



Substitute House Bill No. 7269

Public Act No. 07-246

AN ACT CONCERNING CRIMINAL HISTORY BACKGROUND CHECKS, CHILD PORNOGRAPHY, REPEATED FALSE ALARMS, THE DESTRUCTION OF SEIZED FIREWORKS, AMUSEMENT PATRONS' SAFETY AND ASSESSOR'S DRAWINGS.

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

Section 1. Section 29-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The bureau in the Division of State Police within the Department of Public Safety known as the State Police Bureau of Identification shall be maintained for the purposes (1) of providing an authentic record of each person sixteen years of age or over who is charged with the commission of any crime involving moral turpitude, (2) of providing definite information relative to the identity of each person so arrested, (3) of providing a record of the final judgment of the court resulting from such arrest, unless such record has been erased pursuant to section 54-142a, and (4) for maintaining a central repository of complete criminal history record disposition information. The Commissioner of Public Safety is directed to maintain the State Police Bureau of Identification, which bureau shall receive, classify and file in an orderly manner all fingerprints, pictures and descriptions, including previous criminal records as far as known of all persons so

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arrested, and shall classify and file in a like manner all identification material and records received from the government of the United States and from the various state governments and subdivisions thereof, and shall cooperate with such governmental units in the exchange of information relative to criminals. The State Police Bureau of Identification shall accept fingerprints of applicants for admission to the bar of the state and, to the extent permitted by federal law, shall exchange state, multistate and federal criminal history records with the State Bar Examining Committee for purposes of investigation of the qualifications of any applicant for admission as an attorney under section 51-80. The record of all arrests reported to the bureau after March 16, 1976, shall contain information of any disposition within ninety days after the disposition has occurred.

(b) Any cost incurred by the State Police Bureau of Identification in conducting any name search and fingerprinting of applicants for admission to the bar of the state shall be paid from fees collected by the State Bar Examining Committee.

(c) The Commissioner of Public Safety shall charge the following fees for the service indicated: (1) Name search, eighteen dollars; (2) fingerprint search, twenty-five dollars; (3) personal record search, twenty-five dollars; (4) letters of good conduct search, twenty-five dollars; (5) bar association search, twenty-five dollars; (6) fingerprinting, five dollars; (7) criminal history record information search, twenty-five dollars. Except as provided in subsection (b) of this section, the provisions of this subsection shall not apply to any federal, state or municipal agency.

(d) The Commissioner of Public Safety may adopt regulations, in accordance with the provisions of chapter 54, necessary to implement the provisions of the National Child Protection Act of 1993, the Violent Crime Control and Law Enforcement Act of 1994, the Volunteers for Children Act of 1998, and the National Crime Prevention and Privacy

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Compact as provided in section 29-164f to provide for national criminal history records checks to determine an employee's or volunteer's suitability and fitness to care for the safety and well-being of children, the elderly and individuals with disabilities.

Sec. 2. (NEW) (*Effective October 1, 2007*) Notwithstanding section 54-86a of the general statutes, in any criminal proceeding, any property or material that constitutes child pornography shall remain in the care, custody and control of the state, and a court shall deny any request by the defendant to copy, photograph, duplicate or otherwise reproduce any property or material that constitutes child pornography so long as the attorney for the state makes the property or material reasonably available to the defendant. Such property or material shall be deemed to be reasonably available to the defendant if the attorney for the state provides the defendant, the defendant's attorney or any individual the defendant may seek to qualify to furnish expert testimony at trial, ample opportunity for inspection, viewing, and examination of the property or material at a state facility or at another facility agreed upon by the attorney for the state and the defendant. For the purposes of this section, "child pornography" shall have the same meaning as in section 53a-193 of the general statutes.

Sec. 3. (NEW) (*Effective October 1, 2007*) (a) As used in this section:

(1) "Alarm system" means an assembly of equipment and devices arranged to signal the presence of a hazard such as unauthorized intrusion into a premises, an attempted robbery or a fire or smoke condition at a premises requiring urgent attention and to which the Division of State Police is expected to respond, including, but not limited to: Automatic holdup alarm systems, burglary alarms system, holdup alarm systems, manual holdup alarm systems, audible alarm systems and fire alarm systems. "Alarm system" does not mean a system that monitors temperature or is designed solely for notification of medical emergencies.

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(2) "False alarm" means the activation of any alarm system including circumstances occurring off the protected property and within the control of either the subscriber, his alarm business or his answering service to which the Division of State Police responds but does not include any such activation caused by fire, a criminal act, emergency, or an act of nature such as an earthquake, tornado, hurricane or storm.

(3) "Subscriber" means an individual who buys, leases or otherwise acquires an alarm system and thereafter installs it or has it installed, including an individual who has control of the premises in which an operable alarm system exists.

(b) The subscriber of an alarm system shall be fined for each emergency police response to a false alarm, except that such fine shall be automatically waived for the first three false alarm responses in a calendar year. State, federal and municipal buildings or properties shall be exempt from such fine. The subscriber of an alarm system shall be fined for each emergency police response to a false alarm in a calendar year not more than: (1) Twenty-five dollars for a fourth offense, (2) fifty dollars for a fifth offense, (3) seventy-five dollars for a sixth offense, and (4) one hundred dollars for the seventh and each subsequent offense within a calendar year. Such fine shall be used for the administrative costs of administering this section, and for training and educational materials of the state police. If the subscriber is not the owner of the property in which the alarm system is located, the state police trooper shall give the property owner notice of the occurrence of the second alarm generated by the alarm system of the property.

(c) Any subscriber who has received notification from the state police informing such subscriber that a fine is being imposed for a false alarm may appeal the fine not later than seven days after the receipt of notification by filing an appeal with the Division of State Police. The Division of State Police shall review the appeal and make a determination as to whether or not the circumstances surrounding the

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false alarms justify a waiver of the fine. The Division of State Police shall notify the subscriber, in writing, of its final decision.

(d) All fines imposed pursuant to this section shall be payable to the Division of State Police and shall be due not later than thirty days after the date of notification, or in the case of an appeal, not later than thirty days after the date of the decision on the appeal. A subscriber who fails to pay the fine within the designated time period shall be fined not more than two hundred dollars.

Sec. 4. Section 29-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The State Fire Marshal or a local fire marshal shall seize, take, store, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, held or kept in violation of sections 29-356 to 29-366, inclusive. When any fireworks have been seized, the superior court having jurisdiction, [within forty-eight hours after such seizure,] shall expeditiously cause to be left at the place where such fireworks were seized, if such place is a dwelling house, store, shop or other building, and also to be left with or at the usual place of abode of the person named therein as the owner or keeper of such fireworks, a summons notifying him or her and all others whom it may concern to appear before such court, at a place and time named in such notice, which time shall be not less than six nor more than twelve days after the posting and service thereof, then and there to show cause, if any, why such fireworks should not be adjudged a nuisance. Such summons shall describe such articles with reasonable certainty, and state when and where the same were seized. If any person named in such summons or any person claiming any interest in the same appears, he or she shall be made a party defendant in such case. The informing officer or the complainants may appear and prosecute such complaint and, if the court finds the allegations of such complaint to be true and that such fireworks or any of them have

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been kept in violation of any provision of sections 29-356 to 29-366, inclusive, judgment shall be rendered that such articles are a nuisance, and execution shall issue that the same be destroyed together with the crates, boxes or vessels containing the same. The court shall not require storage of the fireworks pending final disposition of the case and shall order the fireworks to be destroyed upon their being inventoried, photographed and described in a sworn affidavit. Such inventory, photograph, description and sworn affidavit shall be sufficient evidence for the purposes of identification of the seized items at any subsequent court proceeding.

Sec. 5. Subsection (f) of section 54-36a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(f) If the court finds that such seized property is fireworks as defined in section 29-356, the court shall order the forfeiture and destruction of such property. Any secondary evidence of the identity, description or value of such property shall be admissible in evidence against the defendant in the trial of the case. A photograph of the fireworks and a sworn affidavit describing such fireworks shall be sufficient evidence of the identity of the fireworks. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility.

Sec. 6. Section 29-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Upon receipt of an application for an amusement license, the Commissioner of Public Safety or the commissioner's designee shall investigate and, in accordance with the frequency schedule adopted in regulations by the commissioner pursuant to subsection (e) of this section, inspect in full the location, equipment, paraphernalia, mechanical amusement rides and devices in respect to such

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amusement and all other matters relating thereto and shall determine whether or not such amusement will be reasonably safe for public attendance and may make reasonable orders concerning alterations, additions or betterments to the equipment, paraphernalia, mechanical amusement rides and devices, and concerning the character and arrangement of the seating, means of egress, lighting, fire-fighting appliances, fire and police protection and such other provisions as shall make the amusement reasonably safe against both fire and casualty hazards.

(b) When any serious physical injury, as defined in subdivision (4) of section 53a-3, or death occurs in connection with the operation of any amusement ride or device, the owner of such ride or device shall, within four hours after such occurrence, report the injury or death to the commissioner or the commissioner's designee. Not later than four hours after receipt of any such report, the commissioner or the commissioner's designee shall cause an investigation of the occurrence and an inspection of the ride or device to determine the cause of such serious physical injury or death. The commissioner or the commissioner's designee may enter into any place or upon any premises so licensed in furtherance of such investigation and inspection. Unless otherwise authorized by the commissioner, no amusement ride or device subject to the provisions of this chapter may be operated or altered nor shall it be removed from the location where such injury or death occurred for seventy-two hours after the time of the receipt of the report.

(c) The owner of an amusement ride or device shall display signs, in accordance with the patron safety regulations adopted by the commissioner pursuant to subsection (e) of this section, on which is written, at a minimum, the following statement, in letters at least two inches in height: "State law requires patrons to obey all posted signs, warnings and instructions and to behave in a manner that will not

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cause or contribute to the injury of themselves or others. Injured patrons or their adult guardians must report all injuries to management before leaving. Disorderly conduct is punishable by up to a five hundred dollar fine and up to three months imprisonment." Such signs shall be posted in accordance with the patron safety regulations adopted by the commissioner pursuant to subsection (e) of this section and at any station for reporting an injury, any first aid station and either (1) the entrance or exit to or from the premises designated for patrons, or (2) any area or structure where patrons may purchase admission or receive authorization to use an amusement ride or device.

[(c)] (d) The Commissioner of Public Safety may grant variations from, or approve equivalent or alternate compliance with, particular provisions of this section or any regulation adopted under the provisions of subsection [(d)] (e) of this section where strict compliance with such provisions would result in exceptional practical difficulty or undue hardship provided any such variation or approved equivalent or alternate compliance shall, in the opinion of the Commissioner of Public Safety, secure the public safety.

[(d)] (e) The commissioner [may] shall adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of this section.

Sec. 7. (NEW) (*Effective October 1, 2007*) (a) A patron of an amusement, as defined in section 29-133 of the general statutes, or of a public amusement park, as described in section 29-129 of the general statutes, shall obey the patron safety regulations adopted by the Commissioner of Public Safety pursuant to subsection (e) of section 29-136 of the general statutes, as amended by this act.

(b) A security guard or law enforcement officer may detain a patron of an amusement for a reasonable time for the purpose of summoning

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a police officer to the premises of such amusement if such guard or officer has reasonable cause to believe that the patron has violated the patron safety regulations adopted by the commissioner pursuant to subsection (e) of section 29-136 of the general statutes, as amended by this act.

(c) Nothing in this section shall be construed as limiting or otherwise affecting the liability of the owner of an amusement or relieving the owner's responsibility to provide reasonable supervision of patrons.

Sec. 8. Subsection (c) of section 12-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) The following shall be available for public inspection in the assessor's office, in the manner provided for access to public records in subsection (a) of section 1-210, not later than the date written notices of real property valuations are mailed in accordance with subsection (f) of this section: (1) Any criteria, guidelines, price schedules or statement of procedures used in such revaluation by the assessor or by any revaluation company that the assessor designates to perform mass appraisal or field review functions, all of which shall continue to be available for public inspection until the town's next revaluation becomes effective; and (2) a compilation of all real property sales in each neighborhood for the twelve months preceding the date on which each revaluation is effective, the selling prices of which are representative of the fair market values of the properties sold, which compilation shall continue to be available for public inspection for a period of not less than twelve months immediately following a revaluation's effective date. Nothing in this subsection shall be construed to permit the assessor to post a plan or drawing of a dwelling unit of a residential property's interior on the Internet or to otherwise publish such plan or drawing.

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