibits, except biological evidence, in any criminal case in which a person has been found not guilty or the case was dismissed, not prosecuted or nolle, to revise provisions concerning the transportation of capias arrestees by judicial marshals, to eliminate the requirement that a party seeking to file a lawsuit post a bond for prosecution prior to the court's acceptance of the writ, summons and complaint, to streamline the consolidation of habeas cases by requiring that all habeas petitions be filed in the Judicial District of Tolland, to allow defendants arrested for certain violations of probation and failures to appear to be arraigned in the court having jurisdiction over the underlying criminal prosecution, and to make technical changes.

*[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.]*