



General Assembly

January Session, 2007

**Raised Bill No. 5258**

LCO No. 901

\*00901\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT ADOPTING CERTAIN RECOMMENDATIONS OF THE  
GOVERNOR'S COMMISSION ON JUDICIAL REFORM.**

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

1 Section 1. (NEW) (*Effective July 1, 2007*) For purposes of  
2 subparagraph (A) of subdivision (1) of section 1-200 and subdivision  
3 (1) of subsection (a) of section 1-212 of the general statutes,  
4 "administrative functions" means (1) all matters not directly related to  
5 judicial activities in, and discussions concerning, court cases, and (2)  
6 those matters that relate to the management of the internal  
7 institutional machinery of the Judicial Branch including, but not  
8 limited to, budgeting, accounting, rule-making, personnel, facilities,  
9 physical operations, docketing and scheduling.

10 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) There is a presumption that  
11 all appellate proceedings in the Supreme Court and Appellate Court  
12 shall be open for broadcasting, televising, recording and  
13 photographing. Any person who objects to such broadcasting,  
14 televising, recording or photographing shall have the burden of  
15 proving that such activities unduly prejudice such person's interest.

16 (b) The Judicial Branch shall, in collaboration with interested  
17 parties, adopt rules of court regarding the use of video, audio and  
18 photographic equipment in the Supreme Court and the Appellate  
19 Court that will provide for the reasonable coverage of the appellate  
20 proceedings without interfering with the fairness of such proceedings.

21 Sec. 3. (NEW) (*Effective July 1, 2007*) (a) There is established a pilot  
22 program for the broadcasting, televising, recording and photographing  
23 of certain proceedings in the Superior Court from July 1, 2007, to July  
24 1, 2010. For the purposes of this section, "proceeding" means any  
25 matter which is being officially recorded, at which a judge and one or  
26 more parties or their counsel are present and for which a judicial  
27 decision is rendered.

28 (b) All court proceedings in a court that is part of the pilot program  
29 are presumed to be open for broadcasting, televising, recording and  
30 photographing. Any party, witness or crime victim who objects to such  
31 broadcasting, televising, recording or photographing of the proceeding  
32 has the burden of proving that such broadcasting, televising, recording  
33 or photographing will unduly prejudice such person's interest.

34 (c) Whenever a judge limits the broadcasting, televising, recording  
35 or photographing of a proceeding in a court that is part of the pilot  
36 program, the judge shall do so in the least restrictive manner that  
37 addresses the reason for such limitation giving due consideration to  
38 the protection of the identity of jurors, crime victims, informants,  
39 undercover agents, relocated witnesses, juveniles and individuals in  
40 comparable situations.

41 (d) The Judicial Branch shall collaborate with interested parties and  
42 adopt rules of court to implement the pilot program.

43 (e) The Judicial Branch shall submit a report evaluating the pilot  
44 program to the joint standing committee on judiciary in accordance  
45 with section 11-4a of the general statutes not later than January 1, 2010.

46 Sec. 4. Section 46b-122 of the general statutes is repealed and the  
47 following is substituted in lieu thereof (*Effective July 1, 2007*):

48 (a) All matters which are juvenile matters, as provided in section  
49 46b-121, shall be kept separate and apart from all other business of the  
50 Superior Court as far as is practicable, except matters transferred  
51 under the provisions of section 46b-127, which matters shall be  
52 transferred to the regular criminal docket of the Superior Court. Any  
53 judge hearing a [juvenile] delinquency matter or a matter concerning a  
54 family with service needs may, during such hearing, exclude from the  
55 room in which such hearing is held any person whose presence is, in  
56 the court's opinion, not necessary, except that in delinquency  
57 proceedings, any victim shall not be excluded unless, after hearing  
58 from the parties and the victim and for good cause shown, which shall  
59 be clearly and specifically stated on the record, the judge orders  
60 otherwise. For the purposes of this section, "victim" means a person  
61 who is the victim of a delinquent act, a parent or guardian of such  
62 person, the legal representative of such person or an advocate  
63 appointed for such person pursuant to section 54-221.

64 (b) Members of the public may attend proceedings in which a child  
65 or youth is alleged to be uncared for, neglected or dependent or is the  
66 subject of a petition for termination of parental rights, except that the  
67 court may exclude any person from such proceedings if the court  
68 determines, on a case-by-case basis, that such exclusion is warranted.  
69 In making such determination, the court may consider, among other  
70 factors, whether: (1) The person is causing or is likely to cause a  
71 disruption in the proceedings; (2) the presence of the person is objected  
72 to for a compelling reason by one of the parties, including the attorney  
73 for the child or youth or a guardian ad litem; (3) the privacy interests  
74 of individuals before the court and the need to protect the child or  
75 youth and other parties from harm requires that the person, or some or  
76 all observers, be excluded from the courtroom; (4) the presence of the  
77 person will inhibit testimony or the disclosure or discussion of  
78 information material to the proceedings; and (5) less restrictive

79 alternatives to exclusion are unavailable or inappropriate to the  
80 circumstances of the particular case. The attendance of a member of  
81 the public at any such proceeding shall be subject to the availability of  
82 suitable space at the facility where such proceeding takes place. The  
83 court shall make its findings and determination on the record.

84 (c) If a member of the public is in attendance at any proceeding  
85 pursuant to subsection (b) of this section, the court shall consider, on a  
86 case-by-case basis, whether there is a compelling reason to issue an  
87 order prohibiting the member of the public from using or  
88 disseminating the name, address, photograph or other personally  
89 identifiable information about a child, youth, parent or guardian  
90 disclosed during the proceedings. In determining whether a  
91 compelling reason to issue such order exists, the court shall consider,  
92 among other factors: (1) The nature of the allegations; (2) the age and  
93 maturity of the child or youth; (3) the emotional well-being of the child  
94 or youth; (4) the potential harm to the child or youth if such  
95 information is disclosed; and (5) the public interest in disclosure.

96 (d) Nothing in this section shall be construed to affect the  
97 confidentiality of records of cases of juvenile matters as set forth in  
98 section 46b-124.

99 Sec. 5. Section 46b-138 of the general statutes is repealed and the  
100 following is substituted in lieu thereof (*Effective July 1, 2007*):

101 (a) For the purpose of hearing any juvenile matter, the court may  
102 summon witnesses and compel their attendance.

103 (b) The conversations of the judge with a child or youth whose case  
104 is before the court shall be privileged, except that the judge shall share  
105 on the record with counsel and, if there is no counsel for the child or  
106 youth, with the parent of such child or youth, the knowledge gained in  
107 any private interview with such child or youth.

108 Sec. 6. (NEW) (*Effective July 1, 2007*) (a) Except as otherwise

109 provided by law, there shall be a presumption that courtroom  
110 proceedings shall be open to the public.

111 (b) Except as provided in this section, and except as otherwise  
112 provided by law, the court shall not order that the public be excluded  
113 from any portion of a courtroom proceeding.

114 (c) Upon motion of any party, or upon its own motion, the court  
115 may order that the public be excluded from any portion of a courtroom  
116 proceeding only if the court concludes that such order is necessary to  
117 preserve an interest which is determined to override the public's  
118 interest in attending such proceeding. The court shall first consider  
119 reasonable alternatives to any such order and any such order shall be  
120 no broader than necessary to protect such overriding interest. An  
121 agreement of the parties to close the courtroom shall not constitute a  
122 sufficient basis for the issuance of such an order.

123 (d) In connection with any order issued pursuant to subsection (c) of  
124 this section, the court shall articulate the overriding interest being  
125 protected and shall specify its findings underlying such order. If any  
126 findings would reveal information entitled to remain confidential,  
127 those findings may be set forth in a sealed portion of the record. The  
128 time, date and scope of any such order shall be set forth in a writing  
129 signed by the court which upon issuance the court clerk shall  
130 immediately enter in the court file. The court shall order that a  
131 transcript of its decision be included in the file or prepare a  
132 memorandum setting forth the reasons for its order.

133 (e) A motion to close a courtroom proceeding shall be filed not less  
134 than fourteen days before the proceeding is scheduled to be heard.  
135 Notice to the public shall be given of the time and place of the hearing  
136 on the motion and the public shall be given an opportunity to be heard  
137 on the motion under consideration. The motion itself may be filed  
138 under seal, where appropriate, with permission of the court.

139 Sec. 7. (NEW) (*Effective July 1, 2007*) (a) Except as otherwise

140 provided by law, there shall be a presumption that documents filed  
141 with the court shall be available to the public.

142 (b) Except as provided in this section and except as otherwise  
143 provided by law, the court shall not order that any files, affidavits,  
144 documents or other materials on file with the court or filed in  
145 connection with a court proceeding be sealed or their disclosure  
146 limited.

147 (c) Upon written motion of any party, or upon its own motion, the  
148 court may order that files, affidavits, documents or other materials on  
149 file or lodged with the court or in connection with a court proceeding  
150 be sealed or their disclosure limited only if the court concludes that  
151 such order is necessary to preserve an interest which is determined to  
152 override the public's interest in viewing such materials. The court shall  
153 first consider reasonable alternatives to any such order and any such  
154 order shall be no broader than necessary to protect such overriding  
155 interest. An agreement of the parties to seal or limit the disclosure of  
156 documents on file with the court or filed in connection with a court  
157 proceeding shall not constitute a sufficient basis for the issuance of  
158 such an order.

159 (d) In connection with any order issued pursuant to subsection (c) of  
160 this section, the court shall articulate the overriding interest being  
161 protected and shall specify its findings underlying such order and the  
162 duration of such order. If any findings would reveal information  
163 entitled to remain confidential, those findings may be set forth in a  
164 sealed portion of the record. The time, date, scope and duration of any  
165 such order shall be set forth in a writing signed by the court which  
166 upon issuance the court clerk shall immediately enter in the court file.  
167 The court shall order that a transcript of its decision be included in the  
168 file or prepare a memorandum setting forth the reason for its order.

169 (e) Except as otherwise ordered by the court, a hearing on a motion  
170 to seal or limit the disclosure of affidavits, documents or other  
171 materials on file or lodged with the court or filed in connection with a

172 court proceeding shall be scheduled so that notice to the public is  
173 given of the time and place of the hearing on the motion and to afford  
174 the public an opportunity to be heard on the motion under  
175 consideration.

176 (f) (1) A motion to seal the contents of an entire court file shall be  
177 scheduled for a hearing to be held not less than fifteen days following  
178 the filing of the motion, unless the court otherwise directs, so that  
179 notice to the public is given of the time and place of the hearing on the  
180 motion and to afford the public an opportunity to be heard on the  
181 motion under consideration.

182 (2) The court may issue an order sealing the contents of an entire  
183 court file only upon a finding that there is not available a more  
184 narrowly tailored method of protecting the overriding interest, such as  
185 redaction or sealing a portion of the file. The court shall state in its  
186 decision or order each of the more narrowly tailored methods that was  
187 considered and the reasons each such method was unavailable or  
188 inadequate.

189 (g) The provisions of this section shall not apply to settlement  
190 conferences or negotiations or to documents submitted to the court in  
191 connection with such conference or negotiations. The provisions of this  
192 section shall apply to settlement agreements which have been filed  
193 with the court or have been incorporated into a judgment of the court.

194 Sec. 8. Section 46b-11 of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective July 1, 2007*):

196 Any case which is a family relations matter may be heard in  
197 chambers or, if a jury case, in a courtroom from which the public and  
198 press have been excluded, if the judge hearing the case determines that  
199 the welfare of any children involved or the nature of the case so  
200 requires and the procedures set forth in section 6 of this act are  
201 followed. The records and other papers in any family relations matter  
202 may be ordered by the court to be kept confidential and not to be open

203 to inspection except upon order of the court or judge thereof for cause  
204 shown, if the procedures set forth in section 7 of this act are followed.

205 Sec. 9. Section 46b-49 of the general statutes is repealed and the  
206 following is substituted in lieu thereof (*Effective July 1, 2007*):

207 When it considers it necessary in the interests of justice and the  
208 persons involved, the court shall, upon the motion of either party or of  
209 counsel for any minor children or on its own motion, and in  
210 accordance with the procedures set forth in section 6 of this act, direct  
211 the hearing of any matter under this chapter and sections 17b-743, 17b-  
212 744, 45a-257, 46b-1, 46b-6, 47-14g, 51-348a and 52-362 to be private. The  
213 court may exclude all persons except the officers of the court, a court  
214 reporter, the parties, their witnesses and their counsel.

215 Sec. 10. (NEW) (*Effective July 1, 2007*) A family support magistrate  
216 shall not exclude the public from a proceeding before such magistrate  
217 except in accordance with the procedures set forth in section 6 of this  
218 act and shall not seal documents on file or lodged with the magistrate  
219 or filed in connection with a proceeding before the magistrate or limit  
220 the disclosure of such documents except in accordance with the  
221 procedures set forth in section 7 of this act.

222 Sec. 11. Section 51-51l of the general statutes is repealed and the  
223 following is substituted in lieu thereof (*Effective July 1, 2007*):

224 (a) Except as provided in subsection (d) of this section, the Judicial  
225 Review Council shall investigate every written complaint brought  
226 before it alleging conduct under section 51-51i, and may initiate an  
227 investigation of any judge, compensation commissioner or family  
228 support magistrate if (1) the council has reason to believe conduct  
229 under section 51-51i has occurred, or (2) previous complaints indicate a  
230 pattern of behavior which would lead to a reasonable belief that  
231 conduct under section 51-51i has occurred. The council shall, not later  
232 than five days after such initiation of an investigation or receipt of such  
233 complaint, notify by registered or certified mail any judge,

234 compensation commissioner or family support magistrate under  
235 investigation or against whom such complaint is filed. A copy of any  
236 such complaint shall accompany such notice. The council shall also  
237 notify the complainant of its receipt of such complaint not later than  
238 five days thereafter. Any investigation to determine whether or not  
239 there is probable cause that conduct under section 51-51i has occurred  
240 shall be confidential and any individual called by the council for the  
241 purpose of providing information shall not disclose his knowledge of  
242 such investigation to a third party prior to the decision of the council  
243 on whether probable cause exists, unless the respondent requests that  
244 such investigation and disclosure be open, [provided] except that  
245 information known or obtained independently of any such  
246 investigation shall not be confidential and the council may disclose  
247 that it is conducting an investigation when such disclosure is deemed  
248 by the council to be in the public interest. The judge, compensation  
249 commissioner or family support magistrate shall have the right to  
250 appear and be heard and to offer any information which may tend to  
251 clear him of probable cause to believe he is guilty of conduct under  
252 section 51-51i. The judge, compensation commissioner or family  
253 support magistrate shall also have the right to be represented by legal  
254 counsel and examine and cross-examine witnesses. In conducting its  
255 investigation under this subsection, the council may request that a  
256 court furnish to the council a record or transcript of court proceedings  
257 made or prepared by a court reporter, assistant court reporter or  
258 monitor and the court shall, upon such request, furnish such record or  
259 transcript.

260 (b) The Judicial Review Council shall, not later than three business  
261 days after the termination of such investigation, notify the  
262 complainant, if any, and the judge, compensation commissioner or  
263 family support magistrate that the investigation has been terminated  
264 and the results thereof. If the council finds that conduct under section  
265 51-51i has not occurred, but the judge, compensation commissioner or  
266 family support magistrate has acted in a manner which gives the  
267 appearance of impropriety or constitutes an unfavorable judicial or

268 magisterial practice, the council may issue an admonishment to the  
269 judge, compensation commissioner or family support magistrate  
270 recommending a change in judicial or magisterial conduct or practice.  
271 If an admonishment is issued, the council shall (1) notify the joint  
272 standing committee of the General Assembly having cognizance of  
273 matters relating to the judiciary that an admonishment was issued and  
274 provide said committee with the substance of the admonishment,  
275 including copies of the complaint file, and (2) inform the complainant,  
276 if any, that an admonishment was issued if the admonishment is the  
277 result of misconduct alleged in the complaint. [Except as provided in  
278 subdivision (1) of this subsection, the] The substance of the  
279 admonishment shall [not be disclosed to any person or organization]  
280 be a matter of public record.

281 (c) If a preliminary investigation indicates that probable cause exists  
282 that the judge, compensation commissioner or family support  
283 magistrate is guilty of conduct under section 51-51i, the council shall  
284 hold a hearing concerning the conduct or complaint. All hearings held  
285 pursuant to this subsection shall be open. A judge, compensation  
286 commissioner or family support magistrate appearing before such a  
287 hearing shall be entitled to counsel, to present evidence and to cross-  
288 examine witnesses. The council shall make a record of all proceedings  
289 pursuant to this subsection. The council, shall not later than thirty days  
290 after the close of such hearing, publish its findings together with a  
291 memorandum of its reasons therefor.

292 (d) No complaint against a judge, compensation commissioner or  
293 family support magistrate alleging conduct under section 51-51i shall  
294 be brought under this section but within one year from the date the  
295 alleged conduct occurred or was discovered or in the exercise of  
296 reasonable care should have been discovered, except that no such  
297 complaint may be brought more than three years from the date the  
298 alleged conduct occurred.

299 (e) Notwithstanding the provisions of subsections (a) and (b) of this

300 section, the council shall disclose any information concerning  
301 complaints received by the council on and after January 1, 1978,  
302 investigations, and disposition of such complaints to the legislative  
303 program review and investigations committee when requested by the  
304 committee in the course of its functions, in writing and upon a  
305 majority vote of the committee, provided no names or other  
306 identifying information shall be disclosed.

307 (f) On and after December 19, 1991, any judge, compensation  
308 commissioner or family support magistrate who has been the subject  
309 of an investigation by the Judicial Review Council as a result of a  
310 complaint brought before [such] the council may request that such  
311 complaint, investigation and the disposition of such complaint be open  
312 to public inspection.

313 (g) Whenever a complaint against a judge, compensation  
314 commissioner or family support magistrate is pending before the  
315 Judicial Review Council within the final year of the term of office of  
316 such judge, compensation commissioner or family support magistrate,  
317 the Judicial Review Council shall designate such complaint as  
318 privileged and shall conduct an expedited investigation and hearing so  
319 that its duties with respect to such complaint are completed in  
320 sufficient time to enable the Judicial Review Council to make its  
321 recommendation concerning any such judge to the Judicial Selection  
322 Commission and the Governor under section 51-51q in a timely  
323 manner.

324 Sec. 12. Section 12-242vv of the general statutes is repealed and the  
325 following is substituted in lieu thereof (*Effective July 1, 2007*):

326 Notwithstanding section 1-210, the secretary, his authorized agent  
327 or any other officer or employee of the state shall not disclose any  
328 information contained in any claim for compensation form, notice of  
329 individual condemnation and assessment of special damages and  
330 special benefits, statement of acceptance or any other related  
331 documents in any manner which would disclose the owner's identity

332 except when distributing such information in the discharge of their  
333 duties pursuant to sections 12-242gg to 12-242nn, inclusive, provided  
334 the secretary, his authorized agent or any other officer or employee of  
335 the state may disclose such information to the Commissioner of  
336 Revenue Services or his authorized agent, upon written request by said  
337 commissioner or his authorized agent, when required by said  
338 commissioner in the course of duty or when there is reasonable cause  
339 to believe that any state law is being violated. [All court records  
340 containing such information shall be sealed unless the owner files a  
341 condemnation appeal pursuant to section 12-242kk or files any other  
342 motion, application or complaint with the court concerning the taking  
343 of rights pursuant to section 12-242gg.]

344 Sec. 13. Section 17a-688 of the general statutes is repealed and the  
345 following is substituted in lieu thereof (*Effective July 1, 2007*):

346 [(a) All records maintained by the court of cases coming before it  
347 under the provisions of sections 17a-465a, 17a-673 and 17a-680 to  
348 17a-690, inclusive, shall be sealed and available only to the respondent  
349 or the respondent's counsel unless the court, after hearing held with  
350 notice to the respondent, determines such record should be disclosed  
351 for cause shown.]

352 [(b)] (a) Medical treatment facilities shall keep and submit such  
353 records of all persons examined, admitted or treated pursuant to  
354 sections 17a-465a, 17a-673 and 17a-680 to 17a-690, inclusive, as may be  
355 required by the department.

356 [(c)] (b) No person, hospital or treatment facility may disclose or  
357 permit the disclosure of, nor may the department disclose or permit  
358 the disclosure of, the identity, diagnosis, prognosis or treatment of any  
359 such patient that would constitute a violation of federal statutes  
360 concerning confidentiality of alcohol or drug patient records and any  
361 regulations pursuant thereto, as such federal statutes and regulations  
362 may be amended from time to time. The department shall adopt  
363 regulations, in accordance with chapter 54, to protect the

364 confidentiality of any such information that is obtained by the  
365 department.

366 [(d)] (c) If the person seeking treatment or rehabilitation for alcohol  
367 dependence or drug dependence is a minor, the fact that the minor  
368 sought such treatment or rehabilitation or that the minor is receiving  
369 such treatment or rehabilitation, shall not be reported or disclosed to  
370 the parents or legal guardian of the minor without the minor's consent.  
371 The minor may give legal consent to receipt of such treatment and  
372 rehabilitation. A minor shall be personally liable for all costs and  
373 expenses for alcohol and drug dependency treatment afforded to the  
374 minor at the minor's request under section 17a-682.

375 [(e)] (d) The commissioner may use or make available to authorized  
376 persons information from patients' records for purposes of conducting  
377 scientific research, management audits, financial audits or program  
378 evaluation, provided such information shall not be utilized in a  
379 manner that discloses a patient's name or other identifying  
380 information.

381 Sec. 14. Subsection (b) of section 19a-216a of the general statutes is  
382 repealed and the following is substituted in lieu thereof (*Effective July*  
383 *1, 2007*):

384 (b) The personal medical records of persons examined or treated in  
385 a communicable disease control clinic shall be held strictly confidential  
386 by the local director of health and his authorized agents and shall not  
387 be released or made public or be subject to discovery proceedings,  
388 except release may be made of personal medical information,  
389 excluding epidemiologic information under the following  
390 circumstances:

391 (1) For statistical purposes in such form that no individual person  
392 can be identified;

393 (2) With the informed consent of all persons identified in the

394 records;

395 (3) To health care providers in a medical emergency to the extent  
396 necessary to protect the health or life of the person who is the subject;

397 (4) To health care providers and public health officials in the states  
398 or localities authorized to receive such information by other state  
399 statute or regulation to the extent necessary to protect the public health  
400 or safety by permitting the continuation of service or public health  
401 efforts directed to disease prevention and control;

402 (5) To any agency authorized to receive reports of abuse or neglect  
403 of minors not more than twelve years of age pursuant to section 19a-  
404 216. If any information is required to be disclosed in a court  
405 proceeding involving abuse or neglect, the information shall be  
406 disclosed in camera and sealed by the court upon conclusion of the  
407 proceeding; or

408 (6) By court order as necessary to enforce any provision of the  
409 general statutes or state regulations or local ordinances pertaining to  
410 public health and safety provided the order explicitly finds each of the  
411 following: (A) The information sought is material, relevant and  
412 reasonably calculated to be admissible evidence during the legal  
413 proceeding; (B) the probative value of the evidence outweighs the  
414 individual's and the public's interest in maintaining its confidentiality;  
415 (C) the merits of the litigation cannot be fairly resolved without the  
416 disclosure; and (D) the evidence is necessary to avoid substantial  
417 injustice to the party seeking it and the disclosure will result in no  
418 significant harm to the person examined or treated. Before making  
419 such findings, the court may examine the information in camera. [If the  
420 information meets the test of necessary evidence as listed in this  
421 subdivision, it shall be disclosed only in camera and shall be sealed by  
422 the court on conclusion of the proceeding.]

423 Sec. 15. Subsection (c) of section 19a-343a of the general statutes is  
424 repealed and the following is substituted in lieu thereof (*Effective July*

425 1, 2007):

426 (c) If in the application, the state requests the issuance of a  
427 temporary ex parte order for the abatement of a public nuisance, the  
428 court [,] or, if the court is not in session, any judge of the Superior  
429 Court, may grant a temporary ex parte order to abate the public  
430 nuisance. The court or judge shall direct the state to give notice and  
431 service of such documents, including a copy of the ex parte order, in  
432 accordance with subsection (b) of this section. At such hearing, any  
433 defendant may show cause why the abatement order shall be modified  
434 or vacated. No such ex parte order may be granted unless it appears  
435 from the specific facts shown by affidavit and by complaint that there  
436 is probable cause to believe that a public nuisance exists and the  
437 temporary relief requested is necessary to protect the public health,  
438 welfare or safety. Such show cause hearing shall be scheduled within  
439 five business days after service is effected by the state. [The affidavit  
440 may be ordered sealed by the court or judge upon a finding that the  
441 state's interest in nondisclosure substantially outweighs the  
442 defendant's right to disclosure.] A copy of the state's application and  
443 the temporary order to cease and desist shall be posted on any outside  
444 door to any building on the real property.

445 Sec. 16. Subsection (b) of section 36a-21 of the general statutes is  
446 repealed and the following is substituted in lieu thereof (*Effective July*  
447 *1, 2007*):

448 (b) The commissioner may, without waiving any privilege, disclose  
449 the records described in subsection (a) of this section for any  
450 appropriate supervisory, governmental, law enforcement or other  
451 public purpose. Any such disclosure shall be made under safeguards  
452 designed to prevent further dissemination of such records. [In any  
453 proceeding before a court, the court may issue a protective order in  
454 appropriate circumstances to protect the confidentiality of any such  
455 record and order that any such record on file with the court or filed in  
456 connection with the court proceeding be sealed and that the public be

457 excluded from any portion of the proceeding at which any such record  
458 is disclosed.]

459 Sec. 17. Section 38a-956 of the general statutes is repealed and the  
460 following is substituted in lieu thereof (*Effective July 1, 2007*):

461 The commissioner in his sole discretion may institute proceedings  
462 pursuant to [sections 38a-911 to 38a-913, inclusive] section 38a-912, at  
463 the request of the commissioner or other appropriate insurance official  
464 of the domiciliary state of any foreign or alien insurer having property  
465 located in this state.

466 Sec. 18. Section 51-164x of the general statutes is repealed and the  
467 following is substituted in lieu thereof (*Effective July 1, 2007*):

468 (a) Any person affected by a court order which prohibits any person  
469 from attending any session of court, except any session of court  
470 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h<sub>2</sub> [or  
471 any other provision of the general statutes under which the court is  
472 authorized to close proceedings, whether at a pretrial or trial stage,]  
473 shall have the right to the review of such order by the filing of a  
474 petition for review with the Appellate Court [within seventy-two  
475 hours from] not later than three business days after the issuance of  
476 such court order.

477 (b) No order subject to review pursuant to subsection (a) of this  
478 section shall be effective until [seventy-two hours] the fourth business  
479 day after it has been issued, and the timely filing of any petition for  
480 review shall stay the order.

481 (c) Any person affected by a court order that seals or limits the  
482 disclosure of any files, affidavits, documents or other material on file  
483 with the court or filed in connection with a court proceeding, except (1)  
484 any order issued pursuant to section 46b-11 or 54-33c<sub>2</sub> [or any other  
485 provision of the general statutes under which the court is authorized to  
486 seal or limit the disclosure of files, affidavits, documents or materials,

487 whether at a pretrial or trial stage,] and (2) any order issued pursuant  
 488 to a court rule that seals or limits the disclosure of any affidavit in  
 489 support of an arrest warrant, shall have the right to the review of such  
 490 order by the filing of a petition for review with the Appellate Court  
 491 [within seventy-two hours from] not later than three business days  
 492 after the issuance of such court order.

493 (d) The Appellate Court shall provide an expedited hearing on such  
 494 petitions filed pursuant to subsections (a) and (c) of this section in  
 495 accordance with such rules as the judges of the Appellate Court may  
 496 adopt, consistent with the rights of the petitioner and the parties to the  
 497 case.

498 Sec. 19. Section 38a-913 of the general statutes is repealed. (*Effective*  
 499 *July 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	New section
Sec. 4	<i>July 1, 2007</i>	46b-122
Sec. 5	<i>July 1, 2007</i>	46b-138
Sec. 6	<i>July 1, 2007</i>	New section
Sec. 7	<i>July 1, 2007</i>	New section
Sec. 8	<i>July 1, 2007</i>	46b-11
Sec. 9	<i>July 1, 2007</i>	46b-49
Sec. 10	<i>July 1, 2007</i>	New section
Sec. 11	<i>July 1, 2007</i>	51-51l
Sec. 12	<i>July 1, 2007</i>	12-242vv
Sec. 13	<i>July 1, 2007</i>	17a-688
Sec. 14	<i>July 1, 2007</i>	19a-216a(b)
Sec. 15	<i>July 1, 2007</i>	19a-343a(c)
Sec. 16	<i>July 1, 2007</i>	36a-21(b)
Sec. 17	<i>July 1, 2007</i>	38a-956
Sec. 18	<i>July 1, 2007</i>	51-164x
Sec. 19	<i>July 1, 2007</i>	Repealer section

**Statement of Purpose:**

To adopt certain recommendations of the Governor's Commission on Judicial Reform with respect to the transparency, accessibility and accountability of the Judicial Branch.

*[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.]*