



General Assembly

February Session, 2006

Raised Bill No. 156

LCO No. 1482

01482_____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. Subsection (e) of section 46b-15 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (e) The applicant shall cause notice of the hearing pursuant to
5 subsection (b) of this section and a copy of the application and the
6 applicant's affidavit and of any ex parte order issued pursuant to
7 subsection (b) of this section to be served on the respondent not less
8 than five days before the hearing. The cost of such service shall be paid
9 for by the judicial branch. Upon the granting of an ex parte order, the
10 clerk of the court shall provide two certified copies of the order to the
11 applicant. Upon the granting of an order after notice and hearing, the
12 clerk of the court shall provide two certified copies of the order to the
13 applicant and a copy to the respondent. Every order of the court made
14 in accordance with this section after notice and hearing shall contain
15 the following language: "This court had jurisdiction over the parties
16 and the subject matter when it issued this protection order.

17 Respondent was afforded both notice and opportunity to be heard in
18 the hearing that gave rise to this order. Pursuant to the Violence
19 Against Women Act of 1994, 18 USC 2265, this order is valid and
20 enforceable in all fifty states, any territory or possession of the United
21 States, the District of Columbia, the Commonwealth of Puerto Rico
22 and tribal lands." Immediately after making service on the respondent,
23 the proper officer shall send or cause to be sent, by facsimile or other
24 means, a copy of the application, or the information contained in such
25 application, stating the date and time the respondent was served, to
26 the law enforcement agency or agencies for the town in which the
27 applicant resides, the town in which the applicant is employed and the
28 town in which the respondent resides. The clerk of the court shall
29 send, by facsimile or other means, a copy of any ex parte order and of
30 any order after notice and hearing, or the information contained in any
31 such order, to the law enforcement agency or agencies for the town in
32 which the applicant resides, the town in which the applicant is
33 employed and the town in which the respondent resides, within forty-
34 eight hours of the issuance of such order.

35 Sec. 2. Subsection (c) of section 51-36 of the 2006 supplement to the
36 general statutes is repealed and the following is substituted in lieu
37 thereof (*Effective October 1, 2006*):

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

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

48 (3) In any case in which a person has been found not guilty, or in
49 any case that has been dismissed or was not prosecuted, the court may
50 order the destruction or disposal of all exhibits entered in such case
51 upon the expiration of ninety days from the date of final disposition of
52 such case, unless a prior disposition of such exhibits has been ordered
53 pursuant to section 54-36a. In any case in which a nolle has been
54 entered, the court may order the destruction or disposal of all exhibits
55 entered in such case upon the expiration of thirteen months from the
56 date of final disposition of such case. Not less than thirty days prior to
57 the scheduled destruction or disposal of exhibits under this
58 subdivision, the clerk of the court shall send notice to all parties and
59 any party may request a hearing on the issue of such destruction or
60 disposal before the court in which the matter is pending.

61 (4) In any case in which a person has been convicted after trial of a
62 misdemeanor or has been adjudicated a youthful offender, or in any
63 case in which the defendant entered a plea of guilty or nolo
64 contendere, the court may order the destruction or disposal of all
65 exhibits entered in such case upon the expiration of ten years from the
66 date of final disposition of such case or upon the expiration of the
67 sentence imposed on such person, whichever is later, unless a prior
68 disposition of such exhibits has been ordered pursuant to section 54-
69 36a. Not less than thirty days prior to the scheduled destruction or
70 disposal of exhibits under this subdivision, the clerk of the court shall
71 send notice to all parties and any party may request a hearing on the
72 issue of such destruction or disposal before the court in which the
73 matter is pending.

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

81 Sec. 3. Subsection (a) of section 52-466 of the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective*
83 *October 1, 2006*):

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	46b-15(e)
Sec. 2	<i>October 1, 2006</i>	51-36(c)
Sec. 3	<i>October 1, 2006</i>	52-466(a)

Statement of Purpose:

To authorize information contained in an application for a restraining order to be sent to police departments by an electronically-transmitted information sheet, to establish a schedule for the disposition of exhibits in criminal cases, and to require that all habeas corpus applications claiming illegal confinement or deprivation, made by or on behalf of a person confined in a correctional facility, be filed in the judicial district of Tolland.

[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.]