



Substitute Senate Bill No. 156

Public Act No. 06-152

AN ACT CONCERNING COURT OPERATIONS.

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

Section 1. Subsection (d) of section 4b-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Notwithstanding any other statute or special act to the contrary, the Commissioner of Public Works shall be the sole person authorized to represent the state in its dealings with third parties for the acquisition, construction, development or leasing of real estate for housing the offices or equipment of all agencies of the state or for the state-owned public buildings or realty hereinafter provided for in [section 2-90,] sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, as amended, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66 [,] and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that the Joint Committee on Legislative Management may represent the state in the planning and construction of the Legislative Office Building and related facilities, in Hartford; the Chief Court Administrator may represent the state in providing for space for the Court Support Services Division as part of a contract for an alternative incarceration

Substitute Senate Bill No. 156

program pursuant to section 54-103b, as amended by this act; the board of trustees of a constituent unit of the state system of higher education may represent the state in the leasing of real estate for housing the offices or equipment of such constituent unit, provided no lease payments for such realty are made with funds generated from the general revenues of the state; the Labor Commissioner may represent the state in the leasing of premises required for employment security operations as provided in subsection (c) of section 31-250; the Commissioner of Mental Retardation may represent the state in the leasing of residential property as part of the program developed pursuant to subsection (b) of section 17a-218, as amended, provided such residential property does not exceed two thousand five hundred square feet, for the community placement of persons eligible to receive residential services from the department; and the Connecticut Marketing Authority may represent the state in the leasing of land or markets under the control of the [authority] Connecticut Marketing Authority, and, except for the housing of offices or equipment in connection with the initial acquisition of an existing state mass transit system or the leasing of land by [said] the Connecticut Marketing Authority for a term of one year or more in which cases the actions of the Department of Transportation and the Connecticut Marketing Authority shall be subject to the review and approval of the State Properties Review Board. [Said commissioner] The Commissioner of Public Works shall have the power to establish and implement any procedures necessary for [him] the commissioner to assume [his] the commissioner's responsibilities as said sole bargaining agent for state realty acquisitions and shall perform the duties necessary to carry out such procedures. [He] The Commissioner of Public Works may appoint, within [his] the commissioner's budget and subject to the provisions of chapter 67, such personnel deemed necessary by [him] the commissioner to carry out the provisions hereof, including experts in real estate, construction operations, financing, banking, contracting, architecture and engineering. The Attorney General's office, at the

Substitute Senate Bill No. 156

request of the commissioner, shall assist the commissioner in contract negotiations regarding the purchase, lease or construction of real estate.

Sec. 2. Subsection (e) of section 46b-15 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(e) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than five days before the hearing. The cost of such service shall be paid for by the judicial branch. Upon the granting of an ex parte order, the clerk of the court shall provide two certified copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two certified copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall contain the following language: "This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and tribal lands." Immediately after making service on the respondent, the proper officer shall send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides. The clerk of the court shall

Substitute Senate Bill No. 156

send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance of such order.

Sec. 3. Subsection (c) of section 51-36 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

(2) In any case in which a person has been convicted after trial of a capital felony, the official records of evidence or judicial proceedings in the court may be destroyed upon the expiration of seventy-five years from the [conviction of such person] date of imposition of the sentence in such case.

(3) In any case in which a person has been found not guilty, or in any case that has been dismissed or was not prosecuted, the court may order the destruction or disposal of all exhibits entered in such case upon the expiration of ninety days from the date of final disposition of such case, unless a prior disposition of such exhibits has been ordered pursuant to section 54-36a. In any case in which a nolle has been entered, the court may order the destruction or disposal of all exhibits entered in such case upon the expiration of thirteen months from the date of final disposition of such case. Not less than thirty days prior to the scheduled destruction or disposal of exhibits under this

Substitute Senate Bill No. 156

subdivision, the clerk of the court shall send notice to all parties and any party may request a hearing on the issue of such destruction or disposal before the court in which the matter is pending.

(4) In any case in which a person has been convicted of a misdemeanor or has been adjudicated a youthful offender, the court may order the destruction or disposal of all exhibits entered in such case upon the expiration of ten years from the date of imposition of the sentence in such case or upon the expiration of the sentence imposed on such person, whichever is later, unless a prior disposition of such exhibits has been ordered pursuant to section 54-36a. Not less than thirty days prior to the scheduled destruction or disposal of exhibits under this subdivision, the clerk of the court shall send notice to all parties and any party may request a hearing on the issue of such destruction or disposal before the court in which the matter is pending.

(5) In any case in which a person is charged with multiple offenses, no destruction or disposal of exhibits may be ordered under this subsection until the longest applicable retention period under this subsection has expired. The provisions of this subdivision and subdivisions (3), (4) and (6) of this subsection shall apply to any criminal or motor vehicle case disposed of before, on or after the effective date of this section.

(6) The retention period for the official records of evidence and exhibits in any habeas corpus proceeding, petition for a new trial or other proceeding arising out of a criminal case in which a person has been convicted shall be the same as the applicable retention period under this subsection for the criminal case from which such proceeding or petition arose.

(7) For the purposes of this subsection, "sentence" includes any period of incarceration, parole, special parole or probation.

Substitute Senate Bill No. 156

Sec. 4. Subsection (f) of section 52-148e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(f) Deposition of witnesses living in this state may be taken in like manner to be used as evidence in a civil action or probate proceeding pending in any court of the United States or of any other state of the United States or of any foreign country, on application to the court in which such civil action or probate proceeding is pending of any party to such civil action or probate proceeding. The Superior Court shall have jurisdiction to quash or modify, or to enforce compliance with, a subpoena issued for the taking of a deposition pursuant to this subsection.

Sec. 5. Subsection (a) of section 52-466 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) (1) An application for a writ of habeas corpus, other than an application pursuant to subdivision (2) of this subsection, shall be made to the superior court, or to a judge thereof, for the judicial district in which the person whose custody is in question is claimed to be illegally confined or deprived of [his] such person's liberty. [, provided any application made by or on behalf of a person confined in the Connecticut Correctional Institution, Enfield-Medium or the Carl Robinson Correctional Institution, Enfield, shall be made to the superior court or a judge thereof for the judicial district of Tolland.]

(2) An application for a writ of habeas corpus claiming illegal confinement or deprivation of liberty, made by or on behalf of an inmate or prisoner confined in a correctional facility as a result of a conviction of a crime, shall be made to the superior court, or to a judge thereof, for the judicial district of Tolland.

Substitute Senate Bill No. 156

Sec. 6. Section 54-103b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Court Support Services Division shall implement liaison with local community service providers throughout the state for the purpose of improving services delivery for probation referrals. Contractual services purchased shall be predominantly for the purpose of, but not limited to, employment, psychiatric and psychological evaluation and counseling, drug and alcohol dependency treatment, and other services towards more effective control and rehabilitation of probation referrals. The Chief Court Administrator, as part of a publicly bid contract for an alternative incarceration program, may include a requirement that the contractor provide such space as is necessary for staff of the Court Support Services Division to meet with probationers and to conduct any business that may be necessary to oversee and monitor such program. Other outside professional service fees consonant with the primary purpose of improved direct services shall be within the scope of the authority granted by this section.

Sec. 7. Subsection (a) of section 51-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Clerks shall: (1) Receive the files, processes and documents returnable to their court locations, (2) make records of all proceedings required to be recorded, (3) have the custody of the active files and records of the court, (4) have the custody of the records of the former county court within their districts, (5) have the custody of and keep safely in the appropriate office, or store as provided in subsection (b) of this section, as records of the court, all judicial files, records and dockets belonging to or concerning the office of justices of the peace and trial justices, judges of borough, city, town and police courts, the traffic court of Danbury, the Circuit Court and the Court of Common Pleas, or belonging to or concerning such courts, including record

Substitute Senate Bill No. 156

books kept by town clerks under the provisions of sections 51-101 and 51-106 of the general statutes, revision of 1958, (6) make and keep dockets of causes in their court locations, (7) issue executions on judgments, (8) collect and receive all fines and forfeitures imposed or decreed by the court, including fines paid after commitment, (9) collect and receive monetary contributions made to the Criminal Injuries Compensation Fund pursuant to section 54-56h, as amended by this act, (10) account for and pay or deposit all fees, fines, forfeitures and contributions made to the Criminal Injuries Compensation Fund and the proceeds of judgments of their office in the manner provided by sections 4-32 and 51-56a, as amended by this act, [(10)] (11) file with the Reporter of Judicial Decisions copies of memoranda of decisions in Superior Court cases, as provided in section 51-215a, and [(11)] (12) perform all other duties imposed on them by law.

Sec. 8. Subsection (a) of section 51-56a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Each clerk of the Supreme Court and Superior Court shall account for and pay or deposit all fees, fines, forfeitures and contributions made to the Criminal Injuries Compensation Fund and the proceeds of judgments of [his] such clerk's office in the manner provided by section 4-32. If any such clerk fails to so account and pay or deposit, such failure shall be reported by the Treasurer to the Chief Court Administrator who may thereupon remove the clerk. When any such clerk dies before so accounting and paying or depositing, the Treasurer shall require the executor of [his] such clerk's will or administrator of [his] such clerk's estate to so account. If any such clerk is removed from office, the Treasurer shall require [him] such clerk to account for any money of the state remaining in [his] such clerk's hands at the time of such removal and, if [he] such clerk neglects to so account, the Treasurer shall certify the neglect to the Chief Court

Substitute Senate Bill No. 156

Administrator.

Sec. 9. Section 54-56h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) The court may, in the disposition of any criminal or motor vehicle case, including a dismissal or the imposition of a sentence, consider the fact that the defendant has made a monetary contribution to the Criminal Injuries Compensation Fund established under section 54-215 or a contribution of community service work hours to a private nonprofit charity or other nonprofit organization.

(b) In entering a nolle prosequi, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case may consider the fact that the defendant has made a monetary contribution to the Criminal Injuries Compensation Fund [established under section 54-215] or a contribution of community service work hours to a private nonprofit charity or other nonprofit organization.

(c) A monetary contribution made by a defendant to the Criminal Injuries Compensation Fund as provided in this section may be paid to either the clerk of the court or the Office of Victim Services.

Sec. 10. Subsection (b) of section 14-227j of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(b) Any person who has been arrested for a violation of subsection (a) of section 14-227a, as amended, section 53a-56b, or section 53a-60d, may be ordered by the court not to operate any motor vehicle unless such motor vehicle is equipped with an ignition interlock device. Any such order may be made as a condition of such person's release on bail, as a condition of probation or as a condition of granting such person's application for participation in the pretrial alcohol education system under section 54-56g and may include any other terms and conditions

Substitute Senate Bill No. 156

as to duration, use, proof of installation or any other matter that the court determines to be appropriate or necessary.

Sec. 11. Section 46a-70a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The Judicial Department shall comply with the provisions of section 46a-70 and shall, not later than January 15, 1985, submit a report of such compliance to the General Assembly.]

(a) The Judicial Branch shall develop and implement an equal employment opportunities plan pursuant to federal law that commits the Judicial Branch to a program of equal employment opportunities in all aspects of personnel and administration. The Chief Court Administrator shall be responsible for developing, implementing and filing the plan with the Commission on Human Rights and Opportunities.

(b) The Judicial Branch shall comply with the provisions of subsection (b) of section 46a-68, as amended, section 46a-68g, subsections (a), (b) and (c) of section 46a-70, subsections (a), (b) and (d) of section 46a-71, subsections (a) and (c) of section 46a-77, subsections (a), (b) and (c) of section 46a-81h and section 46a-81i.

(c) The Criminal Justice Commission shall comply with the provisions of subsections (a) and (b) of section 46a-68, as amended, sections 46a-68g, 46a-70 and 46a-71, subsections (a) and (c) of section 46a-77 and sections 46a-81h and 46a-81i.

Sec. 12. Section 51-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each party in any case before the Supreme Court has a right to be heard by a full court. A full court shall consist of five associate judges or the Chief Justice and four associate judges or, upon order of

Substitute Senate Bill No. 156

the Chief Justice, six associate judges or the Chief Justice and five or six associate judges.

(b) If any judge is absent and such right is claimed or if any judge is disqualified and the absence or disqualification is not waived or if the business before the court requires it, the Chief Justice or, in the case of his or her absence or disqualification, the most senior associate judge present and qualified may summon the sixth or seventh member, or both, of the Supreme Court [or one or more of the judges of the Superior Court] to constitute a full court. If a full court cannot be constituted from the seven members of the Supreme Court due to the absence or disqualification of one or more members, the Chief Justice or, in the case of his or her absence or disqualification, the most senior associate judge present and qualified may summon one or more judges of the Superior Court, including senior judges of the Supreme Court and judges and senior judges of the Appellate Court, to constitute a full court, who shall attend and act as judges of the Supreme Court for the time being.

(c) Subject to the discharge of his or her duties as Chief Court Administrator, if he or she is also an associate judge of the Supreme Court, the Chief Court Administrator may be summoned to constitute a full court at the discretion of the Chief Justice, or, in case of [his] the absence or disqualification of the Chief Justice, the most senior associate judge present and qualified.

Sec. 13. Section 51-198 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Supreme Court shall consist of one Chief Justice and six associate judges, who shall, at the time of their appointment, also be appointed judges of the Superior Court.

(b) In addition thereto, each Chief Justice or associate judge of the

Substitute Senate Bill No. 156

Supreme Court who elects to retain office but to retire from full-time active service shall continue to be a member of the Supreme Court during the remainder of his or her term of office and during the term of any reappointment under section 51-50i, until he or she attains the age of seventy years. He or she shall be entitled to participate in the meetings of the judges of the Supreme Court and [to] vote as a member thereof, but only with respect to matters for which he or she has been summoned pursuant to subsection (b) of section 51-207, as amended by this act.

(c) A judge of the Supreme Court who has attained the age of seventy years may continue to deliberate and participate in all matters concerning the disposition of any case which the judge heard prior to attaining said age, until such time as the decision in any such case is officially released. The judge may also participate in the deliberation of a motion for reconsideration in such case if such motion is filed within ten days of the official release of such decision.

Sec. 14. Section 54-1d of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "geographical area" means the geographical area of the Superior Court established pursuant to section 51-348.

[(a)] (b) Except as provided in subsections [(b) and (c)] (d) and (e) of this section, defendants in criminal actions shall be [brought] presented for arraignment to: [the]

(1) The court in the geographical area [, established pursuant to section 51-348,] in which the crime was alleged to have been committed; [, or, if]

(2) If the arrest was by warrant, [to] the court in the geographical

Substitute Senate Bill No. 156

area in which the crime was alleged to have been committed or in which the arrest was made; [, or, if] or

(3) If the [defendant is arrested on] arrest was by a warrant issued pursuant to section 53a-32 or for failure to appear as provided in section 53a-172 or 53a-173, [to] the court in the geographical area in which the crime was alleged to have been committed or in which the arrest was made, or the superior court having jurisdiction over the underlying criminal prosecution.

(c) If the defendant was [brought] presented to the court in the geographical area in which the arrest was made for arraignment and was not released from custody after such arraignment, the defendant shall be presented to the court in the geographical area in which the crime was alleged to have been committed not later than the second court day following such arraignment. Except as provided in subsection (d) of this section, any defendant who has been presented to the court in accordance with this section and is the subject of one or more additional arrest warrants issued for crimes that were alleged to have been committed in one or more geographical areas, other than the geographical area in which the defendant is initially presented, shall subsequently be presented to the court in each geographical area in which such crimes were alleged to have been committed, in such order as the courts may determine, not later than the second court day following the prior arraignment. A criminal cause shall not fail on the ground that it has been submitted to a session of improper venue.

[(b)] (d) Any defendant who is charged with multiple offenses under any provision of section 53a-127b or sections 53a-128a to 53a-128i, inclusive, where such offenses were alleged to have been committed in more than one geographical area, [established pursuant to section 51-348,] may be presented to the court in any one of such geographical areas. The court may consolidate all such offenses into a single criminal action and shall have jurisdiction over such action.

Substitute Senate Bill No. 156

[(c)] (e) Any defendant who is charged with a violation of section 53a-129a of the general statutes, revision of 1958, revised to January 1, 2003, or section 53a-129b, 53a-129c or 53a-129d and any defendant who is charged with any other offense committed as a result of such violation may be presented to the court in the geographical area in which the person whose personal identifying information has been obtained and used by the defendant resides.

Approved June 6, 2006