



General Assembly

January Session, 2007

Raised Bill No. 7269

LCO No. 4693

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Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING CRIMINAL HISTORY BACKGROUND CHECKS, CHILD PORNOGRAPHY, REPEATED FALSE ALARMS AND THE DESTRUCTION OF SEIZED FIREWORKS.

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

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 Section 29-11 of the general statutes is repealed and the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

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

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

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

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

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

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

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

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

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

78 (2) "False alarm" means the activation of any alarm system including
79 circumstances occurring off the protected property and within the

80 control of either the subscriber, his alarm business or his answering
81 service to which the Division of State Police responds when caused by
82 an individual motivated solely by criminal, malicious or mischievous
83 intent and not caused by fire, a criminal act, emergency, or an act of
84 nature such as an earthquake, tornado, hurricane or storm.

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

89 (b) The subscriber of an alarm system shall be fined fifty dollars for
90 each emergency police response to a false alarm to be used for the
91 administrative costs of administering this section, and for training and
92 educational materials of the state police, except that such fine shall be
93 automatically waived for the first three false alarm responses in a
94 calendar year and state, federal and municipal buildings or properties
95 shall be exempt from such fine. If the subscriber is not the property
96 owner in which the alarm system is located, the state police trooper
97 shall give the property owner notice of the occurrence of the second
98 alarm generated by the alarm system of the property.

99 (c) Any subscriber who has received notification from the state
100 police informing such subscriber that a fine is being imposed for a false
101 alarm may appeal the fine not later than seven days after the receipt of
102 notification by filing an appeal with the Division of State Police. The
103 Division of State Police shall review the appeal and make a
104 determination as to whether or not the circumstances surrounding the
105 false alarms justify a waiver of the fine. The Division of State Police
106 shall notify the subscriber, in writing, of its final decision.

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

112 more than two thousand dollars or imprisoned not more than one
113 year, or both.

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

116 The State Fire Marshal or a local fire marshal shall seize, take, store,
117 remove or cause to be removed, at the expense of the owner, all stocks
118 of fireworks or combustibles offered or exposed for sale, stored, held
119 or kept in violation of sections 29-356 to 29-366, inclusive. When any
120 fireworks have been seized, the superior court having jurisdiction,
121 [within forty-eight hours after such seizure,] shall expeditiously cause
122 to be left at the place where such fireworks were seized, if such place is
123 a dwelling house, store, shop or other building, and also to be left with
124 or at the usual place of abode of the person named therein as the
125 owner or keeper of such fireworks, a summons notifying him or her
126 and all others whom it may concern to appear before such court, at a
127 place and time named in such notice, which time shall be not less than
128 six nor more than twelve days after the posting and service thereof,
129 then and there to show cause, if any, why such fireworks should not be
130 adjudged a nuisance. Such summons shall describe such articles with
131 reasonable certainty, and state when and where the same were seized.
132 If any person named in such summons or any person claiming any
133 interest in the same appears, he or she shall be made a party defendant
134 in such case. The informing officer or the complainants may appear
135 and prosecute such complaint and, if the court finds the allegations of
136 such complaint to be true and that such fireworks or any of them have
137 been kept in violation of any provision of sections 29-356 to 29-366,
138 inclusive, judgment shall be rendered that such articles are a nuisance,
139 and execution shall issue that the same be destroyed together with the
140 crates, boxes or vessels containing the same. The court shall not
141 require storage of the fireworks pending final disposition of the case
142 and may order the fireworks to be destroyed upon their being
143 inventoried, photographed and described in a sworn affidavit. Such
144 inventory, photograph, description and sworn affidavit shall be

145 sufficient evidence for the purposes of identification of the seized items
146 at any subsequent court proceeding.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	29-11
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	29-362

Statement of Purpose:

To give the Department of Public Safety the authority to adopt regulations to effectively implement federal requirements, to prohibit the duplication of child pornography in connection with a criminal proceeding, to assess a fine for repeated false alarms and allow the destruction of seized fireworks.

[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.]