



General Assembly

January Session, 2007

**Raised Bill No. 1479**

LCO No. 6434

\*06434\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING JUDICIAL BRANCH OPENNESS.**

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

1 Section 1. (NEW) (*Effective July 1, 2007*) (a) For the purposes of this  
2 section and sections 2 to 4, inclusive, of this act, "meeting" means a  
3 hearing or other proceeding of (1) the rules committee of the Superior  
4 Court, (2) the rules committee of the Appellate Court, (3) the annual  
5 meeting of the judges of the Superior Court, (4) the executive  
6 committee of the Superior Court, (5) a multi-member judicial entity  
7 established by rules of court, statute or administrative authority of the  
8 judges of the Superior Court, the Appellate Court or the Supreme  
9 Court, or (6) any subcommittee of the bodies specified in subdivisions  
10 (1) to (5), inclusive, of this subsection.

11 (b) "Meeting" does not include any meeting of a personnel search  
12 committee for executive level employment candidates; any chance  
13 meeting, or a social meeting neither planned nor intended for the  
14 purpose of discussing matters relating to official business; strategy or  
15 negotiations with respect to collective bargaining; an administrative or  
16 staff meeting of a single member committee or task force; and  
17 communications limited to notice of meeting of any public agency or

18 the agendas thereof. A quorum of the members of a committee, entity  
19 or other body included in the definition of meeting under subsection  
20 (a) of this section who are present at any event other than a meeting of  
21 the committee, entity or body of which they are a member shall not be  
22 deemed to be at a meeting of that committee, entity or body, provided  
23 no discussion of official business related to their committee, entity or  
24 body occurs.

25 (c) Except as otherwise provided by statute or rules of court, any  
26 meeting shall be open to the public. Notice of the time and place of  
27 such a meeting, as well as a copy of the agenda for such a meeting,  
28 shall be posted on the Internet web site of the Judicial Branch at least  
29 forty-eight hours in advance of the meeting.

30 (d) Notwithstanding the provisions of subsection (c) of this section,  
31 a meeting concerning the education and training of judges shall not be  
32 open to the public.

33 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) Upon motion and a two-  
34 thirds vote of the members present and voting at a meeting, the  
35 members may go into closed session (1) for any purpose permitted by  
36 the Freedom of Information Act, as defined in section 1-200 of the  
37 general statutes, or (2) if a public session would have a deleterious  
38 impact on debate or the receipt of information and thereby  
39 substantially impede the ability of the committee or entity to perform  
40 its duties. Any motion to go into closed session shall specify the  
41 permissible purpose, in accordance with the Freedom of Information  
42 Act, as defined in section 1-200 of the general statutes, for the closed  
43 session, or the reason a public session would have a deleterious impact  
44 on debate or the receipt of information. The closed session may  
45 continue only so long as needed to serve those purposes.

46 (b) No vote shall be taken at a closed session except as permitted  
47 pursuant to the Freedom of Information Act, as defined in section 1-  
48 200 of the general statutes.

49 (c) Public sessions that may have a deleterious impact on debate or  
50 receipt of information, and for which a closed session would be  
51 permissible under subsection (a) of this section, include, but are not  
52 limited to, situations where: (1) The information sought to be disclosed  
53 would invade "personal privacy" as that term has been construed in  
54 subsection (b) of section 1-210 of the general statutes, (2) disclosure or  
55 discussion of information would be likely to give a party to pending or  
56 impending litigation a procedural or tactical advantage, or (3) the  
57 members determine that their need for information is obtainable only  
58 on a promise of confidentiality and outweighs the public's interest in  
59 attending the portion of the meeting at which the confidential  
60 information will be received or debated.

61 Sec. 3. (NEW) (*Effective July 1, 2007*) (a) Any meeting that is open to  
62 the public and scheduled in a court facility may be broadcast,  
63 televised, recorded or photographed.

64 (b) Members of the media attending a meeting with equipment to  
65 broadcast, televise, record or photograph that meeting may only use  
66 such equipment in connection with that meeting. A judicial marshal  
67 shall ensure that such equipment is being used in accordance with this  
68 subsection.

69 (c) A committee, entity or other body that schedules a meeting in a  
70 court facility shall notify the administrative judge for that judicial  
71 district of such meeting.

72 Sec. 4. (NEW) (*Effective July 1, 2007*) (a) For the purposes of this  
73 section, "administrative record" means information maintained by the  
74 Judicial Branch pertaining to the administration of the Judicial Branch  
75 with respect to the budget, personnel, facilities and physical operations  
76 of the Judicial Branch that is not associated with any particular case  
77 and includes (1) summaries, indices, minutes and official records of  
78 any meeting, and (2) information maintained or stored by the Judicial  
79 Branch, not otherwise exempted, in all paper and electronic platforms  
80 and formats.

81 (b) Except as otherwise provided by law, administrative records  
82 shall be open to the public.

83 (c) The Chief Court Administrator shall create and maintain a  
84 retention schedule for administrative records.

85 Sec. 5. (NEW) (*Effective July 1, 2007*) (a) All complaints received by  
86 the Office of the Chief Court Administrator regarding the conduct of a  
87 judge shall be reviewed by the Chief Court Administrator to determine  
88 if there is reason to believe that the allegations warrant further  
89 investigation by the Judicial Review Council. If the Chief Court  
90 Administrator determines that such further investigation is warranted,  
91 he or she shall refer such complaint to the Judicial Review Council for  
92 investigation and action in accordance with chapter 872a of the general  
93 statutes.

94 (b) If the Chief Court Administrator determines that the complaint  
95 is (1) without merit, (2) properly the subject of review through an  
96 existing adjudicatory procedure, or (3) otherwise not within the  
97 purview of the Office of the Chief Court Administrator, such  
98 complaint shall not be open to the public.

99 (c) If the Chief Court Administrator determines that the complaint  
100 warrants administrative action, but does not rise to the level that is  
101 appropriate for referral to the Judicial Review Council, the Chief Court  
102 Administrator may issue an admonishment in accordance with section  
103 51-45a of the general statutes.

104 Sec. 6. (NEW) (*Effective July 1, 2007*) The Judicial Branch shall make  
105 the criminal docket of the Superior Court, including the docket  
106 number, name of the defendant, date of birth of the defendant and  
107 charge, available to the public on its Internet web site. If the Judicial  
108 Branch determines that there is a serious risk of identity theft in  
109 posting the date of birth of a defendant on the web site, it may post a  
110 redacted version of the date of birth such as only the month and year  
111 of birth.

112       Sec. 7. (NEW) (*Effective July 1, 2007*) The Judicial Branch shall make  
113 conviction information, as defined in section 54-142g of the general  
114 statutes, available to the public on its Internet web site. Such  
115 information shall include the docket number of the case, name of the  
116 defendant, date of arrest, charges and disposition including any fine,  
117 term of imprisonment and term of probation imposed by the court, but  
118 shall not include the address or motor vehicle operator license number  
119 of the defendant. Such information shall be searchable by name of  
120 defendant, date of birth of defendant and docket number. If the  
121 Judicial Branch determines that there is a serious risk of identity theft  
122 in posting the date of birth of a defendant on the web site, it may post  
123 a redacted version of the date of birth such as only the month and year  
124 of birth. Conviction information with respect to misdemeanors shall  
125 not be available to the public on the Judicial Branch or other public  
126 agency web site after five years from the date of the conviction.

127       Sec. 8. (NEW) (*Effective July 1, 2007*) Whenever an arrest is made in  
128 connection with the execution of a search warrant, any motion filed by  
129 a prosecuting authority seeking to extend an order of the court issued  
130 under section 54-33c of the general statutes sealing or limiting the  
131 disclosure of an affidavit upon which such search warrant was based  
132 shall be heard by the court on the record. Any such extension shall be  
133 until a date certain and shall not exceed ninety days.

134       Sec. 9. (NEW) (*Effective July 1, 2007*) Any police report used during a  
135 court hearing as the basis for a judicial determination of probable  
136 cause, whether or not probable cause has been found, shall be made  
137 part of the court file and be open to the public unless the court, on  
138 motion of any party or on its own motion, orders, for good cause  
139 shown, all or a portion of the report to be sealed. If such motion is  
140 granted, the moving party may make a recommendation within seven  
141 days as to the details of the sealing order. If no such recommendation  
142 is made, the report shall be made public.

143       Sec. 10. Subsection (d) of section 54-56d of the general statutes is

144 repealed and the following is substituted in lieu thereof (*Effective July*  
145 *1, 2007*):

146 (d) If the court finds that the request for an examination is justified  
147 and that, in accordance with procedures established by the judges of  
148 the Superior Court, there is probable cause to believe that the  
149 defendant has committed the crime for which the defendant is  
150 charged, the court shall order an examination of the defendant as to his  
151 or her competency. The court may (1) appoint one or more physicians  
152 specializing in psychiatry to examine the defendant, or (2) order the  
153 Commissioner of Mental Health and Addiction Services to conduct the  
154 examination either (A) by a clinical team consisting of a physician  
155 specializing in psychiatry, a clinical psychologist and one of the  
156 following: A clinical social worker licensed pursuant to chapter 383b or  
157 a psychiatric nurse clinical specialist holding a master's degree in  
158 nursing, or (B) by one or more physicians specializing in psychiatry,  
159 except that no employee of the Department of Mental Health and  
160 Addiction Services who has served as a member of a clinical team in  
161 the course of such employment for at least five years prior to October  
162 1, 1995, shall be precluded from being appointed as a member of a  
163 clinical team. If the Commissioner of Mental Health and Addiction  
164 Services is ordered to conduct the examination, the commissioner shall  
165 select the members of the clinical team or the physician or physicians.  
166 If the examiners determine that the defendant is not competent, the  
167 examiners shall then determine whether there is a substantial  
168 probability that the defendant, if provided with a course of treatment,  
169 will regain competency within the maximum period of any placement  
170 order under this section. If the examiners determine that there is a  
171 substantial probability that the defendant, if provided with a course of  
172 treatment, will regain competency within the maximum period of any  
173 placement order under this section, the examiners shall then determine  
174 whether the defendant appears to be eligible for civil commitment,  
175 with monitoring by the Court Support Services Division, pursuant to  
176 subdivision (2) of subsection (h) of this section. The court may  
177 authorize a physician specializing in psychiatry, a clinical

178 psychologist, a clinical social worker licensed pursuant to chapter 383b  
179 or a psychiatric nurse clinical specialist holding a master's degree in  
180 nursing selected by the defendant to observe the examination. Counsel  
181 for the defendant may observe the examination. The examination shall  
182 be completed within fifteen days from the date it was ordered and the  
183 examiners shall prepare and sign, without notarization, a written  
184 report and file such report with the court within twenty-one business  
185 days of the date of the order. On receipt of the written report, the clerk  
186 of the court shall cause copies to be delivered immediately to the  
187 state's attorney and to counsel for the defendant. The court shall, but  
188 only as to the public, order the written report sealed. The written  
189 report shall not be open to the public unless it is introduced at the  
190 hearing under subsection (e) of this section, a participant at such  
191 hearing relies upon such report for his or her testimony, the  
192 questioning of witnesses or arguments to the court or the court makes  
193 findings based on such report.

194 Sec. 11. Subsection (a) of section 53a-39a of the general statutes is  
195 repealed and the following is substituted in lieu thereof (*Effective July*  
196 *1, 2007*):

197 (a) In all cases where a defendant has been convicted of a  
198 misdemeanor or a felony, other than a capital felony, a class A felony  
199 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-  
200 57, 53a-58 or 53a-70b or any other offense for which there is a  
201 mandatory minimum sentence which may not be suspended or  
202 reduced by the court, after trial or by a plea of guilty without trial, and  
203 a term of imprisonment is part of a stated plea agreement or the  
204 statutory penalty provides for a term of imprisonment, the court may,  
205 in its discretion, order an assessment for placement in an alternate  
206 incarceration program under contract with the Judicial Department. If  
207 the Court Support Services Division recommends placement in an  
208 alternate incarceration program, it shall also submit to the court a  
209 proposed alternate incarceration plan. Upon completion of the  
210 assessment, the court shall determine whether such defendant shall be

211 ordered to participate in such program as an alternative to  
212 incarceration. If the court determines that the defendant shall  
213 participate in such program, the court shall suspend any sentence of  
214 imprisonment and shall make participation in the alternate  
215 incarceration program a condition of probation as provided in section  
216 53a-30. An alternate incarceration assessment report prepared  
217 pursuant to this subsection shall be sealed upon filing with the court. If  
218 the court orders the defendant to participate in such alternate  
219 incarceration program, the report shall be unsealed and open to the  
220 public.

221       Sec. 12. (NEW) (*Effective July 1, 2007*) For the purposes of sections 13  
222 to 15, inclusive, of this act, "media" means:

223       (1) Any newspaper, magazine or other periodical, book publisher,  
224 news agency, wire service, radio or television station or network, cable  
225 or satellite or other transmission system or carrier, or channel or  
226 programming service for such station, network, system or carrier, or  
227 audio or audiovisual production company that disseminates  
228 information to the public, whether by print, broadcast, photographic,  
229 mechanical, electronic or any other means or medium; and

230       (2) Any person who is or has been an employee, agent or  
231 independent contractor of any entity specified in subdivision (1) of this  
232 section and is or has been engaged in gathering, preparing or  
233 disseminating information to the public for such entity, or any other  
234 person supervising or assisting such person with gathering, preparing  
235 or disseminating information.

236       Sec. 13. (NEW) (*Effective July 1, 2007*) (a) All appellate proceedings in  
237 the Supreme Court and Appellate Court are presumed to be open to  
238 the public and to electronic coverage by the media.

239       (b) Unless a timely motion is made to limit or preclude the  
240 broadcasting, televising, videotaping, audio recording or  
241 photographing of an appellate proceeding by a party or victim in a

242 case, or by the court on its own motion, all such proceedings may be so  
243 broadcast, televised, taped, recorded or photographed.

244 (c) If a motion is made to limit or preclude the broadcasting,  
245 televising, videotaping, audio recording or photographing of an  
246 appellate procedure, the court shall determine, after providing an  
247 opportunity for the parties, any victim and the media to be heard on  
248 the issue, whether to limit or preclude electronic coverage of the  
249 proceeding. The court shall not limit public access to or electronic  
250 coverage of appellate proceedings unless there is a compelling reason  
251 to do so, there are no reasonable alternatives to such limitation and the  
252 limitation is no broader than necessary to protect the compelling  
253 interest at issue.

254 (d) If the Supreme Court or Appellate Court closes an appellate  
255 proceeding to the public or limits or precludes electronic coverage of  
256 an appellate proceeding by the media, the court shall make such  
257 decision in open court and state the reasons for such decision on the  
258 record.

259 Sec. 14. (NEW) (*Effective July 1, 2007*) (a) The Judicial Branch shall  
260 establish in a single judicial district from July 1, 2007, to July 1, 2009, a  
261 pilot program to allow the coverage of criminal proceedings by all  
262 forms of media including still cameras, video cameras and audio  
263 recordings.

264 (b) The Judicial Branch shall take appropriate steps to ensure that  
265 the judges, parties, attorneys, media and public are aware that criminal  
266 proceedings may be subject to media coverage.

267 (c) Absent good cause shown, the media shall provide advance  
268 notice of their intent to use still cameras, video cameras or audio  
269 recording. The trial judge shall, to the extent possible, consult in  
270 advance with the media about anticipated coverage of the proceedings.

271 (d) Any party, attorney, witness or victim may object in advance of

272 pretrial proceedings, trial or sentencing to the use of cameras, video  
273 cameras or audio recording if there is a substantial reason to believe  
274 that such media coverage would undermine the rights of the  
275 defendant or significantly compromise the safety or legitimate privacy  
276 concerns of a witness. The parties, as well as a witness or victim whose  
277 rights may be affected by media coverage of the proceedings, and the  
278 media, may participate in the hearing to determine whether to limit or  
279 preclude media coverage of the proceedings. The person seeking to  
280 limit or preclude media coverage of the proceedings shall have the  
281 burden of proof.

282 (e) Notwithstanding the absence of an objection to media coverage  
283 of a proceeding, the trial court may propose to limit or preclude such  
284 coverage when it reasonably believes that such coverage would  
285 undermine the rights of the defendant or compromise legitimate  
286 concerns about security or about a person's safety or privacy. The court  
287 shall provide notice to the defendant, the state, any victim, the media  
288 and other persons whose interests may be affected by a decision on  
289 media coverage of the proceedings and permit such persons to  
290 participate in the hearing.

291 (f) The court shall, after a hearing, decide whether to limit or  
292 preclude the use of cameras, video cameras or audio recording after  
293 consideration of the rights asserted. The court shall not limit public  
294 access to or media coverage of the proceedings unless there is a  
295 compelling reason to do so, there are no reasonable alternatives to such  
296 limitation and the limitation is no broader than necessary to protect the  
297 compelling interest at issue. The court shall take into account special  
298 considerations that may arise such as the testimony of children, alleged  
299 victims of sexual offenses, confidential informants and undercover  
300 officers. Neither agreement of the parties nor a general statement by  
301 the court that it does not favor media coverage generally or in a  
302 particular category of cases shall be sufficient grounds for limiting or  
303 precluding media coverage of the proceedings.

304 (g) Objections raised during the course of a criminal proceeding to  
305 the photographing, video taping or audio recording of specific aspects  
306 of the proceeding, individuals or exhibits shall be heard and decided  
307 by the court in accordance with the same standards used to determine  
308 whether to limit or preclude access based on objections raised before  
309 the start of the proceeding.

310 (h) There shall be no videotaping, audio recording or  
311 photographing of jurors. There shall be no videotaping or audio  
312 recording of trial proceedings when the jury has been excused from the  
313 courtroom unless the court determines that such coverage does not  
314 create a risk to the rights of the defendant or to a fair trial.

315 (i) Cameras, video cameras and audio recording equipment shall be  
316 used only in the courtrooms, be placed in the courtroom in the  
317 locations designated by the Judicial Branch to ensure maximum  
318 coverage of the proceedings and minimize any disruption, and be set  
319 up and taken down only when the court proceedings are in recess.

320 (j) Nothing in this section shall be construed to eliminate the  
321 existing authority of the trial court to take reasonable measures to  
322 preserve order in the courtroom and to ensure a fair trial.

323 Sec. 15. (NEW) (*Effective July 1, 2007*) (a) Media coverage of civil  
324 proceedings in the Superior Court shall be permitted subject to the  
325 provisions of this section and except where a courtroom is closed in  
326 accordance with statute or rule of court.

327 (b) The Judicial Branch shall take appropriate steps to ensure that  
328 the judges, parties, attorneys, media and public are aware that most  
329 civil proceedings are subject to media coverage.

330 (c) Absent good cause shown, the media shall provide three-day  
331 advance notice of their intent to use still cameras, video cameras or  
332 audio recording. The trial judge shall, to the extent possible, consult in  
333 advance with the media about anticipated coverage of the proceedings.

334 (d) Any party, attorney, witness or victim may object in advance of  
335 pretrial proceedings or trials to the use of cameras, video cameras or  
336 audio recording if there is a substantial reason to believe that such  
337 media coverage would undermine the rights of a party to a civil  
338 proceeding or significantly compromise the safety or legitimate  
339 privacy concerns of a witness. The parties, as well as a witness or  
340 victim whose rights may be affected by media coverage of the  
341 proceedings, and the media, may participate in the hearing to  
342 determine whether to limit or preclude media coverage of the  
343 proceedings. The person seeking to limit or preclude media coverage  
344 of the proceedings shall have the burden of proof.

345 (e) Notwithstanding the absence of an objection to media coverage  
346 of a proceeding, the trial court may propose to limit or preclude such  
347 coverage when it reasonably believes that such coverage would  
348 undermine the rights of a party or compromise legitimate concerns  
349 about security or about a person's safety or privacy. The court shall  
350 provide notice to the parties, the media and other persons whose  
351 interests may be affected by a decision on media coverage of the  
352 proceedings and permit such persons to participate in the hearing.

353 (f) The court shall, after a hearing, decide whether to limit or  
354 preclude the use of cameras, video cameras or audio recording after  
355 consideration of the rights asserted. The court shall not limit public  
356 access to or media coverage of the proceedings unless there is a  
357 compelling reason to do so, there are no reasonable alternatives to such  
358 limitation and the limitation is no broader than necessary to protect the  
359 compelling interest at issue. The court shall take into account special  
360 considerations that may arise such as when children or alleged victims  
361 of sexual offenses testify or when there may be additional legitimate  
362 privacy concerns as in civil commitment proceedings. Neither  
363 agreement of the parties nor a general statement by the court that it  
364 does not favor media coverage generally or in a particular category of  
365 cases shall be sufficient grounds for limiting or precluding media  
366 coverage of the proceedings.

367 (g) Objections raised during the course of a civil proceeding to the  
368 photographing, video taping or audio recording of specific aspects of  
369 the proceeding, individuals or exhibits shall be heard and decided by  
370 the court in accordance with the same standards used to determine  
371 whether to limit or preclude access based on objections raised before  
372 the start of a proceeding.

373 (h) There shall be no videotaping, audio recording or  
374 photographing of jurors. There shall be no videotaping or audio  
375 recording of trial proceedings when the jury has been excused from the  
376 courtroom unless the court determines that such coverage does not  
377 create a risk to the rights of the defendant or to a fair trial.

378 (i) Cameras, video cameras and audio recording equipment shall be  
379 used only in the courtrooms, be placed in the courtroom in the  
380 locations designated by the Judicial Branch to ensure maximum  
381 coverage of the proceedings and minimize any disruption, and be set  
382 up and taken down only when the court proceedings are in recess.

383 (j) Nothing in this section shall be construed to eliminate the  
384 existing authority of the trial court to take reasonable measures to  
385 preserve order in the courtroom and to ensure a fair trial.

386 Sec. 16. Section 46b-122 of the general statutes is repealed and the  
387 following is substituted in lieu thereof (*Effective July 1, 2007*):

388 (a) All matters which are juvenile matters, as provided in section  
389 46b-121, shall be kept separate and apart from all other business of the  
390 Superior Court as far as is practicable, except matters transferred  
391 under the provisions of section 46b-127, which matters shall be  
392 transferred to the regular criminal docket of the Superior Court. Any  
393 judge hearing a [juvenile] delinquency matter or a matter concerning a  
394 family with service needs may, during such hearing, exclude from the  
395 room in which such hearing is held any person whose presence is, in  
396 the court's opinion, not necessary, except that in delinquency  
397 proceedings, any victim shall not be excluded unless, after hearing

398 from the parties and the victim and for good cause shown, which shall  
399 be clearly and specifically stated on the record, the judge orders  
400 otherwise. For the purposes of this section, "victim" means a person  
401 who is the victim of a delinquent act, a parent or guardian of such  
402 person, the legal representative of such person or an advocate  
403 appointed for such person pursuant to section 54-221.

404 (b) Members of the public may attend proceedings in which a child  
405 or youth is alleged to be uncared for, neglected or dependent or is the  
406 subject of a petition for termination of parental rights, except that the  
407 court may exclude any person from such proceedings if the court  
408 determines, on a case-by-case basis, that such exclusion is warranted.  
409 In making such determination, the court may consider, among other  
410 factors, whether: (1) The person is causing or is likely to cause a  
411 disruption in the proceedings; (2) the presence of the person is objected  
412 to for a compelling reason by one of the parties, including the attorney  
413 for the child or youth or a guardian ad litem; (3) the privacy interests  
414 of individuals before the court and the need to protect the child or  
415 youth and other parties from harm requires that the person, or some or  
416 all observers, be excluded from the courtroom; (4) the presence of the  
417 person will inhibit testimony or the disclosure or discussion of  
418 information material to the proceedings; and (5) less restrictive  
419 alternatives to exclusion are unavailable or inappropriate to the  
420 circumstances of the particular case. The attendance of a member of  
421 the public at any such proceeding shall be subject to the availability of  
422 suitable space at the facility where such proceeding takes place. The  
423 court shall make its findings and determination on the record.

424 (c) If a member of the public is in attendance at any proceeding  
425 pursuant to subsection (b) of this section, the court shall consider, on a  
426 case-by-case basis, whether there is a compelling reason to issue an  
427 order prohibiting the member of the public from using or  
428 disseminating the name, address, photograph or other personally  
429 identifiable information about a child, youth, parent or guardian  
430 disclosed during the proceedings. In determining whether a

431 compelling reason to issue such order exists, the court shall consider,  
432 among other factors: (1) The nature of the allegations; (2) the age and  
433 maturity of the child or youth; (3) the emotional well-being of the child  
434 or youth; (4) the potential harm to the child or youth if such  
435 information is disclosed; and (5) the public interest in disclosure.

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

439 Sec. 17. Section 46b-138 of the general statutes is repealed and the  
440 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

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

448 Sec. 18. Section 51-51l of the general statutes is repealed and the  
449 following is substituted in lieu thereof (*Effective July 1, 2007*):

450 (a) Except as provided in subsection (d) of this section, the Judicial  
451 Review Council shall investigate every written complaint brought  
452 before it alleging conduct under section 51-51i, and may initiate an  
453 investigation of any judge, compensation commissioner or family  
454 support magistrate if (1) the council has reason to believe conduct  
455 under section 51-51i has occurred, or (2) previous complaints indicate a  
456 pattern of behavior which would lead to a reasonable belief that  
457 conduct under section 51-51i has occurred. The council shall, not later  
458 than five days after such initiation of an investigation or receipt of such  
459 complaint, notify by registered or certified mail any judge,  
460 compensation commissioner or family support magistrate under

461 investigation or against whom such complaint is filed. A copy of any  
462 such complaint shall accompany such notice. The council shall also  
463 notify the complainant of its receipt of such complaint not later than  
464 five days thereafter. Any investigation to determine whether or not  
465 there is probable cause that conduct under section 51-51i has occurred  
466 shall be confidential and any individual called by the council for the  
467 purpose of providing information shall not disclose his knowledge of  
468 such investigation to a third party prior to the decision of the council  
469 on whether probable cause exists, unless the respondent requests that  
470 such investigation and disclosure be open, [provided] except that  
471 information known or obtained independently of any such  
472 investigation shall not be confidential and the council may disclose  
473 that it is conducting an investigation when such disclosure is deemed  
474 by the council to be in the public interest. The judge, compensation  
475 commissioner or family support magistrate shall have the right to  
476 appear and be heard and to offer any information which may tend to  
477 clear him of probable cause to believe he is guilty of conduct under  
478 section 51-51i. The judge, compensation commissioner or family  
479 support magistrate shall also have the right to be represented by legal  
480 counsel and examine and cross-examine witnesses. In conducting its  
481 investigation under this subsection, the council may request that a  
482 court furnish to the council a record or transcript of court proceedings  
483 made or prepared by a court reporter, assistant court reporter or  
484 monitor and the court shall, upon such request, furnish such record or  
485 transcript.

486 (b) The Judicial Review Council shall, not later than three business  
487 days after the termination of such investigation, notify the  
488 complainant, if any, and the judge, compensation commissioner or  
489 family support magistrate that the investigation has been terminated  
490 and the results thereof. If the council finds that conduct under section  
491 51-51i has not occurred, but the judge, compensation commissioner or  
492 family support magistrate has acted in a manner which gives the  
493 appearance of impropriety or constitutes an unfavorable judicial or  
494 magisterial practice, the council may issue an admonishment to the

495 judge, compensation commissioner or family support magistrate  
496 recommending a change in judicial or magisterial conduct or practice.  
497 If an admonishment is issued, the council shall (1) notify the joint  
498 standing committee of the General Assembly having cognizance of  
499 matters relating to the judiciary that an admonishment was issued and  
500 provide said committee with the substance of the admonishment,  
501 including copies of the complaint file, and (2) inform the complainant,  
502 if any, that an admonishment was issued if the admonishment is the  
503 result of misconduct alleged in the complaint. [Except as provided in  
504 subdivision (1) of this subsection, the] The substance of the  
505 admonishment shall [not be disclosed to any person or organization]  
506 be a matter of public record.

507 (c) If a preliminary investigation indicates that probable cause exists  
508 that the judge, compensation commissioner or family support  
509 magistrate is guilty of conduct under section 51-51i, the council shall  
510 hold a hearing concerning the conduct or complaint. All hearings held  
511 pursuant to this subsection shall be open. A judge, compensation  
512 commissioner or family support magistrate appearing before such a  
513 hearing shall be entitled to counsel, to present evidence and to cross-  
514 examine witnesses. The council shall make a record of all proceedings  
515 pursuant to this subsection. The council, shall not later than thirty days  
516 after the close of such hearing, publish its findings together with a  
517 memorandum of its reasons therefor.

518 (d) No complaint against a judge, compensation commissioner or  
519 family support magistrate alleging conduct under section 51-51i shall  
520 be brought under this section but within one year from the date the  
521 alleged conduct occurred or was discovered or in the exercise of  
522 reasonable care should have been discovered, except that no such  
523 complaint may be brought more than three years from the date the  
524 alleged conduct occurred.

525 (e) Notwithstanding the provisions of subsections (a) and (b) of this  
526 section, the council shall disclose any information concerning

527 complaints received by the council on and after January 1, 1978,  
528 investigations, and disposition of such complaints to the legislative  
529 program review and investigations committee when requested by the  
530 committee in the course of its functions, in writing and upon a  
531 majority vote of the committee, provided no names or other  
532 identifying information shall be disclosed.

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

539 (g) Whenever a complaint against a judge, compensation  
540 commissioner or family support magistrate is pending before the  
541 Judicial Review Council within the final year of the term of office of  
542 such judge, compensation commissioner or family support magistrate,  
543 the Judicial Review Council shall designate such complaint as  
544 privileged and shall conduct an expedited investigation and hearing so  
545 that its duties with respect to such complaint are completed in  
546 sufficient time to enable the Judicial Review Council to make its  
547 recommendation concerning any such judge to the Judicial Selection  
548 Commission and the Governor under section 51-51q in a timely  
549 manner.

550 Sec. 19. Section 12-242vv of the general statutes is repealed and the  
551 following is substituted in lieu thereof (*Effective July 1, 2007*):

552 Notwithstanding section 1-210, the secretary, his authorized agent  
553 or any other officer or employee of the state shall not disclose any  
554 information contained in any claim for compensation form, notice of  
555 individual condemnation and assessment of special damages and  
556 special benefits, statement of acceptance or any other related  
557 documents in any manner which would disclose the owner's identity  
558 except when distributing such information in the discharge of their

559 duties pursuant to sections 12-242gg to 12-242nn, inclusive, provided  
560 the secretary, his authorized agent or any other officer or employee of  
561 the state may disclose such information to the Commissioner of  
562 Revenue Services or his authorized agent, upon written request by said  
563 commissioner or his authorized agent, when required by said  
564 commissioner in the course of duty or when there is reasonable cause  
565 to believe that any state law is being violated. [All court records  
566 containing such information shall be sealed unless the owner files a  
567 condemnation appeal pursuant to section 12-242kk or files any other  
568 motion, application or complaint with the court concerning the taking  
569 of rights pursuant to section 12-242gg.]

570 Sec. 20. Section 17a-688 of the general statutes is repealed and the  
571 following is substituted in lieu thereof (*Effective July 1, 2007*):

572 [(a) All records maintained by the court of cases coming before it  
573 under the provisions of sections 17a-465a, 17a-673 and 17a-680 to  
574 17a-690, inclusive, shall be sealed and available only to the respondent  
575 or the respondent's counsel unless the court, after hearing held with  
576 notice to the respondent, determines such record should be disclosed  
577 for cause shown.]

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

582 [(c)] (b) No person, hospital or treatment facility may disclose or  
583 permit the disclosure of, nor may the department disclose or permit  
584 the disclosure of, the identity, diagnosis, prognosis or treatment of any  
585 such patient that would constitute a violation of federal statutes  
586 concerning confidentiality of alcohol or drug patient records and any  
587 regulations pursuant thereto, as such federal statutes and regulations  
588 may be amended from time to time. The department shall adopt  
589 regulations, in accordance with chapter 54, to protect the  
590 confidentiality of any such information that is obtained by the

591 department.

592 [(d)] (c) If the person seeking treatment or rehabilitation for alcohol  
593 dependence or drug dependence is a minor, the fact that the minor  
594 sought such treatment or rehabilitation or that the minor is receiving  
595 such treatment or rehabilitation, shall not be reported or disclosed to  
596 the parents or legal guardian of the minor without the minor's consent.  
597 The minor may give legal consent to receipt of such treatment and  
598 rehabilitation. A minor shall be personally liable for all costs and  
599 expenses for alcohol and drug dependency treatment afforded to the  
600 minor at the minor's request under section 17a-682.

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

607 Sec. 21. Subsection (b) of section 19a-216a of the general statutes is  
608 repealed and the following is substituted in lieu thereof (*Effective July*  
609 *1, 2007*):

610 (b) The personal medical records of persons examined or treated in  
611 a communicable disease control clinic shall be held strictly confidential  
612 by the local director of health and his authorized agents and shall not  
613 be released or made public or be subject to discovery proceedings,  
614 except release may be made of personal medical information,  
615 excluding epidemiologic information under the following  
616 circumstances:

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

619 (2) With the informed consent of all persons identified in the  
620 records;

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

623 (4) To health care providers and public health officials in the states  
624 or localities authorized to receive such information by other state  
625 statute or regulation to the extent necessary to protect the public health  
626 or safety by permitting the continuation of service or public health  
627 efforts directed to disease prevention and control;

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

634 (6) By court order as necessary to enforce any provision of the  
635 general statutes or state regulations or local ordinances pertaining to  
636 public health and safety provided the order explicitly finds each of the  
637 following: (A) The information sought is material, relevant and  
638 reasonably calculated to be admissible evidence during the legal  
639 proceeding; (B) the probative value of the evidence outweighs the  
640 individual's and the public's interest in maintaining its confidentiality;  
641 (C) the merits of the litigation cannot be fairly resolved without the  
642 disclosure; and (D) the evidence is necessary to avoid substantial  
643 injustice to the party seeking it and the disclosure will result in no  
644 significant harm to the person examined or treated. Before making  
645 such findings, the court may examine the information in camera. [If the  
646 information meets the test of necessary evidence as listed in this  
647 subdivision, it shall be disclosed only in camera and shall be sealed by  
648 the court on conclusion of the proceeding.]

649 Sec. 22. Subsection (c) of section 19a-343a of the general statutes is  
650 repealed and the following is substituted in lieu thereof (*Effective July*  
651 *1, 2007*):

652 (c) If in the application, the state requests the issuance of a  
653 temporary ex parte order for the abatement of a public nuisance, the  
654 court [.] or, if the court is not in session, any judge of the Superior  
655 Court, may grant a temporary ex parte order to abate the public  
656 nuisance. The court or judge shall direct the state to give notice and  
657 service of such documents, including a copy of the ex parte order, in  
658 accordance with subsection (b) of this section. At such hearing, any  
659 defendant may show cause why the abatement order shall be modified  
660 or vacated. No such ex parte order may be granted unless it appears  
661 from the specific facts shown by affidavit and by complaint that there  
662 is probable cause to believe that a public nuisance exists and the  
663 temporary relief requested is necessary to protect the public health,  
664 welfare or safety. Such show cause hearing shall be scheduled within  
665 five business days after service is effected by the state. [The affidavit  
666 may be ordered sealed by the court or judge upon a finding that the  
667 state's interest in nondisclosure substantially outweighs the  
668 defendant's right to disclosure.] A copy of the state's application and  
669 the temporary order to cease and desist shall be posted on any outside  
670 door to any building on the real property.

671 Sec. 23. Subsection (b) of section 36a-21 of the general statutes is  
672 repealed and the following is substituted in lieu thereof (*Effective July*  
673 *1, 2007*):

674 (b) The commissioner may, without waiving any privilege, disclose  
675 the records described in subsection (a) of this section for any  
676 appropriate supervisory, governmental, law enforcement or other  
677 public purpose. Any such disclosure shall be made under safeguards  
678 designed to prevent further dissemination of such records. [In any  
679 proceeding before a court, the court may issue a protective order in  
680 appropriate circumstances to protect the confidentiality of any such  
681 record and order that any such record on file with the court or filed in  
682 connection with the court proceeding be sealed and that the public be  
683 excluded from any portion of the proceeding at which any such record  
684 is disclosed.]

685 Sec. 24. Section 38a-956 of the general statutes is repealed and the  
686 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

692 Sec. 25. Section 51-164x of the general statutes is repealed and the  
693 following is substituted in lieu thereof (*Effective July 1, 2007*):

694 (a) Any person affected by a court order which prohibits any person  
695 from attending any session of court, except any session of court  
696 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h, [or  
697 any other provision of the general statutes under which the court is  
698 authorized to close proceedings, whether at a pretrial or trial stage,]  
699 shall have the right to the review of such order by the filing of a  
700 petition for review with the Appellate Court [within seventy-two  
701 hours from] not later than three business days after the issuance of  
702 such court order.

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

707 (c) Any person affected by a court order that seals or limits the  
708 disclosure of any files, affidavits, documents or other material on file  
709 with the court or filed in connection with a court proceeding, except (1)  
710 any order issued pursuant to section 46b-11 or 54-33c, [or any other  
711 provision of the general statutes under which the court is authorized to  
712 seal or limit the disclosure of files, affidavits, documents or materials,  
713 whether at a pretrial or trial stage,] and (2) any order issued pursuant  
714 to a court rule that seals or limits the disclosure of any affidavit in  
715 support of an arrest warrant, shall have the right to the review of such

716 order by the filing of a petition for review with the Appellate Court  
 717 [within seventy-two hours from] not later than three business days  
 718 after the issuance of such court order.

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

724 Sec. 26. Section 38a-913 of the general statutes is repealed. (*Effective*  
 725 *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>	New section
Sec. 5	<i>July 1, 2007</i>	New section
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>	New section
Sec. 9	<i>July 1, 2007</i>	New section
Sec. 10	<i>July 1, 2007</i>	54-56d(d)
Sec. 11	<i>July 1, 2007</i>	53a-39a(a)
Sec. 12	<i>July 1, 2007</i>	New section
Sec. 13	<i>July 1, 2007</i>	New section
Sec. 14	<i>July 1, 2007</i>	New section
Sec. 15	<i>July 1, 2007</i>	New section
Sec. 16	<i>July 1, 2007</i>	46b-122
Sec. 17	<i>July 1, 2007</i>	46b-138
Sec. 18	<i>July 1, 2007</i>	51-51l
Sec. 19	<i>July 1, 2007</i>	12-242vv
Sec. 20	<i>July 1, 2007</i>	17a-688
Sec. 21	<i>July 1, 2007</i>	19a-216a(b)
Sec. 22	<i>July 1, 2007</i>	19a-343a(c)
Sec. 23	<i>July 1, 2007</i>	36a-21(b)

Sec. 24	<i>July 1, 2007</i>	38a-956
Sec. 25	<i>July 1, 2007</i>	51-164x
Sec. 26	<i>July 1, 2007</i>	Repealer section

***Statement of Purpose:***

To provide for more 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.]*