



General Assembly

February Session, 2006

Amendment

LCO No. 4811

SB0015604811SD0

Offered by:
SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 156 File No. 413 Cal. No. 285

"AN ACT CONCERNING COURT OPERATIONS."

1 Strike lines 90 to 209, inclusive, in their entirety, insert the following
2 in lieu thereof and renumber the remaining sections accordingly:

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4 general statutes is repealed and the following is substituted in lieu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

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

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

16 in such case.

17 (3) In any case in which a person has been found not guilty, or in
18 any case that has been dismissed or was not prosecuted, the court may
19 order the destruction or disposal of all exhibits entered in such case
20 upon the expiration of ninety days from the date of imposition of the
21 sentence in such case, unless a prior disposition of such exhibits has
22 been ordered pursuant to section 54-36a. In any case in which a nolle
23 has been entered, the court may order the destruction or disposal of all
24 exhibits entered in such case upon the expiration of thirteen months
25 from the date of final disposition of such case. Not less than thirty days
26 prior to the scheduled destruction or disposal of exhibits under this
27 subdivision, the clerk of the court shall send notice to all parties and
28 any party may request a hearing on the issue of such destruction or
29 disposal before the court in which the matter is pending.

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

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

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

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

56 After the last section, add the following and renumber sections and
57 internal references accordingly:

58 "Sec. 501. Subsection (a) of section 51-52 of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective July*
60 *1, 2006*):

61 (a) Clerks shall: (1) Receive the files, processes and documents
62 returnable to their court locations, (2) make records of all proceedings
63 required to be recorded, (3) have the custody of the active files and
64 records of the court, (4) have the custody of the records of the former
65 county court within their districts, (5) have the custody of and keep
66 safely in the appropriate office, or store as provided in subsection (b)
67 of this section, as records of the court, all judicial files, records and
68 dockets belonging to or concerning the office of justices of the peace
69 and trial justices, judges of borough, city, town and police courts, the
70 traffic court of Danbury, the Circuit Court and the Court of Common
71 Pleas, or belonging to or concerning such courts, including record
72 books kept by town clerks under the provisions of sections 51-101 and
73 51-106 of the general statutes, revision of 1958, (6) make and keep
74 dockets of causes in their court locations, (7) issue executions on
75 judgments, (8) collect and receive all fines and forfeitures imposed or
76 decreed by the court, including fines paid after commitment, (9) collect
77 and receive monetary contributions made to the Criminal Injuries
78 Compensation Fund pursuant to section 54-56h, as amended by this
79 act, (10) account for and pay or deposit all fees, fines, forfeitures and

80 contributions made to the Criminal Injuries Compensation Fund and
81 the proceeds of judgments of their office in the manner provided by
82 sections 4-32 and 51-56a, as amended by this act, [(10)] (11) file with
83 the Reporter of Judicial Decisions copies of memoranda of decisions in
84 Superior Court cases, as provided in section 51-215a, and [(11)] (12)
85 perform all other duties imposed on them by law.

86 Sec. 502. Subsection (a) of section 51-56a of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July*
88 *1, 2006*):

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

104 Sec. 503. Section 54-56h of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective July 1, 2006*):

106 (a) The court may, in the disposition of any criminal or motor
107 vehicle case, including a dismissal or the imposition of a sentence,
108 consider the fact that the defendant has made a monetary contribution
109 to the Criminal Injuries Compensation Fund established under section
110 54-215 or a contribution of community service work hours to a private
111 nonprofit charity or other nonprofit organization.

112 (b) In entering a nolle prosequi, the state's attorney, assistant state's
113 attorney or deputy assistant state's attorney in charge of the case may
114 consider the fact that the defendant has made a monetary contribution
115 to the Criminal Injuries Compensation Fund [established under section
116 54-215] or a contribution of community service work hours to a private
117 nonprofit charity or other nonprofit organization.

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

121 Sec. 504. Subsection (b) of section 14-227j of the 2006 supplement to
122 the general statutes is repealed and the following is substituted in lieu
123 thereof (*Effective October 1, 2006*):

124 (b) Any person who has been arrested for a violation of subsection
125 (a) of section 14-227a, as amended, section 53a-56b, or section 53a-60d,
126 may be ordered by the court not to operate any motor vehicle unless
127 such motor vehicle is equipped with an ignition interlock device. Any
128 such order may be made as a condition of such person's release on bail,
129 as a condition of probation or as a condition of granting such person's
130 application for participation in the pretrial alcohol education system
131 under section 54-56g and may include any other terms and conditions
132 as to duration, use, proof of installation or any other matter that the
133 court determines to be appropriate or necessary.

134 Sec. 505. Section 46a-70a of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective from passage*):

136 The Judicial Department and the Criminal Justice Commission shall
137 comply with the provisions of [section] subsections (a) and (b) of
138 section 46a-68, as amended, sections 46a-68g, 46a-70 and [shall, not
139 later than January 15, 1985, submit a report of such compliance to the
140 General Assembly] 46a-71, subsections (a) and (c) of section 46a-77 and
141 sections 46a-81h and 46a-81i.

142 Sec. 506. Section 51-207 of the general statutes is repealed and the

143 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

170 Sec. 507. Section 51-198 of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

192 Sec. 508. Section 51-197c of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective from passage*):

194 (a) The Appellate Court shall consist of nine judges, except as
195 provided in subsection (b) of this section, who shall also be judges of
196 the Superior Court, and who shall be appointed by the General
197 Assembly, upon nomination of the Governor for a term of eight years.
198 The judges shall sit in panels of three, or en banc, pursuant to rules
199 adopted by the Appellate Court. The Chief Justice shall designate one
200 of these judges as Chief Judge of the Appellate Court.

201 (b) If a judge of the Appellate Court (1) is appointed the Chief Court
202 Administrator, or (2) on July 1, 2001, is serving as the Chief Court
203 Administrator, the Appellate Court shall consist of ten judges for the
204 remainder of said judge's current term on the Appellate Court, or until
205 his or her retirement from full-time active service, whichever occurs
206 first. The tenth judge shall also be a judge of the Superior Court and

207 shall be appointed by the General Assembly upon nomination of the
208 Governor for a term of eight years.

209 (c) With the approval of the Chief Justice, the Chief Judge shall (1)
210 schedule such sessions as may be necessary, at such locations as the
211 facilitation of court business requires, (2) designate as many panels as
212 may be necessary, each consisting of three judges assigned by the
213 Chief Judge, and (3) designate a presiding judge for each panel on
214 which the Chief Judge does not sit.

215 (d) Every judge of the Superior Court shall, by virtue of
216 appointment to the Superior Court, be qualified to serve as a judge on
217 the Appellate Court when summoned pursuant to subsection (e) of
218 this section.

219 (e) Each of the parties in any case shall have a right to be heard by a
220 full panel. [The] If a full panel cannot be constituted from the judges of
221 the Appellate Court appointed pursuant to subsections (a) and (b) of
222 this section due to the absence or disqualification of one or more of
223 such judges, the Chief Judge, with the approval of the Chief Justice,
224 may summon one or more [of the] judges of the Superior Court,
225 including senior judges of the Supreme Court and senior judges of the
226 Appellate Court, to constitute a full panel.

227 (f) The judges of the Appellate Court shall be released from sitting
228 on the Superior Court, except that the Chief Justice may assign any
229 such judge to sit on the Superior Court whenever in the Chief Justice's
230 judgment the public business may require it.

231 (g) If the Chief Court Administrator is a judge of the Appellate
232 Court, said Chief Court Administrator shall be released from sitting on
233 the Appellate Court, except that the Chief Justice may assign the Chief
234 Court Administrator to sit on the Appellate Court whenever, in the
235 Chief Justice's judgment, the public business may require it.

236 (h) Each Chief Judge or judge of the Appellate Court who elects to
237 retain such judge's office but to retire from full-time active service shall

238 continue to be a member of the Appellate Court during the remainder
239 of such judge's term of office and during the term of any
240 reappointment under section 51-50i, until such judge attains the age of
241 seventy years. Such judge shall be entitled to participate in the
242 meetings of the judges of the Appellate Court and [to] vote as a
243 member thereof, but only with respect to matters for which he or she
244 has been summoned pursuant to subsection (e) of this section.

245 (i) In each appeal to the Appellate Court, the party appealing shall
246 pay a record fee as prescribed in section 52-259, at such time as is fixed
247 by rule of court, which amount shall be taxed in favor of the appellant
248 if judgment is finally rendered in such appellant's favor."