



General Assembly

January Special Session, 2008

Amendment

LCO No. 10100

SB0170010100HDO

Offered by:
REP. DYSON, 94th Dist.

To: Senate Bill No. 1700

File No.

Cal. No.

"AN ACT CONCERNING CRIMINAL JUSTICE REFORM."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) Notwithstanding any other
4 provision of law including, but not limited to, subsections (t) and (u) of
5 section 1-1, section 54-130a, as amended, and section 54-194 of the
6 general statutes, (1) the sentence of any person convicted of a capital
7 felony and sentenced prior to the effective date of this section to a
8 sentence of death in accordance with section 53a-46a of the general
9 statutes in effect prior to the effective date of this section is commuted
10 to a sentence of life imprisonment without the possibility of release, as
11 defined in section 53a-35b of the general statutes, as amended by this
12 act, on the effective date of this section, and (2) the punishment or
13 penalty for any person who (A) is convicted prior to, on or after the
14 effective date of this section of a capital felony committed prior to the
15 effective date of this section, and (B) is sentenced or resentenced on or
16 after the effective date of this section, shall be a sentence of life

17 imprisonment without the possibility of release, as defined in section
18 53a-35b of the general statutes, as amended by this act, if such offense
19 was committed on or after October 1, 1985, and a sentence of life
20 imprisonment, as defined in section 53a-35b of the general statutes, as
21 amended by this act, if such offense was committed prior to October 1,
22 1985. For the purposes of this section, "capital felony" means a
23 violation of section 53a-54b of the general statutes in effect prior to the
24 effective date of this section.

25 Sec. 502. Section 53a-54b of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 A person is guilty of [a capital felony] murder with special
28 circumstances who is convicted of any of the following: (1) Murder of a
29 member of the Division of State Police within the Department of Public
30 Safety or of any local police department, a chief inspector or inspector
31 in the Division of Criminal Justice, a state marshal who is exercising
32 authority granted under any provision of the general statutes, a
33 judicial marshal in performance of the duties of a judicial marshal, a
34 constable who performs criminal law enforcement duties, a special
35 policeman appointed under section 29-18, a conservation officer or
36 special conservation officer appointed by the Commissioner of
37 Environmental Protection under the provisions of section 26-5, an
38 employee of the Department of Correction or a person providing
39 services on behalf of said department when such employee or person
40 is acting within the scope of such employee's or person's employment
41 or duties in a correctional institution or facility and the actor is
42 confined in such institution or facility, or any firefighter, while such
43 victim was acting within the scope of such victim's duties; (2) murder
44 committed by a defendant who is hired to commit the same for
45 pecuniary gain or murder committed by one who is hired by the
46 defendant to commit the same for pecuniary gain; (3) murder
47 committed by one who has previously been convicted of intentional
48 murder or of murder committed in the course of commission of a
49 felony; (4) murder committed by one who was, at the time of
50 commission of the murder, under sentence of life imprisonment; (5)

51 murder by a kidnapper of a kidnapped person during the course of the
52 kidnapping or before such person is able to return or be returned to
53 safety; (6) murder committed in the course of the commission of sexual
54 assault in the first degree; (7) murder of two or more persons at the
55 same time or in the course of a single transaction; or (8) murder of a
56 person under sixteen years of age.

57 Sec. 503. Section 53a-35a of the general statutes, as amended by
58 section 12 of public act 07-143, is repealed and the following is
59 substituted in lieu thereof (*Effective from passage*):

60 For any felony committed on or after [July 1, 1981] the effective date
61 of this section, the sentence of imprisonment shall be a definite
62 sentence and the term shall be fixed by the court as follows: (1) For [a
63 capital felony] the class A felony of murder with special circumstances,
64 a term of life imprisonment without the possibility of release; [unless a
65 sentence of death is imposed in accordance with section 53a-46a;] (2)
66 for the class A felony of murder, a term not less than twenty-five years
67 nor more than life; (3) for the class A felony of aggravated sexual
68 assault of a minor under section 3 of [this act] public act 07-143, a term
69 not less than twenty-five years or more than fifty years; (4) for a class A
70 felony other than an offense specified in subdivision (2) or (3) of this
71 section, a term not less than ten years nor more than twenty-five years;
72 (5) for the class B felony of manslaughter in the first degree with a
73 firearm under section 53a-55a, a term not less than five years nor more
74 than forty years; (6) for a class B felony other than manslaughter in the
75 first degree with a firearm under section 53a-55a, a term not less than
76 one year nor more than twenty years, except that for a conviction
77 under section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or
78 53a-134(a)(2), the term shall be not less than five years nor more than
79 twenty years; (7) for a class C felony, a term not less than one year nor
80 more than ten years, except that for a conviction under section 53a-56a,
81 the term shall be not less than three years nor more than ten years; (8)
82 for a class D felony, a term not less than one year nor more than five
83 years, except that for a conviction under section 53a-60b or 53a-217, the
84 term shall be not less than two years nor more than five years, for a

85 conviction under section 53a-60c, the term shall be not less than three
86 years nor more than five years, and for a conviction under section 53a-
87 216, the term shall be five years; and (9) for an unclassified felony, a
88 term in accordance with the sentence specified in the section of the
89 general statutes that defines the crime.

90 Sec. 504. Section 53a-35b of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective from passage*):

92 [A] For the purposes of this title and titles 51 and 54, (1) a sentence
93 of [imprisonment for life shall mean] life imprisonment means a
94 definite sentence of sixty years, [unless the] and (2) a sentence [is] of
95 life imprisonment without the possibility of release, imposed pursuant
96 to [subsection (g) of section 53a-46a, in which case the sentence shall
97 be] subdivision (1) of section 53a-35a, as amended by this act, means
98 imprisonment for the remainder of the defendant's natural life without
99 the possibility of parole, sentence reduction, temporary leave, furlough
100 or any other kind of post-conviction conditional or absolute release.

101 Sec. 505. Subsection (a) of section 53a-45 of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective from*
103 *passage*):

104 (a) Murder is punishable as a class A felony in accordance with
105 subdivision (2) of section 53a-35a, as amended by this act, unless it is [a
106 capital felony] murder with special circumstances under section 53a-
107 54b, as amended by this act, punishable as a class A felony in
108 accordance with subdivision (1) of section 53a-35a, as amended by this
109 act, or murder under section 53a-54d.

110 Sec. 506. Subsection (c) of section 53a-54a of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective from*
112 *passage*):

113 (c) Murder is punishable as a class A felony in accordance with
114 subdivision (2) of section 53a-35a, as amended by this act, unless it is [a
115 capital felony] murder with special circumstances under section 53a-

116 54b, as amended by this act, punishable as a class A felony in
117 accordance with subdivision (1) of section 53a-35a, as amended by this
118 act, or murder under section 53a-54d.

119 Sec. 507. Subsection (m) of section 10-145b of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective from*
121 *passage*):

122 (m) (1) The State Board of Education may revoke any certificate,
123 authorization or permit issued pursuant to sections 10-144o to 10-149,
124 inclusive, for any of the following reasons: (A) The holder of the
125 certificate, authorization or permit obtained such certificate,
126 authorization or permit through fraud or misrepresentation of a
127 material fact; (B) the holder has persistently neglected to perform the
128 duties for which the certificate, authorization or permit was granted;
129 (C) the holder is professionally unfit to perform the duties for which
130 the certificate, authorization or permit was granted; (D) the holder is
131 convicted in a court of law of a crime involving moral turpitude or of
132 any other crime of such nature that in the opinion of the board
133 continued holding of a certificate, authorization or permit by the
134 person would impair the standing of certificates, authorizations or
135 permits issued by the board; or (E) other due and sufficient cause. The
136 State Board of Education shall revoke any certificate, authorization or
137 permit issued pursuant to said sections if the holder is found to have
138 intentionally disclosed specific questions or answers to students or
139 otherwise improperly breached the security of any administration of a
140 state-wide examination pursuant to section 10-14n, as amended. In any
141 revocation proceeding pursuant to this section, the State Board of
142 Education shall have the burden of establishing the reason for such
143 revocation by a preponderance of the evidence. Revocation shall be in
144 accordance with procedures established by the State Board of
145 Education pursuant to chapter 54.

146 (2) When the Commissioner of Education is notified, pursuant to
147 section 10-149a or 17a-101i that a person holding a certificate,
148 authorization or permit issued by the State Board of Education under

149 the provisions of sections 10-144o to 10-149, inclusive, has been
150 convicted of (A) a capital felony, pursuant to section 53a-54b in effect
151 prior to the effective date of this section, (B) arson murder, pursuant to
152 section 53a-54d, (C) a class A felony, (D) a class B felony, except a
153 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
154 an act of child abuse or neglect as described in section 46b-120, or (F) a
155 violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-
156 72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-
157 196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section 21a-277,
158 any certificate, permit or authorization issued by the State Board of
159 Education and held by such person shall be deemed revoked and the
160 commissioner shall notify such person of such revocation, provided
161 such person may request reconsideration pursuant to regulations
162 adopted by the State Board of Education, in accordance with the
163 provisions of chapter 54.

164 (3) The State Board of Education may deny an application for a
165 certificate, authorization or permit for any of the following reasons: (A)
166 The applicant seeks to obtain a certificate, authorization or permit
167 through fraud or misrepresentation of a material fact; (B) the applicant
168 has been convicted in a court of law of a crime involving moral
169 turpitude or of any other crime of such nature that in the opinion of
170 the board issuance of a certificate, authorization or permit would
171 impair the standing of certificates, authorizations or permits issued by
172 the board; or (C) other due and sufficient cause. Any applicant denied
173 a certificate, authorization or permit shall be notified in writing of the
174 reasons for denial. Any applicant denied a certificate, authorization or
175 permit may request a review of such denial by the State Board of
176 Education.

177 Sec. 508. Section 10-145i of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective from passage*):

179 Notwithstanding the provisions of sections 10-144o to 10-146b,
180 inclusive, and 10-149, the State Board of Education shall not issue or
181 reissue any certificate, authorization or permit pursuant to said

182 sections if (1) the applicant for such certificate, authorization or permit
183 has been convicted of any of the following: (A) A capital felony, as
184 defined in section 53a-54b in effect prior to the effective date of this
185 section; (B) arson murder, as defined in section 53a-54d; (C) any class
186 A felony; (D) any class B felony except a violation of section 53a-122,
187 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
188 neglect as described in section 46b-120; or (F) a violation of section 53-
189 21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88,
190 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-
191 217b or 21a-278 or a violation of subsection (a) of section 21a-277, and
192 (2) the applicant completed serving the sentence for such conviction
193 within the five years immediately preceding the date of the
194 application.

195 Sec. 509. Subsection (a) of section 46b-127 of the general statutes is
196 repealed and the following is substituted in lieu thereof (*Effective from*
197 *passage*):

198 (a) The court shall automatically transfer from the docket for
199 juvenile matters to the regular criminal docket of the Superior Court
200 the case of any child charged with the commission of a capital felony
201 under section 53a-54b in effect prior to the effective date of this section,
202 a class A or B felony or a violation of section 53a-54d, provided such
203 offense was committed after such child attained the age of fourteen
204 years and counsel has been appointed for such child if such child is
205 indigent. Such counsel may appear with the child but shall not be
206 permitted to make any argument or file any motion in opposition to
207 the transfer. The child shall be arraigned in the regular criminal docket
208 of the Superior Court at the next court date following such transfer,
209 provided any proceedings held prior to the finalization of such transfer
210 shall be private and shall be conducted in such parts of the courthouse
211 or the building wherein court is located as shall be separate and apart
212 from the other parts of the court which are then being held for
213 proceedings pertaining to adults charged with crimes. The file of any
214 case so transferred shall remain sealed until the end of the tenth
215 working day following such arraignment unless the state's attorney

216 has filed a motion pursuant to this subsection, in which case such file
217 shall remain sealed until the court makes a decision on the motion. A
218 state's attorney may, not later than ten working days after such
219 arraignment, file a motion to transfer the case of any child charged
220 with the commission of a class B felony or a violation of subdivision (2)
221 of subsection (a) of section 53a-70 to the docket for juvenile matters for
222 proceedings in accordance with the provisions of this chapter. The
223 court sitting for the regular criminal docket shall, after hearing and not
224 later than ten working days after the filing of such motion, decide such
225 motion.

226 Sec. 510. Subsection (a) of section 46b-133 of the general statutes is
227 repealed and the following is substituted in lieu thereof (*Effective from*
228 *passage*):

229 (a) Nothing in this part shall be construed as preventing the arrest of
230 a child, with or without a warrant, as may be provided by law, or as
231 preventing the issuance of warrants by judges in the manner provided
232 by section 54-2a, as amended by this act, except that no child shall be
233 taken into custody on such process except on apprehension in the act,
234 or on speedy information, or in other cases when the use of such
235 process appears imperative. Whenever a child is arrested and charged
236 with a crime, such child may be required to submit to the taking of his
237 photograph, physical description and fingerprints. Notwithstanding
238 the provisions of section 46b-124, the name, photograph and custody
239 status of any child arrested for the commission of a capital felony
240 under section 53a-54b in effect prior to the effective date of this section
241 or class A felony may be disclosed to the public.

242 Sec. 511. Subsection (c) of section 51-36 of the general statutes is
243 repealed and the following is substituted in lieu thereof (*Effective from*
244 *passage*):

245 (c) (1) In any case in which a person has been convicted of a felony,
246 other than a capital felony under section 53a-54b in effect prior to the
247 effective date of this section or murder with special circumstances

248 under section 53a-54b, as amended by this act, in effect on or after the
249 effective date of this section, the official records of evidence or judicial
250 proceedings in the court may be destroyed upon the expiration of
251 twenty years from the date of imposition of the sentence in such case
252 or upon the expiration of the sentence imposed upon such person,
253 whichever is later.

254 (2) In any case in which a person has been convicted after trial of a
255 capital felony under section 53a-54b in effect prior to the effective date
256 of this section or murder with special circumstances under section 53a-
257 54b, as amended by this act, in effect on or after the effective date of
258 this section, the official records of evidence or judicial proceedings in
259 the court may be destroyed upon the expiration of seventy-five years
260 from the date of imposition of the sentence in such case.

261 (3) In any case in which a person has been found not guilty, or in
262 any case that has been dismissed or was not prosecuted, the court may
263 order the destruction or disposal of all exhibits entered in such case
264 upon the expiration of ninety days from the date of final disposition of
265 such case, unless a prior disposition of such exhibits has been ordered
266 pursuant to section 54-36a. In any case in which a nolle has been
267 entered, the court may order the destruction or disposal of all exhibits
268 entered in such case upon the expiration of thirteen months from the
269 date of final disposition of such case. Not less than thirty days prior to
270 the scheduled destruction or disposal of exhibits under this
271 subdivision, the clerk of the court shall send notice to all parties and
272 any party may request a hearing on the issue of such destruction or
273 disposal before the court in which the matter is pending.

274 (4) In any case in which a person has been convicted of a
275 misdemeanor or has been adjudicated a youthful offender, the court
276 may order the destruction or disposal of all exhibits entered in such
277 case upon the expiration of ten years from the date of imposition of the
278 sentence in such case or upon the expiration of the sentence imposed
279 on such person, whichever is later, unless a prior disposition of such
280 exhibits has been ordered pursuant to section 54-36a, as amended. Not

281 less than thirty days prior to the scheduled destruction or disposal of
282 exhibits under this subdivision, the clerk of the court shall send notice
283 to all parties and any party may request a hearing on the issue of such
284 destruction or disposal before the court in which the matter is pending.

285 (5) In any case in which a person is charged with multiple offenses,
286 no destruction or disposal of exhibits may be ordered under this
287 subsection until the longest applicable retention period under this
288 subsection has expired. The provisions of this subdivision and
289 subdivisions (3), (4) and (6) of this subsection shall apply to any
290 criminal or motor vehicle case disposed of before, on or after October
291 1, 2006.

292 (6) The retention period for the official records of evidence and
293 exhibits in any habeas corpus proceeding, petition for a new trial or
294 other proceeding arising out of a criminal case in which a person has
295 been convicted shall be the same as the applicable retention period
296 under this subsection for the criminal case from which such
297 proceeding or petition arose.

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

300 Sec. 512. Subsection (b) of section 51-199 of the general statutes is
301 repealed and the following is substituted in lieu thereof (*Effective from*
302 *passage*):

303 (b) The following matters shall be taken directly to the Supreme
304 Court: (1) Any matter brought pursuant to the original jurisdiction of
305 the Supreme Court under section 2 of article sixteen of the
306 amendments to the Constitution; (2) an appeal in any matter where the
307 Superior Court declares invalid a state statute or a provision of the
308 state Constitution; (3) an appeal in any criminal action involving a
309 conviction for a capital felony [,] under section 53a-54b in effect prior
310 to the effective date of this section, a class A felony [,] or any other
311 felony, including any persistent offender status, for which the
312 maximum sentence which may be imposed exceeds twenty years; [(4)

313 review of a sentence of death pursuant to section 53a-46b; (5)] (4) any
314 election or primary dispute brought to the Supreme Court pursuant to
315 section 9-323, as amended, or 9-325; [(6)] (5) an appeal of any
316 reprimand or censure of a probate judge pursuant to section 45a-65;
317 [(7)] (6) any matter regarding judicial removal or suspension pursuant
318 to section 51-51j; [(8)] (7) an appeal of any decision of the Judicial
319 Review Council pursuant to section 51-51r; [(9)] (8) any matter brought
320 to the Supreme Court pursuant to section 52-265a; [(10)] (9) writs of
321 error; and [(11)] (10) any other matter as provided by law.

322 Sec. 513. Section 51-246 of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective from passage*):

324 In the trial of any [capital case or any case involving imprisonment
325 for life] offense punishable by life imprisonment or life imprisonment
326 without the possibility of release, the court may, in its discretion,
327 require the jury to remain together in the charge of judicial marshals
328 during the trial and until the jury is discharged by the court from
329 further consideration of the case.

330 Sec. 514. Section 51-286c of the general statutes is repealed and the
331 following is substituted in lieu thereof (*Effective from passage*):

332 The state's attorney for any judicial district may employ one or more
333 detectives to investigate for the purpose of discovering the
334 perpetrators of any crime committed within this state, whenever the
335 penalty for such crime is [capital punishment or imprisonment in the
336 Connecticut Correctional Institution, Somers] life imprisonment or life
337 imprisonment without the possibility of release. The expenses incurred
338 in the employment of such detectives shall be paid from the State
339 Treasury on an order from the state's attorney employing them.

340 Sec. 515. Subsection (a) of section 52-434 of the general statutes is
341 repealed and the following is substituted in lieu thereof (*Effective from*
342 *passage*):

343 (a) (1) Each judge of the Supreme Court, each judge of the Appellate

344 Court, each judge of the Superior Court and each judge of the Court of
345 Common Pleas who ceases or has ceased to hold office because of
346 retirement other than under the provisions of section 51-49 and who is
347 an elector and a resident of this state shall be a state referee for the
348 remainder of such judge's term of office as a judge and shall be eligible
349 for appointment as a state referee during the remainder of such judge's
350 life in the manner prescribed by law for the appointment of a judge of
351 the court of which such judge is a member. The Superior Court may
352 refer any civil, nonjury case or with the written consent of the parties
353 or their attorneys, any civil jury case pending before the court in which
354 the issues have been closed to a judge trial referee who shall have and
355 exercise the powers of the Superior Court in respect to trial, judgment
356 and appeal in the case, and any proceeding resulting from a demand
357 for a trial de novo pursuant to subsection (e) of section 52-549z may be
358 referred without the consent of the parties to a judge trial referee who
359 has been specifically designated to hear such proceedings pursuant to
360 subsection (b) of this section. The Superior Court may, with the
361 consent of the parties or their attorneys, refer any criminal case to a
362 judge trial referee who shall have and exercise the powers of the
363 Superior Court in respect to trial, judgment, sentencing and appeal in
364 the case, except that the Superior Court may, without the consent of
365 the parties or their attorneys, (A) refer any criminal case, other than a
366 criminal jury trial, to a judge trial referee assigned to a geographical
367 area criminal court session, and (B) refer any criminal case, other than
368 a class A or B felony or capital felony under section 53a-54b in effect
369 prior to the effective date of this section, to a judge trial referee to
370 preside over the jury selection process and any voir dire examination
371 conducted in such case, unless good cause is shown not to refer.

372 (2) Each judge of the Circuit Court who has ceased to hold office
373 because of retirement other than under the provisions of section 51-49
374 and who is an elector and a resident of this state shall be a state referee
375 for the remainder of such judge's term of office as a judge and shall be
376 eligible for appointment as a state referee during the remainder of such
377 judge's life in the manner prescribed by law for the appointment of a

378 judge of the court of which such judge is a member, to whom the
379 Superior Court may, with the written consent of the parties or their
380 attorneys, refer any case pending in court in which the issues have
381 been closed and which the judges of the Superior Court may establish
382 by rule to be the kind of case which may be heard by such referees
383 who have been appointed judge trial referees pursuant to subsection
384 (b) of this section. The judge trial referee shall hear any such case so
385 referred and report the facts to the court by which the case was
386 referred.

387 (3) Each judge of the Juvenile Court who ceases or has ceased to
388 hold office because of retirement other than under the provisions of
389 section 51-49 and who is an elector and a resident of this state shall be
390 a state referee for the remainder of such judge's term of office as a
391 judge and shall be eligible for appointment as a state referee during the
392 remainder of such judge's life in the manner prescribed by law for the
393 appointment of a judge of the court of which such judge is a member,
394 to whom a judge before whom any juvenile matter is pending may,
395 with the written consent of the child concerned, either of such child's
396 parents, or such child's guardian or attorney, refer any juvenile matter
397 pending, provided such referee has been appointed a judge trial
398 referee specifically designated to hear juvenile cases pursuant to
399 subsection (b) of this section. The judge trial referee shall hear any
400 matter so referred and report the facts to the court for the district from
401 which the matter was referred.

402 (4) In addition to the judge trial referees who are appointed
403 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
404 Justice may appoint, from qualified members of the bar of the state,
405 who are electors and residents of this state, as many state referees as
406 the Chief Justice may from time to time deem advisable or necessary.
407 No appointment of a member of the bar may be for a term of more
408 than three years. Notwithstanding the provisions of subsection (f) of
409 this section, state referees appointed by the Chief Justice from
410 members of the bar shall receive such reasonable compensation and
411 expenses as may be determined by the Chief Justice. The Superior

412 Court may appoint a state referee pursuant to this subdivision to take
413 such evidence as it directs in any civil, nonjury case including, but not
414 limited to, appeals under section 8-8, as amended. Any such state
415 referee shall report on such evidence to the court with any findings of
416 fact. The report shall constitute a part of the proceeding upon which
417 the determination of the court shall be made.

418 Sec. 516. Subsection (b) of section 53a-25 of the general statutes is
419 repealed and the following is substituted in lieu thereof (*Effective from*
420 *passage*):

421 (b) Felonies are classified for the purposes of sentence as follows: (1)
422 Class A, (2) class B, (3) class C, (4) class D, and (5) unclassified, [and (6)
423 capital felonies.]

424 Sec. 517. Subsection (b) of section 53a-28 of the general statutes is
425 repealed and the following is substituted in lieu thereof (*Effective from*
426 *passage*):

427 (b) [Except as provided in section 53a-46a, when] Whenever a
428 person is convicted of an offense, the court shall impose one of the
429 following sentences: (1) A term of imprisonment; or (2) a sentence
430 authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of
431 imprisonment and a fine; or (5) a term of imprisonment, with the
432 execution of such sentence of imprisonment suspended, entirely or
433 after a period set by the court, and a period of probation or a period of
434 conditional discharge; or (6) a term of imprisonment, with the
435 execution of such sentence of imprisonment suspended, entirely or
436 after a period set by the court, and a fine and a period of probation or a
437 period of conditional discharge; or (7) a fine and a sentence authorized
438 by section 18-65a or 18-73; or (8) a sentence of unconditional discharge;
439 or (9) a term of imprisonment and a period of special parole as
440 provided in section 54-125e, as amended.

441 Sec. 518. Subsection (a) of section 53a-30 of the general statutes is
442 repealed and the following is substituted in lieu thereof (*Effective from*
443 *passage*):

444 (a) When imposing sentence of probation or conditional discharge,
445 the court may, as a condition of the sentence, order that the defendant:
446 (1) Work faithfully at a suitable employment or faithfully pursue a
447 course of study or of vocational training that will equip the defendant
448 for suitable employment; (2) undergo medical or psychiatric treatment
449 and remain in a specified institution, when required for that purpose;
450 (3) support the defendant's dependents and meet other family
451 obligations; (4) make restitution of the fruits of the defendant's offense
452 or make restitution, in an amount the defendant can afford to pay or
453 provide in a suitable manner, for the loss or damage caused thereby
454 and the court may fix the amount thereof and the manner of
455 performance; (5) if a minor, (A) reside with the minor's parents or in a
456 suitable foster home, (B) attend school, and (C) contribute to the
457 minor's own support in any home or foster home; (6) post a bond or
458 other security for the performance of any or all conditions imposed; (7)
459 refrain from violating any criminal law of the United States, this state
460 or any other state; (8) if convicted of a misdemeanor or a felony, other
461 than a capital felony under section 53a-54b in effect prior to the
462 effective date of this section, a class A felony or a violation of section
463 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
464 any offense for which there is a mandatory minimum sentence which
465 may not be suspended or reduced by the court, and any sentence of
466 imprisonment is suspended, participate in an alternate incarceration
467 program; (9) reside in a residential community center or halfway
468 house approved by the Commissioner of Correction, and contribute to
469 the cost incident to such residence; (10) participate in a program of
470 community service labor in accordance with section 53a-39c; (11)
471 participate in a program of community service in accordance with
472 section 51-181c; (12) if convicted of a violation of subdivision (2) of
473 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
474 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
475 if convicted of a criminal offense against a victim who is a minor, a
476 nonviolent sexual offense or a sexually violent offense, as defined in
477 section 54-250, or of a felony that the court finds was committed for a
478 sexual purpose, as provided in section 54-254, register such person's

479 identifying factors, as defined in section 54-250, with the
480 Commissioner of Public Safety when required pursuant to section 54-
481 251, as amended, 54-252, as amended, or 54-253, as amended, as the
482 case may be; (14) be subject to electronic monitoring, which may
483 include the use of a global positioning system; (15) if convicted of a
484 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l,
485 participate in an anti-bias crime education program; (16) if convicted of
486 a violation of section 53-247, undergo psychiatric or psychological
487 counseling or participate in an animal cruelty prevention and
488 education program provided such a program exists and is available to
489 the defendant; or (17) satisfy any other conditions reasonably related to
490 the defendant's rehabilitation. The court shall cause a copy of any such
491 order to be delivered to the defendant and to the probation officer, if
492 any.

493 Sec. 519. Subsection (b) of section 53a-35b of the general statutes is
494 repealed and the following is substituted in lieu thereof (*Effective from*
495 *passage*):

496 (b) The maximum term of an indeterminate sentence shall be fixed
497 by the court and specified in the sentence as follows: (1) For a class A
498 felony, life imprisonment; (2) for a class B felony, a term not to exceed
499 twenty years; (3) for a class C felony, a term not to exceed ten years; (4)
500 for a class D felony, a term not to exceed five years; (5) for an
501 unclassified felony, a term in accordance with the sentence specified in
502 the section of the general statutes that defines the crime; and (6) for a
503 capital felony under section 53a-54b in effect prior to the effective date
504 of this section, life imprisonment. [unless a sentence of death is
505 imposed in accordance with section 53a-46a.]

506 Sec. 520. Subsection (a) of section 53a-39a of the general statutes is
507 repealed and the following is substituted in lieu thereof (*Effective from*
508 *passage*):

509 (a) In all cases where a defendant has been convicted of a
510 misdemeanor or a felony, other than a capital felony under section 53a-

511 54b in effect prior to the effective date of this section, a class A felony
512 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
513 57, 53a-58 or 53a-70b or any other offense for which there is a
514 mandatory minimum sentence which may not be suspended or
515 reduced by the court, after trial or by a plea of guilty without trial, and
516 a term of imprisonment is part of a stated plea agreement or the
517 statutory penalty provides for a term of imprisonment, the court may,
518 in its discretion, order an assessment for placement in an alternate
519 incarceration program under contract with the Judicial Department. If
520 the Court Support Services Division recommends placement in an
521 alternate incarceration program, it shall also submit to the court a
522 proposed alternate incarceration plan. Upon completion of the
523 assessment, the court shall determine whether such defendant shall be
524 ordered to participate in such program as an alternative to
525 incarceration. If the court determines that the defendant shall
526 participate in such program, the court shall suspend any sentence of
527 imprisonment and shall make participation in the alternate
528 incarceration program a condition of probation as provided in section
529 53a-30, as amended by this act.

530 Sec. 521. Subsection (a) of section 53a-40d of the general statutes is
531 repealed and the following is substituted in lieu thereof (*Effective from*
532 *passage*):

533 (a) A persistent offender of crimes involving assault, stalking,
534 trespass, threatening, harassment, criminal violation of a protective
535 order or criminal violation of a restraining order is a person who (1)
536 stands convicted of assault under section 53a-61, stalking under section
537 53a-181d, threatening under section 53a-62, harassment under section
538 53a-183, criminal violation of a protective order under section 53a-223,
539 criminal violation of a restraining order under section 53a-223b or
540 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
541 the five years preceding the commission of the present crime, been
542 convicted of a capital felony under section 53a-54b in effect prior to the
543 effective date of this section, a class A felony, a class B felony, except a
544 conviction under section 53a-86 or 53a-122, a class C felony, except a

545 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony
546 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,
547 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section
548 53a-61, stalking under section 53a-181d, threatening under section 53a-
549 62, harassment under section 53a-183, criminal violation of a protective
550 order under section 53a-223, criminal violation of a restraining order
551 under section 53a-223b, or criminal trespass under section 53a-107 or
552 53a-108 or has been released from incarceration with respect to such
553 conviction, whichever is later.

554 Sec. 522. Section 53a-46d of the general statutes is repealed and the
555 following is substituted in lieu thereof (*Effective from passage*):

556 A victim impact statement prepared with the assistance of a victim
557 advocate to be placed in court files in accordance with subdivision (2)
558 of subsection (a) of section 54-220 may be read in court prior to
559 imposition of sentence upon a defendant found guilty of a crime
560 punishable by [death] life imprisonment without the possibility of
561 release.

562 Sec. 523. Subsection (a) of section 53a-182b of the general statutes is
563 repealed and the following is substituted in lieu thereof (*Effective from*
564 *passage*):

565 (a) A person is guilty of harassment in the first degree when, with
566 the intent to harass, annoy, alarm or terrorize another person, he
567 threatens to kill or physically injure that person or any other person,
568 and communicates such threat by telephone, or by telegraph, mail,
569 computer network, as defined in section 53a-250, or any other form of
570 written communication, in a manner likely to cause annoyance or
571 alarm and has been convicted of a capital felony under section 53a-54b
572 in effect prior to the effective date of this section, a class A felony, a
573 class B felony, except a conviction under section 53a-86 or 53a-122, a
574 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
575 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
576 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For

577 the purposes of this section, "convicted" means having a judgment of
578 conviction entered by a court of competent jurisdiction.

579 Sec. 524. Subsection (a) of section 53a-217d of the general statutes is
580 repealed and the following is substituted in lieu thereof (*Effective from*
581 *passage*):

582 (a) A person is guilty of criminal possession of body armor when he
583 possesses body armor and has been (1) convicted of a capital felony
584 under section 53a-54b in effect prior to the effective date of this section,
585 a class A felony, except a conviction under section 53a-196a, a class B
586 felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a
587 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
588 153 or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
589 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or
590 (2) convicted as delinquent for the commission of a serious juvenile
591 offense, as defined in section 46b-120.

592 Sec. 525. Subsection (b) of section 54-2a of the general statutes is
593 repealed and the following is substituted in lieu thereof (*Effective from*
594 *passage*):

595 (b) The court, judge or judge trial referee issuing a bench warrant
596 for the arrest of the person or persons complained against shall, in
597 cases punishable by [death or] life imprisonment or life imprisonment
598 without the possibility of release, set the conditions of release or
599 indicate that the person or persons named in the warrant shall not be
600 entitled to bail and may, in all other cases, set the conditions of release.
601 The conditions of release, if included in the warrant, shall fix the first
602 of the following conditions which the court, judge or judge trial referee
603 finds necessary to assure such person's appearance in court: (1)
604 Written promise to appear; (2) execution of a bond without surety in
605 no greater amount than necessary; or (3) execution of a bond with
606 surety in no greater amount than necessary.

607 Sec. 526. Subsection (b) of section 54-45 of the general statutes is
608 repealed and the following is substituted in lieu thereof (*Effective from*

609 *passage*):

610 (b) No person shall be put to plea or held to trial for any crime the
611 punishment of which may be [death or imprisonment for] life
612 imprisonment or life imprisonment without the possibility of release,
613 charged by the state before May 26, 1983, unless an indictment has
614 been found against [him] such person for such crime by a grand jury
615 legally impaneled and sworn, and no bill shall be presented by any
616 grand jury unless at least twelve of the jurors agree to it.

617 Sec. 527. Section 54-46 of the general statutes is repealed and the
618 following is substituted in lieu thereof (*Effective from passage*):

619 For all crimes charged by the state on or after May 26, 1983, the
620 prosecution may be by complaint or information. [For all crimes
621 punishable by death or imprisonment for life charged by the state
622 before May 26, 1983, the prosecution shall be by indictment.]

623 Sec. 528. Subsection (a) of section 54-46a of the general statutes is
624 repealed and the following is substituted in lieu thereof (*Effective from*
625 *passage*):

626 (a) No person charged by the state, who has not been indicted by a
627 grand jury prior to May 26, 1983, shall be put to plea or held to trial for
628 any crime punishable by [death or] life imprisonment or life
629 imprisonment without the possibility of release unless the court at a
630 preliminary hearing determines there is probable cause to believe that
631 the offense charged has been committed and that the accused person
632 has committed it. The accused person may knowingly and voluntarily
633 waive such preliminary hearing to determine probable cause.

634 Sec. 529. Section 54-48 of the general statutes is repealed and the
635 following is substituted in lieu thereof (*Effective from passage*):

636 When any crime punishable by [death or] imprisonment for more
637 than one year has been committed, the Governor, upon application of
638 the state's attorney for the judicial district in which it has been

639 committed, may offer, publicly, a reward not exceeding fifty thousand
640 dollars, to the person who gives information leading to the arrest and
641 conviction of the guilty person, or, if such guilty person has fled after
642 conviction of a felony in a court of this state, to the person who gives
643 information leading to the arrest and detention of the convicted felon,
644 whether found within the state or elsewhere, which reward shall be
645 paid to the informer by the state, by order of the court before which
646 such conviction is had.

647 Sec. 530. Section 54-53 of the general statutes is repealed and the
648 following is substituted in lieu thereof (*Effective from passage*):

649 Each person detained in a community correctional center pursuant
650 to the issuance of a bench warrant of arrest or for arraignment,
651 sentencing or trial for [an offense not punishable by death] any offense
652 shall be entitled to bail and shall be released from such institution
653 upon entering into a recognizance, with sufficient surety, or upon
654 posting cash bail as provided in section 54-66, for the detained person's
655 appearance before the court having cognizance of the offense, to be
656 taken by any person designated by the Commissioner of Correction at
657 the institution where the person is detained. The person so designated
658 shall deliver the recognizance or cash bail to the clerk of the
659 appropriate court before the opening of the court on the first court day
660 thereafter. When cash bail in excess of ten thousand dollars is received
661 for a detained person accused of a felony, where the underlying facts
662 and circumstances of the felony involve the use, attempted use or
663 threatened use of physical force against another person, the person so
664 designated shall prepare a report that contains (1) the name, address
665 and taxpayer identification number of the detained person, (2) the
666 name, address and taxpayer identification number of each person
667 offering the cash bail, other than a person licensed as a professional
668 bondsman under chapter 533 or a surety bail bond agent under
669 chapter 700f, (3) the amount of cash received, and (4) the date the cash
670 was received. Not later than fifteen days after receipt of such cash bail,
671 the person so designated shall file the report with the Department of
672 Revenue Services and mail a copy of the report to the state's attorney

673 for the judicial district in which the alleged offense was committed and
674 to each person offering the cash bail.

675 Sec. 531. Subsection (a) of section 54-53a of the general statutes is
676 repealed and the following is substituted in lieu thereof (*Effective from*
677 *passage*):

678 (a) No person who has not made bail may be detained in a
679 community correctional center pursuant to the issuance of a bench
680 warrant of arrest or for arraignment, sentencing or trial for [an offense
681 not punishable by death,] any offense for longer than forty-five days,
682 unless at the expiration of the forty-five days [he] such person is
683 presented to the court having cognizance of the offense. On each such
684 presentment, the court may reduce, modify or discharge the bail, or
685 may for cause shown remand the person to the custody of the
686 Commissioner of Correction. On the expiration of each successive
687 forty-five-day period, the person may again by motion be presented to
688 the court for such purpose.

689 Sec. 532. Section 54-82 of the general statutes is repealed and the
690 following is substituted in lieu thereof (*Effective from passage*):

691 (a) In any criminal case, prosecution or proceeding, the [party]
692 accused may, if [he] the accused so elects when called upon to plead,
693 be tried by the court instead of by the jury; and, in such case, the court
694 shall have jurisdiction to hear and try such case and render judgment
695 and sentence thereon.

696 (b) If the accused is charged with a crime punishable by [death or
697 imprisonment for] life imprisonment or life imprisonment without the
698 possibility of release and elects to be tried by the court, the court shall
699 be composed of three judges to be designated by the Chief Court
700 Administrator, or [his] the Chief Court Administrator's designee, who
701 shall name one such judge to preside over the trial. Such judges, or a
702 majority of them, shall have power to decide all questions of law and
703 fact arising upon the trial and render judgment accordingly.

704 (c) If the [party] accused does not elect to be tried by the court, [he]
705 the accused shall be tried by a jury of six except that no person [,]
706 charged with an offense which is punishable by [death or] life
707 imprisonment [,] or life imprisonment without the possibility of release
708 shall be tried by a jury of less than twelve without [his] such person's
709 consent.

710 Sec. 533. Section 54-82g of the general statutes is repealed and the
711 following is substituted in lieu thereof (*Effective from passage*):

712 The accused may challenge peremptorily, in any criminal trial
713 before the Superior Court for any offense punishable by [death] life
714 imprisonment without the possibility of release, twenty-five jurors; for
715 any offense punishable by [imprisonment for] life imprisonment,
716 fifteen jurors; for any offense the punishment for which may be
717 imprisonment for more than one year and for less than life, six jurors;
718 and for any other offense, three jurors. In any criminal trial in which
719 the accused is charged with more than one count on the information or
720 where there is more than one information, the number of challenges is
721 determined by the count carrying the highest maximum punishment.
722 The state, on the trial of any criminal prosecution, may challenge
723 peremptorily the same number of jurors as the accused.

724 Sec. 534. Subsection (a) of section 54-82h of the general statutes is
725 repealed and the following is substituted in lieu thereof (*Effective from*
726 *passage*):

727 (a) In any criminal prosecution to be tried to the jury in the Superior
728 Court if it appears to the court that the trial is likely to be protracted,
729 the court may, in its discretion, direct that, after a jury has been
730 selected, two or more additional jurors shall be added to the jury
731 panel, to be known as "alternate jurors". Such alternate jurors shall
732 have the same qualifications and be selected and subject to
733 examination and challenge in the same manner and to the same extent
734 as the jurors constituting the regular panel, provided, in any case when
735 the court directs the selection of alternate jurors, the number of

736 peremptory challenges allowed shall be as follows: In any criminal
737 prosecution the state and the accused may each peremptorily
738 challenge thirty jurors if the offense for which the accused is arraigned
739 is punishable by [death] life imprisonment without the possibility of
740 release, eighteen jurors if the offense is punishable by life
741 imprisonment, eight jurors if the offense is punishable by
742 imprisonment for more than one year and for less than life, and four
743 jurors in any other case.

744 Sec. 535. Section 54-82j of the general statutes is repealed and the
745 following is substituted in lieu thereof (*Effective from passage*):

746 Upon the written complaint of any state's attorney addressed to the
747 clerk of the superior court for the judicial district wherein such state's
748 attorney resides, alleging (1) that a person named therein is or will be a
749 material witness in a criminal proceeding then pending before or
750 returnable to the superior court for such judicial district, and in which
751 proceeding any person is or may be charged with an offense
752 punishable by [death or] imprisonment for more than one year, and (2)
753 that the state's attorney believes that such witness is likely to disappear
754 from the state, secrete himself or herself or otherwise avoid the service
755 of subpoena upon him or her, or refuse or fail to appear and attend in
756 and before such superior court as a witness, when desired, the clerk or
757 any assistant clerk of the court shall issue a warrant addressed to any
758 proper officer or indifferent person, for the arrest of the person named
759 as a witness, and directing that such person be forthwith brought
760 before any judge of the superior court for such judicial district, for
761 examination. The person serving the warrant shall bring the person so
762 arrested before the judge for examination as soon as is reasonably
763 possible and hold [him] such arrested person subject to the further
764 orders of the judge. The person serving the warrant shall also notify
765 the state's attorney of such arrest and of the time and place of such
766 examination.

767 Sec. 536. Section 54-83 of the general statutes is repealed and the
768 following is substituted in lieu thereof (*Effective from passage*):

769 No person may be convicted of any crime punishable by [death] life
770 imprisonment without the possibility of release without the testimony
771 of at least two witnesses, or that which is equivalent thereto.

772 Sec. 537. Subsection (a) of section 54-91a of the general statutes is
773 repealed and the following is substituted in lieu thereof (*Effective from*
774 *passage*):

775 (a) No defendant convicted of a crime, other than a capital felony
776 under section 53a-54b in effect prior to the effective date of this section,
777 or murder with special circumstances under section 53a-54b, as
778 amended by this act, in effect on or after the effective date of this
779 section, the punishment for which may include imprisonment for more
780 than one year, may be sentenced, or the defendant's case otherwise
781 disposed of, until a written report of investigation by a probation
782 officer has been presented to and considered by the court, if the
783 defendant is so convicted for the first time in this state; but any court
784 may, in its discretion, order a presentence investigation for a defendant
785 convicted of any crime or offense other than a capital felony under
786 section 53a-54b in effect prior to the effective date of this section, or
787 murder with special circumstances under section 53a-54b, as amended
788 by this act, in effect on or after the effective date of this section.

789 Sec. 538. Section 54-95 of the general statutes is repealed and the
790 following is substituted in lieu thereof (*Effective from passage*):

791 (a) Any defendant in a criminal prosecution, aggrieved by any
792 decision of the Superior Court, upon the trial thereof, or by any error
793 apparent upon the record of such prosecution, may be relieved by
794 appeal, petition for a new trial or writ of error, in the same manner and
795 with the same effect as in civil actions. No appeal may be taken from a
796 judgment denying a petition for a new trial unless, within ten days
797 after the judgment is rendered, the judge who heard the case or a judge
798 of the Supreme Court or the Appellate Court, as the case may be,
799 certifies that a question is involved in the decision which ought to be
800 reviewed by the Supreme Court or by the Appellate Court. It shall be

801 sufficient service of any such writ of error or petition for a new trial to
802 serve it upon the state's attorney for the judicial district where it is
803 brought.

804 (b) When such defendant is convicted and sentenced to a term of
805 imprisonment and, within two weeks after final judgment, files with
806 the clerk of the court wherein the conviction was had an appeal to the
807 Supreme Court or gives oral or written notice of his intention to appeal
808 to said court or to petition for a new trial, the appeal or the notice shall
809 operate as a stay of execution pending the final determination of the
810 case, provided the defendant is admitted to bail, except the appeal or
811 the notice shall not operate as a stay of execution, if within five days
812 after the filing of the appeal or notice thereof, the judge before whom
813 the criminal prosecution was tried directs in writing that the appeal or
814 the notice shall not operate as a stay of execution. Such order shall be
815 accompanied by a written statement of the judge's reasons for denying
816 the stay of execution. The order and the statement shall become a part
817 of the files and record of the case. If any defendant has been admitted
818 to bail following an oral or written notice of intent to appeal or petition
819 for a new trial and such defendant has failed, within twenty days after
820 the judgment from which the appeal is to be taken, or such further
821 period as the court may grant, to perfect the appeal or petition, a
822 mittimus for his arrest shall issue. If any defendant is imprisoned after
823 sentencing and before he is admitted to bail, such period of
824 imprisonment shall be counted toward satisfaction of his sentence. If
825 any defendant is admitted to bail and subsequently surrendered and
826 remitted to custody while his appeal is pending, the period of
827 imprisonment following thereafter shall be counted toward
828 satisfaction of his sentence.

829 [(c) In any criminal prosecution in which the defendant has been
830 sentenced to death and has taken an appeal to the Supreme Court of
831 this state or the Supreme Court of the United States or brought a writ
832 of error, writ of certiorari or petition for a new trial, the taking of the
833 appeal, the making of the application for a writ of certiorari or the
834 return into court of the writ of error or petition for a new trial shall,

835 unless, upon application by the state's attorney and after hearing, the
836 Supreme Court otherwise orders, stay the execution of the death
837 penalty until the clerk of the court where the trial was had has received
838 notification of the termination of any such proceeding by decision or
839 otherwise, and for thirty days thereafter. No appellate procedure shall
840 be deemed to have terminated until the end of the period allowed by
841 law for the filing of a motion for reargument, or, if such motion is filed,
842 until the proceedings consequent thereon are finally determined.
843 When execution is stayed under the provisions of this section, the clerk
844 of the court shall forthwith give notice thereof to the warden of the
845 institution in which such defendant is in custody. If the original
846 judgment of conviction has been affirmed or remains in full force at the
847 time when the clerk has received the notification of the termination of
848 any proceedings by appeal, writ of certiorari, writ of error or petition
849 for a new trial, and the day designated for the infliction of the death
850 penalty has then passed or will pass within thirty days thereafter, the
851 defendant shall, within said period of thirty days, upon an order of the
852 court in which the judgment was rendered at a regular or special
853 criminal session thereof, be presented before said court by the warden
854 of the institution in which the defendant is in custody or his deputy,
855 and the court, with the judge assigned to hold the session presiding,
856 shall thereupon designate a day for the infliction of the death penalty
857 and the clerk of the court shall issue a warrant of execution, reciting
858 therein the original judgment, the fact of the stay of execution and the
859 final order of the court, which warrant shall be forthwith served upon
860 the warden or his deputy.]

861 Sec. 539. Subsection (b) of section 54-125a of the general statutes is
862 repealed and the following is substituted in lieu thereof (*Effective from*
863 *passage*):

864 (b) (1) No person convicted of any of the following offenses, which
865 was committed on or after July 1, 1981, shall be eligible for parole
866 under subsection (a) of this section: Capital felony, as provided in
867 section 53a-54b in effect prior to the effective date of this section, or
868 murder with special circumstances, as provided in section 53a-54b, as

869 amended by this act, in effect on or after the effective date of this
870 section, felony murder, as provided in section 53a-54c, arson murder,
871 as provided in section 53a-54d, murder, as provided in section 53a-54a,
872 or aggravated sexual assault in the first degree, as provided in section
873 53a-70a. (2) A person convicted of an offense, other than an offense
874 specified in subdivision (1) of this subsection, where the underlying
875 facts and circumstances of the offense involve the use, attempted use
876 or threatened use of physical force against another person shall be
877 ineligible for parole under subsection (a) of this section until such
878 person has served not less than eighty-five per cent of the definite
879 sentence imposed.

880 Sec. 540. Subsection (d) of section 54-125d of the general statutes is
881 repealed and the following is substituted in lieu thereof (*Effective from*
882 *passage*):

883 (d) Notwithstanding any provision of the general statutes, a
884 sentencing court may refer any person convicted of an offense other
885 than a capital felony under section 53a-54b in effect prior to the
886 effective date of this section or a class A felony who is an alien to the
887 Board of Pardons and Paroles for deportation under this section.

888 Sec. 541. Subsection (a) of section 54-130a of the general statutes, as
889 amended by section 1 of public act 07-57, is repealed and the following
890 is substituted in lieu thereof (*Effective from passage*):

891 (a) Jurisdiction over the granting of, and the authority to grant,
892 commutations of punishment or releases, conditioned or absolute, in
893 the case of any person convicted of any offense against the state [and
894 commutations from the penalty of death] shall be vested in the Board
895 of Pardons and Paroles.

896 Sec. 542. Section 54-130d of the general statutes is repealed and the
897 following is substituted in lieu thereof (*Effective from passage*):

898 (a) For the purposes of this section, "victim" means a person who is
899 a victim of a crime, the legal representative of such person or a

900 member of a deceased victim's immediate family.

901 (b) At a session held by the Board of Pardons and Paroles to
902 consider whether to grant a commutation of punishment or release,
903 conditioned or absolute, [a commutation from the penalty of death] or
904 a pardon, conditioned or absolute, to any person convicted of any
905 crime, the board shall permit any victim of the crime for which the
906 person was convicted to appear before the board for the purpose of
907 making a statement for the record concerning whether the convicted
908 person should be granted such commutation, release or pardon. In lieu
909 of such appearance, the victim may submit a written statement to the
910 board and the board shall make such statement a part of the record at
911 the session.

912 (c) If the Board of Pardons and Paroles is prepared to grant a
913 commutation of punishment or release, conditioned or absolute, [a
914 commutation from the penalty of death] or a pardon, conditioned or
915 absolute, to a person convicted of an offense involving the use,
916 attempted use or threatened use of physical force against another
917 person or resulting in the physical injury, serious physical injury or
918 death of another person, it shall make reasonable efforts to locate and
919 notify any victim of the crime for which such person was convicted
920 prior to granting such commutation, release or pardon and shall
921 permit such victim to appear before the board and make a statement or
922 submit a statement as provided in subsection (b) of this section.

923 (d) Upon the granting to any person of a commutation of
924 punishment or release, conditioned or absolute, [a commutation from
925 the penalty of death] or a pardon, conditioned or absolute, the Board
926 of Pardons and Paroles shall forthwith notify the Office of Victim
927 Services of its action.

928 Sec. 543. Section 54-131b of the general statutes is repealed and the
929 following is substituted in lieu thereof (*Effective from passage*):

930 The Board of Pardons and Paroles may release on medical parole
931 any inmate serving any sentence of imprisonment, except an inmate

932 convicted of a capital felony [as defined in] under section 53a-54b in
933 effect prior to the effective date of this section or murder with special
934 circumstances under section 53a-54b, as amended by this act, in effect
935 on or after the effective date of this section, who has been diagnosed
936 pursuant to section 54-131c as suffering from a terminal condition,
937 disease or syndrome, and is so debilitated or incapacitated by such
938 condition, disease or syndrome as to be physically incapable of
939 presenting a danger to society. Notwithstanding any provision of the
940 general statutes to the contrary, the Board of Pardons and Paroles may
941 release such inmate at any time during the term of his sentence.

942 Sec. 544. Section 54-148 of the general statutes is repealed and the
943 following is substituted in lieu thereof (*Effective from passage*):

944 The support of prisoners in community correctional centers [,] or
945 sentenced to a correctional institution [, or sentenced to death,] shall be
946 paid by the state.

947 Sec. 545. Section 54-193 of the general statutes is repealed and the
948 following is substituted in lieu thereof (*Effective from passage*):

949 (a) There shall be no limitation of time within which a person may
950 be prosecuted for a capital felony under section 53a-54b in effect prior
951 to the effective date of this section, a class A felony or a violation of
952 section 53a-54d or 53a-169.

953 (b) No person may be prosecuted for any offense, except a capital
954 felony under section 53a-54b in effect prior to the effective date of this
955 section, a class A felony or a violation of section 53a-54d or 53a-169, for
956 which the punishment is or may be imprisonment in excess of one
957 year, except within five years next after the offense has been
958 committed. No person may be prosecuted for any other offense, except
959 a capital felony under section 53a-54b in effect prior to the effective
960 date of this section, a class A felony or a violation of section 53a-54d or
961 53a-169, except within one year next after the offense has been
962 committed.

963 (c) If the person against whom an indictment, information or
964 complaint for any of said offenses is brought has fled from and resided
965 out of this state during the period so limited, it may be brought against
966 such person at any time within such period, during which such person
967 resides in this state, after the commission of the offense.

968 (d) When any suit, indictment, information or complaint for any
969 crime may be brought within any other time than is limited by this
970 section, it shall be brought within such time.

971 Sec. 546. Subsection (b) of section 54-102jj of the general statutes is
972 repealed and the following is substituted in lieu thereof (*Effective from*
973 *passage*):

974 (b) Upon the conviction of a person of a capital felony under section
975 53a-54b in effect prior to the effective date of this section or murder
976 with special circumstances under section 53a-54b, as amended by this
977 act, in effect on or after the effective date of this section or the
978 conviction of a person of a crime after trial, or upon order of the court
979 for good cause shown, the state police, all local police departments,
980 any agent of the state police or a local police department and any other
981 person to whom biological evidence has been transferred shall
982 preserve all biological evidence acquired during the course of the
983 investigation of such crime for the term of such person's incarceration.

984 Sec. 547. Subsection (a) of section 54-131k of the general statutes is
985 repealed and the following is substituted in lieu thereof (*Effective from*
986 *passage*):

987 (a) The Board of Pardons and Paroles may grant a compassionate
988 parole release to any inmate serving any sentence of imprisonment,
989 except an inmate convicted of a capital felony, [as defined in] under
990 section 53a-54b in effect prior to the effective date of this section or
991 murder with special circumstances under section 53a-54b, as amended
992 by this act, in effect on or after the effective date of this section, if it
993 finds that such inmate (1) is so physically or mentally debilitated,
994 incapacitated or infirm as a result of advanced age or as a result of a

995 condition, disease or syndrome that is not terminal as to be physically
996 incapable of presenting a danger to society, and (2) (A) has served not
997 less than one-half of such inmate's definite or aggregate sentence, or
998 (B) has served not less than one-half of such inmate's remaining
999 definite or aggregate sentence after commutation of the original
1000 sentence by the Board of Pardons and Paroles.

1001 Sec. 548. Sections 18-10a, 53a-46a, 53a-46b, 53a-46c, 54-99, 54-100, 54-
1002 100a, 54-101 and 54-102 of the general statutes are repealed. (*Effective*
1003 *from passage*)"