



Senate

General Assembly

File No. 544

February Session, 2008

Substitute Senate Bill No. 703

Senate, April 9, 2008

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING COURT OPERATIONS, RELATED MATTERS
AND PROTECTION ORDERS.***

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

1 Section 1. Section 14-219 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) No person shall operate any motor vehicle (1) upon any
4 highway, road or any parking area for ten cars or more, at such a rate
5 of speed as to endanger the life of any occupant of such motor vehicle,
6 but not the life of any other person than such an occupant; or (2) at a
7 rate of speed greater than fifty-five miles per hour upon any highway
8 other than a highway specified in subsection (b) of section 14-218a for
9 which a speed limit has been established in accordance with the
10 provisions of said subsection; or (3) at a rate of speed greater than
11 sixty-five miles per hour upon any highway specified in subsection (b)
12 of section 14-218a for which a speed limit has been established in
13 accordance with the provisions of said subsection.

14 (b) [Any] Except as provided in subsection (c), (d) or (e) of this
15 section, any person who operates a motor vehicle (1) on a multiple
16 lane, limited access highway other than a highway specified in
17 subsection (b) of section 14-218a for which a speed limit has been
18 established in accordance with the provisions of said subsection at a
19 rate of speed greater than fifty-five miles per hour but not greater than
20 seventy miles per hour or (2) on a multiple lane, limited access
21 highway specified in subsection (b) of section 14-218a for which a
22 speed limit has been established in accordance with the provisions of
23 said subsection at a rate of speed greater than sixty-five miles per hour
24 but not greater than seventy miles per hour or (3) on any other
25 highway at a rate of speed greater than fifty-five miles per hour but
26 not greater than sixty miles per hour, shall [commit] have committed
27 an infraction. [, provided any such person operating a truck, as defined
28 in section 14-260n, shall have committed a violation and shall be fined
29 not less than one hundred dollars nor more than one hundred fifty
30 dollars.]

31 (c) Any person who violates any provision of subsection (b) of this
32 section while operating a truck, as defined in section 14-260n of the
33 2008 supplement to the general statutes, shall have committed a
34 violation and shall be fined not less than one hundred dollars or more
35 than one hundred fifty dollars.

36 (d) Any person who violates any provision of subsection (b) of this
37 section while operating a tractor-trailer unit, as defined in section 14-
38 260n of the 2008 supplement to the general statutes, shall have
39 committed a violation and shall be fined not less than one hundred
40 dollars or more than one hundred fifty dollars.

41 (e) Any person who violates any provision of subsection (b) of this
42 section while operating a commercial vehicle combination, as defined
43 in section 14-260n of the 2008 supplement to the general statutes, shall
44 have committed a violation and shall be fined not less than one
45 hundred dollars or more than one hundred fifty dollars.

46 [(c) Any] (f) Except as provided in subsection (g), (h) or (i) of this

47 section, any person who violates any provision of subdivision (1) of
48 subsection (a) of this section or who operates a motor vehicle (1) on a
49 multiple lane, limited access highway at a rate of speed greater than
50 seventy miles per hour but not greater than eighty-five miles per hour
51 or (2) on any other highway at a rate of speed greater than sixty miles
52 per hour but not greater than eighty-five miles per hour shall be fined
53 not less than one hundred dollars nor more than one hundred fifty
54 dollars. [provided any such person operating a truck, as defined in
55 section 14-260n, shall be fined not less than one hundred fifty dollars
56 nor more than two hundred dollars.]

57 (g) Any person who violates any provision of subsection (f) of this
58 section while operating a truck, as defined in section 14-260n of the
59 2008 supplement to the general statutes, shall have committed a
60 violation and shall be fined not less than one hundred fifty dollars or
61 more than two hundred dollars.

62 (h) Any person who violates any provision of subsection (f) of this
63 section while operating a tractor-trailer unit, as defined in section 14-
64 260n of the 2008 supplement to the general statutes, shall have
65 committed a violation and shall be fined not less than one hundred
66 fifty dollars or more than two hundred dollars.

67 (i) Any person who violates any provision of subsection (f) of this
68 section while operating a commercial vehicle combination, as defined
69 in section 14-260n of the 2008 supplement to the general statutes, shall
70 have committed a violation and shall be fined not less than one
71 hundred fifty dollars or more than two hundred dollars.

72 [(d)] (j) No person shall be subject to prosecution for a violation of
73 both subsection (a) of this section and subsection (a) of section 14-222
74 because of the same offense.

75 [(e)] (k) Notwithstanding any provision of the general statutes, [to
76 the contrary,] any person who violates subdivision (1) of subsection (a)
77 of this section, subdivision (1) or (2) of subsection (b) of this section
78 while operating a truck, tractor-trailer unit or commercial vehicle

79 combination, as defined in section 14-260n of the 2008 supplement to
80 the general statutes, or subdivision (1) of subsection [(c)] (f) of this
81 section while operating a motor vehicle or a truck, tractor-trailer unit
82 or commercial vehicle combination, as defined in section 14-260n of the
83 2008 supplement to the general statutes, shall follow the procedures set
84 forth in section 51-164n of the 2008 supplement to the general statutes,
85 as amended by this act.

86 Sec. 2. Section 14-240 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2008*):

88 (a) No driver of a motor vehicle shall follow another vehicle more
89 closely than is reasonable and prudent, having regard for the speed of
90 such vehicles, the traffic upon and the condition of the highway and
91 weather conditions.

92 (b) No person shall drive a vehicle in such proximity to another
93 vehicle as to obstruct or impede traffic.

94 (c) Motor vehicles being driven upon any highway in a caravan
95 shall be so operated as to allow sufficient space between such vehicles
96 or combination of vehicles to enable any other vehicle to enter and
97 occupy such space without danger. The provisions of this subsection
98 shall not apply to funeral processions or to motor vehicles under
99 official escort or traveling under a special permit.

100 (d) [Violation of] Except as provided in subsections (e), (f) and (g) of
101 this section, any person who violates any of the provisions of this
102 section shall [be] have committed an infraction. [, provided any person
103 operating a commercial vehicle combination in violation of any such
104 provision shall have committed a violation and shall be fined not less
105 than one hundred dollars nor more than one hundred fifty dollars.]

106 (e) Any person who violates any of the provisions of this section
107 while operating a truck, as defined in section 14-260n of the 2008
108 supplement to the general statutes, shall have committed a violation
109 and said person shall be fined not less than one hundred dollars or

110 more than one hundred fifty dollars.

111 (f) Any person who violates any of the provisions of this section
112 while operating a tractor-trailer unit, as defined in section 14-260n of
113 the 2008 supplement to the general statutes, shall have committed a
114 violation and said person shall be fined not less than one hundred
115 dollars or more than one hundred fifty dollars.

116 (g) Any person who violates any of the provisions of this section
117 while operating a commercial vehicle combination, as defined in
118 section 14-260n of the 2008 supplement to the general statutes, shall
119 have committed a violation and said person shall be fined not less than
120 one hundred dollars or more than one hundred fifty dollars.

121 Sec. 3. Section 17a-101 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2008*):

123 (a) The public policy of this state is: To protect children whose
124 health and welfare may be adversely affected through injury and
125 neglect; to strengthen the family and to make the home safe for
126 children by enhancing the parental capacity for good child care; to
127 provide a temporary or permanent nurturing and safe environment for
128 children when necessary; and for these purposes to require the
129 reporting of suspected child abuse and neglect, investigation of such
130 reports by a social agency, and provision of services, where needed, to
131 such child and family.

132 (b) The following persons shall be mandated reporters: Any
133 physician or surgeon licensed under the provisions of chapter 370, any
134 resident physician or intern in any hospital in this state, whether or not
135 so licensed, any registered nurse, licensed practical nurse, medical
136 examiner, dentist, dental hygienist, psychologist, coach of intramural
137 or interscholastic athletics, school superintendent, school teacher,
138 school principal, school guidance counselor, school paraprofessional,
139 school coach, social worker, police officer, juvenile or adult probation
140 officer, juvenile or adult parole officer, family relations counselor,
141 family relations counselor trainee or family services supervisor

142 employed by the Judicial Department, member of the clergy,
143 pharmacist, physical therapist, optometrist, chiropractor, podiatrist,
144 mental health professional or physician assistant, any person who is a
145 licensed or certified emergency medical services provider, any person
146 who is a licensed or certified alcohol and drug counselor, any person
147 who is a licensed marital and family therapist, any person who is a
148 sexual assault counselor or a battered women's counselor as defined in
149 section 52-146k, any person who is a licensed professional counselor,
150 any person paid to care for a child in any public or private facility,
151 child day care center, group day care home or family day care home
152 licensed by the state, any employee of the Department of Children and
153 Families, any employee of the Department of Public Health who is
154 responsible for the licensing of child day care centers, group day care
155 homes, family day care homes or youth camps, the Child Advocate
156 and any employee of the Office of the Child Advocate.

157 (c) The Commissioner of Children and Families shall develop an
158 educational training program for the accurate and prompt
159 identification and reporting of child abuse and neglect. Such training
160 program shall be made available to all persons mandated to report
161 child abuse and neglect at various times and locations throughout the
162 state as determined by the Commissioner of Children and Families.

163 (d) Any mandated reporter, as defined in subsection (b) of this
164 section, who fails to report to the Commissioner of Children and
165 Families pursuant to section 17a-101a, as amended by this act, shall be
166 required to participate in an educational and training program
167 established by the commissioner. The program may be provided by
168 one or more private organizations approved by the commissioner,
169 provided the entire costs of the program shall be paid from fees
170 charged to the participants, the amount of which shall be subject to the
171 approval of the commissioner.

172 Sec. 4. Section 20-14i of the 2008 supplement to the general statutes
173 is repealed and the following is substituted in lieu thereof (*Effective*
174 *October 1, 2008*):

175 Any provisions to the contrary notwithstanding, chapter 378 shall
176 not prohibit the administration of medication to persons attending day
177 programs, residing in residential facilities or receiving individual and
178 family support, under the jurisdiction of the Departments of Children
179 and Families, Correction, Developmental Services and Mental Health
180 and Addiction Services, [or] being detained in juvenile detention
181 centers, [or] residing in residential facilities dually licensed by the
182 Department of Children and Families and the Department of Public
183 Health or who are in the custody of the judicial marshals, when such
184 medication is administered by trained persons, pursuant to the written
185 order of a physician licensed under this chapter, a dentist licensed
186 under chapter 379, an advanced practice registered nurse licensed to
187 prescribe in accordance with section 20-94a or a physician assistant
188 licensed to prescribe in accordance with section 20-12d, authorized to
189 prescribe such medication. The provisions of this section shall not
190 apply to institutions, facilities or programs licensed pursuant to
191 chapter 368v.

192 Sec. 5. Subsection (b) of section 20-14j of the 2008 supplement to the
193 general statutes is repealed and the following is substituted in lieu
194 thereof (*Effective October 1, 2008*):

195 (b) The Chief Court Administrator shall (1) establish ongoing
196 training programs for personnel who are to administer medications to
197 detainees in juvenile detention centers or to detainees in the custody of
198 the judicial marshals, and (2) adopt policies to carry out the provisions
199 of sections 20-14h and 20-14i of the 2008 supplement to the general
200 statutes, as amended by this act, concerning the administration of
201 medication to detainees in juvenile detention centers and to detainees
202 in the custody of the judicial marshals.

203 Sec. 6. Subsection (b) of section 30-89 of the 2008 supplement to the
204 general statutes is repealed and the following is substituted in lieu
205 thereof (*Effective October 1, 2008*):

206 (b) Any minor who possesses any alcoholic liquor (1) on any public
207 street or highway, or (2) in any other public or private location, shall [,

208 for a first offense, have committed an infraction and for any
209 subsequent offense,] be fined not less than two hundred dollars or
210 more than five hundred dollars.

211 Sec. 7. Section 51-5a of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective October 1, 2008*):

213 (a) The Chief Court Administrator: (1) Shall be the administrative
214 director of the Judicial Department and shall be responsible for the
215 efficient operation of the department, the prompt disposition of cases
216 and the prompt and proper administration of judicial business; (2)
217 shall meet periodically at such places and times as he may designate
218 with any judge, judges, or committee of judges, and with the Probate
219 Court Administrator to transact such business as is necessary to insure
220 the efficient administration of the Judicial Department; (3) may issue
221 such orders, require such reports and appoint other judges to such
222 positions to perform such duties, as he deems necessary to carry out
223 his responsibilities; (4) may assign, reassign and modify assignments
224 of the judges of the Superior Court to any division or part of the
225 Superior Court and may order the transfer of actions under sections
226 51-347a and 51-347b; [and] (5) may provide for the convening of
227 conferences of the judges of the several courts, or any of them, and of
228 such members of the bar as he may determine, for the consideration of
229 matters relating to judicial business, the improvement of the judicial
230 system and the effective administration of justice in this state; and (6)
231 may take any action necessary to ensure the continued operation of the
232 Superior Court, prompt disposition of cases and the proper
233 administration of judicial business in the event of a major disaster, as
234 defined in section 28-1 of the 2008 supplement to the general statutes,
235 or public health emergency, as defined in section 19a-131, which
236 authority shall include the power to: (A) Establish alternative locations
237 to conduct judicial business in the event that one or more of the
238 Superior Court locations cannot be utilized, (B) authorize the use of
239 telephonic, video or electronic technology to conduct court business
240 from an alternative location, (C) suspend any judicial business that is
241 not critical, as determined by the Chief Court Administrator, and (D)

242 take any other action necessary to ensure the continued operation of
243 the Superior Court.

244 (b) The Chief Court Administrator may establish reasonable fees for
245 conducting searches of court records. No federal, state or municipal
246 agency shall be required to pay any such fee.

247 Sec. 8. Subsection (a) of section 51-36 of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective from*
249 *passage*):

250 (a) The Chief Court Administrator may cause any and all court
251 records, papers or documents, and all other records, papers or
252 documents maintained by the judicial branch, required to be retained
253 indefinitely or for a period of time defined by (1) rules of court, (2)
254 directives promulgated by the Office of the Chief Court Administrator,
255 or (3) statute, to be microfilmed or reproduced as a computerized
256 image. The device used to reproduce such records, papers or
257 documents on microfilm or as a computerized image shall be one
258 which accurately reproduces the original thereof in detail. Such
259 microfilm or computerized image shall be considered and treated the
260 same as the original records, papers or documents, provided a
261 certificate of authenticity appears on each roll of microfilm [. A] and a
262 paper or electronic certificate of authenticity is associated with each
263 computerized image in accordance with directives promulgated by the
264 Office of the Chief Court Administrator. On and after the date
265 directives are promulgated by the Office of the Chief Court
266 Administrator with respect to such microfilms and computerized
267 images, a transcript, exemplification or certified copy [thereof] of such
268 microfilm or computerized image shall for all purposes be deemed to
269 be a transcript, exemplification or certified copy of the original,
270 regardless of the date created, if the microfilm or computerized image
271 meets the requirements of said directives. The original [court] records,
272 papers or documents so reproduced may be disposed of in such
273 manner as approved by the Office of the Chief Court Administrator.
274 For the purposes of this subsection, "microfilm" includes microcard,

275 microfiche, microphotograph, electronic medium or any other process
276 which actually reproduces or forms a durable medium for so
277 reproducing the original, and "computerized image" means any
278 electronic reproduction of the original by a computer-based imaging
279 system or process.

280 Sec. 9. Subsection (d) of section 51-36 of the general statutes is
281 repealed and the following is substituted in lieu thereof (*Effective*
282 *October 1, 2008*):

283 (d) All court records other than records concerning title to land may
284 be destroyed in accordance with rules of court. Records concerning
285 title to land shall not be subject to any such destruction, [and may be
286 retained in an electronic format,] except that official notes and tapes of
287 evidence or judicial proceedings concerning title to land may be
288 destroyed. Records concerning title to land may be retained in an
289 electronic format. All court records may be transferred to any agency
290 of this state or to any federal agency in accordance with rules of court
291 or directives promulgated by the Office of the Chief Court
292 Administrator, provided records in any action concerning title to land
293 terminated by a final judgment affecting any right, title or interest in
294 real property shall be retained for not less than forty years in the office
295 of the clerk of the court location in which the judgment was rendered.
296 Any other judicial branch books, records, papers or documents may be
297 destroyed or transferred to any agency of this state or to any federal
298 agency in accordance with directives promulgated by the Office of the
299 Chief Court Administrator.

300 Sec. 10. Section 51-94a of the general statutes is repealed and the
301 following is substituted in lieu thereof (*Effective July 1, 2008*):

302 No attorney appointed by the court pursuant to rules of the
303 Superior Court to inventory the files of an inactive, suspended,
304 disbarred or resigned attorney and to take necessary action to protect
305 the interests of the inactive, suspended, disbarred or resigned
306 attorney's clients shall be liable for damage or injury, not wanton,
307 reckless or malicious, caused in the discharge of the appointed

308 attorney's duties in connection with such inventory and action. Any
309 attorney so appointed by the court shall be deemed to be a state officer
310 or employee for purposes of indemnification and defense under
311 section 5-141d.

312 Sec. 11. Section 51-193c of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective October 1, 2008*):

314 (a) The judicial branch may permit in any civil, criminal, family,
315 juvenile or other matter the filing of any document or data that is
316 required by law to be filed with the Superior Court or with a judge or
317 judge trial referee thereof, including, but not limited to, a summons
318 issued pursuant to section 51-164n of the 2008 supplement, as
319 amended by this act, a complaint or a summons issued pursuant to
320 section 54-1h, and informations filed pursuant to section 54-46, by
321 computer or facsimile transmission or by employing new technology
322 as it is developed.

323 (b) For purposes of this section, the judges of the Superior Court
324 may prescribe alternative methods for the signing, subscribing or
325 verifying of such document or data by a person so that such document
326 or data shall have the same validity and status as a paper document
327 that was signed, subscribed or verified by such person.

328 (c) Notwithstanding any other provision of the general statutes, the
329 Chief Court Administrator may permit the payment of any fee that is
330 required by law to be paid to the clerk of the Superior Court by use of
331 any existing technology or new technology as it is developed. The
332 payor may be charged a service fee for any such payment. The service
333 fee shall not exceed any charge by the service provider, including any
334 discount rate.

335 (d) The judges of the Superior Court may adopt any rules they deem
336 necessary to implement the provisions of this section and the Office of
337 the Chief Court Administrator shall prescribe any forms required to
338 implement such provisions.

339 Sec. 12. Subsections (d) and (e) of section 51-243 of the general
340 statutes are repealed and the following is substituted in lieu thereof
341 (*Effective October 1, 2008*):

342 (d) If, at any time, any juror shall, for any reason, become unable to
343 further perform his duty, the court may excuse him. If any juror is so
344 excused or dies, the court may order that an alternate juror who is
345 designated by lot to be drawn by the clerk, shall become a part of the
346 regular panel and the trial shall then proceed as though the alternate
347 juror had been a member of the regular panel from the time when the
348 trial was begun. If a juror becomes a member of the regular panel after
349 deliberations have begun, the court shall instruct the jury that
350 deliberations by the jury shall begin anew.

351 (e) A juror selected to serve as an alternate shall not be segregated
352 from the regular panel except when the case is given to the regular
353 panel for deliberation at which time [he shall] such alternate juror may
354 be dismissed from further service on the case or may remain in service
355 on the case under the direction of the court.

356 Sec. 13. Subsection (c) of section 52-180 of the general statutes is
357 repealed and the following is substituted in lieu thereof (*Effective from*
358 *passage*):

359 (c) Except as provided in the Freedom of Information Act, as
360 defined in section 1-200, if any person in the regular course of business
361 has kept or recorded any memorandum, writing, entry, print,
362 representation or combination thereof, of any act, transaction,
363 occurrence or event, and in the regular course of business has caused
364 any or all of them to be recorded, copied or reproduced by any
365 photographic, photostatic, microfilm, microcard, miniature
366 photographic, computer-based imaging or other process which
367 accurately reproduces or forms a durable medium for so reproducing
368 the original, the original may be destroyed in the regular course of
369 business unless its preservation is otherwise required by statute. The
370 reproduction, when satisfactorily identified, shall be as admissible in
371 evidence as the original in any judicial or administrative proceeding,

372 whether the original is in existence or not, and an enlargement or
373 facsimile of the reproduction shall be likewise admissible in evidence if
374 the original reproduction is in existence and available for inspection
375 under direction of court. The introduction of a reproduced record,
376 enlargement or facsimile shall not preclude admission of the original.

377 Sec. 14. Section 52-186 of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective October 1, 2008*):

379 (a) [If a court finds that any bond taken for prosecution in a pending
380 action, or on appeal, is insufficient, or that the plaintiff has not given a
381 bond for prosecution and is not able to pay the costs, it shall] In the
382 prosecution of any civil action or appeal, the court, upon motion of the
383 defendant or on its own motion, may order a sufficient bond to be
384 given before trial, unless the trial will thereby necessarily be delayed.
385 In determining the sufficiency of the bond to be given, the court shall
386 consider only the taxable costs which the plaintiff may be responsible
387 for under section 52-257, except that in no event shall the court
388 consider the fees or charges of expert witnesses notwithstanding that
389 such fees or charges may be allowable under said section.

390 (b) Any party failing to comply with an order of the court to give a
391 sufficient bond may be nonsuited or defaulted, as the case may be.

392 (c) Bonds for the prosecution of any civil action or appeal, pending
393 in any court, may be taken when the court is not in session by its clerk.

394 Sec. 15. Section 52-259a of the general statutes is repealed and the
395 following is substituted in lieu thereof (*Effective October 1, 2008*):

396 (a) Any member of the Division of Criminal Justice or the Division
397 of Public Defender Services, any employee of the Judicial Department,
398 acting in the performance of such employee's duties, the Attorney
399 General, an assistant attorney general, the Consumer Counsel, any
400 attorney employed by the Office of Consumer Counsel within the
401 Department of Public Utility Control, the Department of Revenue
402 Services, the Commission on Human Rights and Opportunities, the

403 Freedom of Information Commission, the Board of Labor Relations,
404 the Office of Protection and Advocacy for Persons with Disabilities, the
405 Office of the Victim Advocate or the Department of Social Services, or
406 any attorney appointed by the court to assist any of them or to act for
407 any of them in a special case or cases, while acting in such attorney's
408 official capacity or in the capacity for which such attorney was
409 appointed, shall not be required to pay the fees specified in sections 52-
410 258, 52-259, and 52-259c, subsection (a) of section 52-356a, subsection
411 (a) of section 52-361a, section 52-367a of the 2008 supplement to the
412 general statutes, subsection (b) of section 52-367b of the 2008
413 supplement to the general statutes and subsection (n) of section 46b-
414 231 of the 2008 supplement to the general statutes.

415 (b) The Immigration and Naturalization Service shall not be
416 required to pay any fees specified in section 52-259 for any certified
417 copy of any criminal record.

418 (c) Any employee of the federal government or a governmental
419 agency of another state, acting in the performance of such employee's
420 duties, shall not be required to pay any fees specified in section 52-259
421 for any certified copy of any record pertaining to a family relations
422 matter.

423 Sec. 16. Section 52-598 of the general statutes is repealed and the
424 following is substituted in lieu thereof (*Effective October 1, 2008*):

425 (a) No execution to enforce a judgment for money damages
426 rendered in any court of this state may be issued after the expiration of
427 twenty years from the date the judgment was entered and no action
428 based upon such a judgment may be instituted after the expiration of
429 twenty-five years from the date the judgment was entered, except that
430 there shall be no time limitation on the issuance of such execution or
431 the institution of such action if the judgment was rendered in an action
432 to recover damages for personal injury caused by sexual assault where
433 the party legally at fault for such injury was convicted of a violation of
434 section 53a-70 or 53a-70a.

435 (b) No execution to enforce a judgment for money damages
436 rendered in a small claims session may be issued after the expiration of
437 ten years from the date the judgment was entered, and no action based
438 upon any such judgment may be instituted after the expiration of
439 [fifteen] ten years from the date the judgment was entered.

440 Sec. 17. Subsection (c) of section 54-142i of the general statutes is
441 repealed and the following is substituted in lieu thereof (*Effective from*
442 *passage*):

443 (c) Provide that direct access to computerized criminal history
444 record information shall be available only to authorized officers or
445 employees of a criminal justice agency, and, as necessary, other
446 authorized personnel essential to the proper operation of a criminal
447 history record information system, except that the judicial branch may
448 provide disclosable information from its combined criminal and motor
449 vehicle information systems, or from its central computer system of
450 warrants described in section 54-2a, to the public electronically,
451 including through the Internet, in accordance with guidelines
452 established by the Chief Court Administrator.

453 Sec. 18. Section 54-143b of the general statutes is repealed and the
454 following is substituted in lieu thereof (*Effective October 1, 2008*):

455 The total amount of any forfeited bond for a motor vehicle violation,
456 when such bond is composed in part of an additional fee established
457 under [subsection (c) of] section 51-56a, any cost established under
458 subsection (b) of section 54-143 or any cost established under section
459 54-143a, shall be deposited in the General Fund as one undifferentiated
460 lump sum amount or deposited in the Special Transportation Fund as
461 one undifferentiated lump sum amount as may be required by statute.

462 Sec. 19. Section 46b-15 of the 2008 supplement to the general statutes
463 is repealed and the following is substituted in lieu thereof (*Effective*
464 *October 1, 2008*):

465 (a) Any family or household member as defined in section 46b-38a

466 who has been subjected to a continuous threat of present physical pain
467 or physical injury by another family or household member or person
468 in, or has recently been in, a dating relationship who has been
469 subjected to a continuous threat of present physical pain or physical
470 injury by the other person in such relationship may make an
471 application to the Superior Court for relief under this section.

472 (b) The application form shall allow the applicant, at the applicant's
473 option, to indicate whether the respondent holds a permit to carry a
474 pistol or revolver or possesses one or more firearms. The application
475 shall be accompanied by an affidavit made under oath which includes
476 a brief statement of the conditions from which relief is sought. Upon
477 receipt of the application the court shall order that a hearing on the
478 application be held not later than fourteen days from the date of the
479 order. The court, in its discretion, may make such orders as it deems
480 appropriate for the protection of the applicant and such dependent
481 children or other persons as the court sees fit. Such order may include
482 temporary child custody or visitation rights and such relief may
483 include, but [is] need not be limited to, [an order enjoining the
484 respondent from (1) imposing any restraint upon the person or liberty
485 of the applicant; (2) threatening, harassing, assaulting, molesting,
486 sexually assaulting or attacking the applicant; or (3) entering the family
487 dwelling or the dwelling of the applicant] (1) provisions necessary to
488 protect the applicant from threats, harassment, injury or intimidation
489 by the respondent, and (2) if directly related to the protection of the
490 applicant, restrictions on the respondent's travel, associations, place of
491 abode and the use or possession of a dangerous weapon, intoxicant or
492 controlled substance. The court, in its discretion, may make such
493 orders as it deems appropriate for the protection of any animal owned
494 or kept by the applicant including, but not limited to, an order
495 enjoining the respondent from injuring or threatening to injure such
496 animal. If an applicant alleges an immediate and present physical
497 danger to the applicant, the court may issue an ex parte order granting
498 such relief as it deems appropriate. If a postponement of a hearing on
499 the application is requested by either party and granted, the order
500 shall not be continued except upon agreement of the parties or by

501 order of the court for good cause shown.

502 (c) [Every] Each order of the court made in accordance with this
503 section shall [contain the following language] be accompanied by the
504 following notification: "This order may be extended by the court
505 beyond six months. In accordance with section 53a-107, entering or
506 remaining in a building or any other premises in violation of this order
507 constitutes criminal trespass in the first degree. This is a criminal
508 offense punishable by a term of imprisonment of not more than one
509 year, a fine of not more than two thousand dollars or both."

510 (d) No order of the court shall exceed six months, except that an
511 order may be extended by the court upon motion of the applicant for
512 such additional time as the court deems necessary. If the respondent
513 has not appeared upon the initial application, service of a motion to
514 extend an order may be made by first-class mail directed to the
515 respondent at his or her last known address.

516 (e) The applicant shall cause notice of the hearing pursuant to
517 subsection (b) of this section and a copy of the application and the
518 applicant's affidavit and of any ex parte order issued pursuant to
519 subsection (b) of this section to be served on the respondent not less
520 than five days before the hearing. [The cost of such service shall be
521 paid for by the judicial branch.] Upon the granting of an ex parte
522 order, the clerk of the court shall provide two [certified] copies of the
523 order to the applicant. Upon the granting of an order after notice and
524 hearing, the clerk of the court shall provide two certified copies of the
525 order to the applicant and a copy to the respondent. [Every] Each
526 order of the court made in accordance with this section after notice and
527 hearing shall [contain the following language: "This court had
528 jurisdiction over the parties and the subject matter when it issued this
529 protection order. Respondent was afforded both notice and
530 opportunity to be heard in the hearing that gave rise to this order.
531 Pursuant to the Violence Against Women Act of 1994, 18 USC 2265,
532 this order is valid and enforceable in all fifty states, any territory or
533 possession of the United States, the District of Columbia, the

534 Commonwealth of Puerto Rico and tribal lands."] be accompanied by a
535 notification that is consistent with the full faith and credit provisions
536 set forth in 18 USC 2265(a), as amended from time to time.
537 Immediately after making service on the respondent, the proper officer
538 shall send or cause to be sent, by facsimile or other means, a copy of
539 the application, or the information contained in such application,
540 stating the date and time the respondent was served, to the law
541 enforcement agency or agencies for the town in which the applicant
542 resides, the town in which the applicant is employed and the town in
543 which the respondent resides. The clerk of the court shall send, by
544 facsimile or other means, a copy of any ex parte order and of any order
545 after notice and hearing, or the information contained in any such
546 order, to the law enforcement agency or agencies for the town in which
547 the applicant resides, the town in which the applicant is employed and
548 the town in which the respondent resides, within forty-eight hours of
549 the issuance of such order.

550 (f) A caretaker who is providing shelter in his or her residence to a
551 person sixty years or older shall not be enjoined from the full use and
552 enjoyment of his or her home and property. The Superior Court may
553 make any other appropriate order under the provisions of this section.

554 (g) When a motion for contempt is filed for violation of a restraining
555 order, there shall be an expedited hearing. Such hearing shall be held
556 within five court days of service of the motion on the respondent,
557 provided service on the respondent is made not less than twenty-four
558 hours before the hearing. If the court finds the respondent in contempt
559 for violation of an order, the court may impose such sanctions as the
560 court deems appropriate.

561 (h) An action under this section shall not preclude the applicant
562 from seeking any other civil or criminal relief.

563 Sec. 20. Subsection (c) of section 46b-38c of the 2008 supplement to
564 the general statutes is repealed and the following is substituted in lieu
565 thereof (*Effective October 1, 2008*):

566 (c) Each such local family violence intervention unit shall: (1) Accept
567 referrals of family violence cases from a judge or prosecutor, (2)
568 prepare written or oral reports on each case for the court by the next
569 court date to be presented at any time during the court session on that
570 date, (3) provide or arrange for services to victims and offenders, (4)
571 administer contracts to carry out such services, and (5) establish
572 centralized reporting procedures. All information provided to a family
573 relations [officer] counselor, family relations counselor trainee or
574 family services supervisor employed by the Judicial Department in a
575 local family violence intervention unit shall be solely for the purposes
576 of preparation of the report and the protective order forms for each
577 case and recommendation of services and shall otherwise be
578 confidential and retained in the files of such unit and not be subject to
579 subpoena or other court process for use in any other proceeding or for
580 any other purpose, except that (A) if the victim has indicated that the
581 defendant holds a permit to carry a pistol or revolver or possesses one
582 or more firearms, [the] a family relations [officer] counselor, family
583 relations counselor trainee or family services supervisor employed by
584 the Judicial Department shall disclose such information to the court
585 and the prosecuting authority for appropriate action, (B) a family
586 relations counselor, family relations counselor trainee or family
587 services supervisor employed by the Judicial Department shall disclose
588 such information as may be necessary to satisfy such counselor's,
589 trainee's or supervisor's duty as a mandated reporter under subsection
590 (b) of section 17a-101, as amended by this act, or (C) after disposition
591 of a family violence case, a family relations counselor, family relations
592 counselor trainee or family services supervisor employed by the
593 Judicial Department may disclose to a probation officer, for purposes
594 of determining service needs and supervision levels, information
595 regarding a defendant who has been convicted and sentenced to a
596 period of probation in the family violence case.

597 Sec. 21. Subsections (d) and (e) of section 46b-38c of the 2008
598 supplement to the general statutes are repealed and the following is
599 substituted in lieu thereof (*Effective October 1, 2008*):

600 (d) In all cases of family violence, a written or oral report and
601 recommendation of the local family violence intervention unit shall be
602 available to a judge at the first court date appearance to be presented at
603 any time during the court session on that date. A judge of the Superior
604 Court may consider and impose the following conditions to protect the
605 parties, including, but not limited to: (1) Issuance of a protective order
606 pursuant to subsection (e) of this section; (2) prohibition against
607 subjecting the victim to further violence; (3) referral to a family
608 violence education program for batterers; and (4) immediate referral
609 for more extensive case assessment. Such protective order shall be an
610 order of the court, and the clerk of the court shall cause (A) a [certified]
611 copy of such order, or the information contained in such order, to be
612 sent to the victim, and (B) a copy of such order, or the information
613 contained in such order, to be sent by facsimile or other means within
614 forty-eight hours of its issuance to the law enforcement agency [for the
615 town in which the victim resides and, if the defendant resides in a
616 town different from the town in which the victim resides, to the law
617 enforcement agency for the town in which the defendant resides. If the
618 victim is employed in a town different from the town in which the
619 victim resides, the clerk of the court shall, upon the request of the
620 victim, send, by facsimile or other means, a copy of such order, or the
621 information contained in such order, to the law enforcement agency
622 for the town in which the victim is employed within forty-eight hours
623 of the issuance of such order] or agencies for the town in which the
624 victim resides, the town in which the victim is employed and the town
625 in which the defendant resides.

626 (e) A protective order issued under this section may include
627 [provisions necessary to protect the victim from threats, harassment,
628 injury or intimidation by the defendant, including, but not limited to,
629 an order enjoining the defendant from (1) imposing any restraint upon
630 the person or liberty of the victim, (2) threatening, harassing,
631 assaulting, molesting or sexually assaulting the victim, or (3) entering
632 the family dwelling or the dwelling of the victim] (1) provisions
633 necessary to protect the victim from threats, harassment, injury or
634 intimidation by the defendant, and (2) if directly related to the

635 protection of the victim, restrictions on the defendant's travel,
636 associations, place of abode and the use or possession of a dangerous
637 weapon, intoxicant or controlled substance. A protective order issued
638 under this section may include provisions necessary to protect any
639 animal owned or kept by the victim including, but not limited to, an
640 order enjoining the defendant from injuring or threatening to injure
641 such animal. Such order shall be made a condition of the bail or release
642 of the defendant and [shall contain the following language] the
643 defendant shall receive the following notification: "In accordance with
644 section 53a-223 of the Connecticut general statutes, any violation of
645 this order constitutes criminal violation of a protective order which is
646 punishable by a term of imprisonment of not more than five years, a
647 fine of not more than five thousand dollars, or both. Additionally, in
648 accordance with section 53a-107 of the Connecticut general statutes,
649 entering or remaining in a building or any other premises in violation
650 of this order constitutes criminal trespass in the first degree which is
651 punishable by a term of imprisonment of not more than one year, a
652 fine of not more than two thousand dollars, or both. Violation of this
653 order also violates a condition of your bail or release, and may result in
654 raising the amount of bail or revoking release." [Every order of the
655 court made in accordance with this section after notice and hearing
656 shall also contain the following language: "This court had jurisdiction
657 over the parties and the subject matter when it issued this protection
658 order. Respondent was afforded both notice and opportunity to be
659 heard in the hearing that gave rise to this order. Pursuant to the
660 Violence Against Women Act of 1994, 18 USC 2265, this order is valid
661 and enforceable in all fifty states, any territory or possession of the
662 United States, the District of Columbia, the Commonwealth of Puerto
663 Rico and tribal lands."] If an order is issued in accordance with this
664 section after notice and hearing, the defendant shall receive
665 notification that the order is accorded full faith and credit pursuant to
666 18 USC 2265, as amended from time to time. The information
667 contained in and concerning the issuance of any protective order
668 issued under this section shall be entered in the registry of protective
669 orders pursuant to section 51-5c.

670 Sec. 22. Section 53a-40e of the 2008 supplement to the general
671 statutes is repealed and the following is substituted in lieu thereof
672 (*Effective October 1, 2008*):

673 (a) If any person is convicted of (1) a violation of section 53a-59, 53a-
674 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71
675 of the 2008 supplement to the general statutes, 53a-72a, 53a-72b, 53a-
676 181c, 53a-181d, 53a-181e, 53a-182b, 53a-183, 53a-223, 53a-223a, as
677 amended by this act, or 53a-223b or attempt or conspiracy to violate
678 any of said sections or section 53a-54a, against a family or household
679 member, as defined in section 46b-38a, or (2) any crime that the court
680 determines constitutes a family violence crime, as defined in section
681 46b-38a, or attempt or conspiracy to commit any such crime, the court
682 may, in addition to imposing the sentence authorized for the crime
683 under section 53a-35a of the 2008 supplement to the general statutes or
684 53a-36, if the court is of the opinion that the history and character and
685 the nature and circumstances of the criminal conduct of such offender
686 indicate that a [standing criminal restraining] permanent criminal
687 protective order will best serve the interest of the victim and the
688 public, issue a [standing criminal restraining] permanent criminal
689 protective order which shall remain in effect until modified or revoked
690 by the court for good cause shown. If any person is convicted of any
691 crime against a family or household member, as defined in section 46b-
692 38a, other than a crime specified in subdivision (1) or (2) of this
693 subsection, the court may, for good cause shown, issue a [standing
694 criminal restraining] permanent criminal protective order pursuant to
695 this subsection.

696 (b) Such [standing criminal restraining] permanent criminal
697 protective order may include, but is not limited to, [enjoining the
698 offender from (1) imposing any restraint upon the person or liberty of
699 the victim; (2) threatening, harassing, assaulting, molesting, sexually
700 assaulting or attacking the victim; or (3) entering the family dwelling
701 or the dwelling of the victim] (1) provisions necessary to protect the
702 victim from threats, harassment, injury or intimidation by the offender,
703 and (2) if directly related to the protection of the victim, restrictions on

704 the defendant's travel, associations, place of abode and the use or
705 possession of a dangerous weapon, intoxicant or controlled substance.

706 (c) [Every standing criminal restraining order of the court made in
707 accordance with this section shall contain the following language] If an
708 order is issued in accordance with this section, the offender shall
709 receive the following notification: "This order shall remain in effect
710 until modified or revoked by the court for good cause shown. In
711 accordance with section 53a-223a, as amended by this act, violation of
712 a [standing criminal restraining] permanent criminal protective order
713 issued by the court pursuant to subsection (a) of this section shall be
714 punishable by a term of imprisonment of not less than one year nor
715 more than five years, a fine of not more than five thousand dollars or
716 both." If an order is issued in accordance with this section after notice
717 and hearing, the offender shall receive notification that the order is
718 accorded full faith and credit pursuant to 18 USC 2265, as amended
719 from time to time.

720 (d) The clerk of the court shall cause a copy of such order, or the
721 information contained in such order, to be sent (1) to the victim, and
722 (2) by facsimile or other means within forty-eight hours of its issuance
723 to the law enforcement agency or agencies for the town in which the
724 victim resides, the town in which the victim is employed and the town
725 in which the offender resides.

726 Sec. 23. Subsection (c) of section 17b-90 of the general statutes is
727 repealed and the following is substituted in lieu thereof (*Effective*
728 *October 1, 2008*):

729 (c) In IV-D support cases, as defined in subdivision (13) of
730 subsection (b) of section 46b-231 of the 2008 supplement to the general
731 statutes, in addition to the prohibitions of subsection (b) of this section,
732 no information shall be released concerning the whereabouts of one
733 party to another party (1) against whom a protective order, a
734 restraining order or a [standing criminal restraining] permanent
735 criminal protective order with respect to the former party is in effect,
736 or (2) if the department has reason to believe that the release of the

737 information may result in physical or emotional harm to the former
738 party.

739 Sec. 24. Section 18-81m of the general statutes is repealed and the
740 following is substituted in lieu thereof (*Effective October 1, 2008*):

741 When any person against whom a [standing criminal restraining]
742 permanent criminal protective order has been issued pursuant to
743 subsection (a) of section 53a-40e of the 2008 supplement to the general
744 statutes, as amended by this act, is released from confinement in a
745 correctional institution, the Commissioner of Correction shall notify
746 such person of the existence of the [standing criminal restraining]
747 permanent criminal protective order against [him] such person, the
748 terms of the order and the penalty for violation of the order and the
749 commissioner shall provide such person with a copy of the order. If
750 such person is released on parole or probation, the parole or probation
751 officer shall, at the end of such term of parole or probation, remind
752 such person of the existence of the [standing criminal restraining]
753 permanent criminal protective order against [him] such person, the
754 terms of the order and the penalty for violation of the order and the
755 parole or probation officer shall provide such person with a copy of
756 the order.

757 Sec. 25. Section 53a-223a of the general statutes is repealed and the
758 following is substituted in lieu thereof (*Effective October 1, 2008*):

759 (a) A person is guilty of criminal violation of a [standing criminal
760 restraining] permanent criminal protective order when an order issued
761 pursuant to subsection (a) of section 53a-40e of the 2008 supplement to
762 the general statutes, as amended by this act, has been issued against
763 such person, and such person violates such order.

764 (b) Criminal violation of a [standing criminal restraining]
765 permanent criminal protective order is a class D felony.

766 Sec. 26. Section 54-1k of the 2008 supplement to the general statutes
767 is repealed and the following is substituted in lieu thereof (*Effective*

768 October 1, 2008):

769 (a) Upon the arrest of a person for a violation of section 53a-181c,
770 53a-181d or 53a-181e, the court may issue a protective order pursuant
771 to this section. Upon the arrest of a person for a violation of section
772 53a-182b or 53a-183, the court may issue a protective order pursuant to
773 this section if it finds that such violation caused the victim to
774 reasonably fear for his or her physical safety. Such order shall be an
775 order of the court, and the clerk of the court shall cause a [certified]
776 copy of such order or the information contained in such order to be
777 sent (1) to the victim, and [a copy of such order, or the information
778 contained in such order, to be sent] (2) by facsimile or other means
779 within forty-eight hours of its issuance to the [appropriate law
780 enforcement agency] law enforcement agency or agencies for the town
781 in which the victim resides, the town in which the victim is employed
782 and the town in which the defendant resides.

783 (b) A protective order issued under this section may include
784 provisions necessary to protect the victim from threats, harassment,
785 injury or intimidation by the defendant, including, but not limited to,
786 [an order enjoining the defendant from (1) imposing any restraint
787 upon the person or liberty of the victim, (2) threatening, harassing,
788 assaulting, molesting or sexually assaulting the victim, or (3) entering
789 the dwelling of the victim] (1) provisions necessary to protect the
790 victim from threats, harassment, injury or intimidation by the
791 defendant, and (2) if directly related to the protection of the victim,
792 restrictions on the defendant's travel, associations, place of abode and
793 the use or possession of a dangerous weapon, intoxicant or controlled
794 substance. A protective order issued under this section may include
795 provisions necessary to protect any animal owned or kept by the
796 victim including, but not limited to, an order enjoining the defendant
797 from injuring or threatening to injure such animal. Such order shall be
798 made a condition of the bail or release of the defendant and [shall
799 contain the following language] the defendant shall receive the
800 following notification: "In accordance with section 53a-223 of the
801 Connecticut general statutes, any violation of this order constitutes

802 criminal violation of a protective order which is punishable by a term
803 of imprisonment of not more than five years, a fine of not more than
804 five thousand dollars, or both. Additionally, in accordance with section
805 53a-107 of the Connecticut general statutes, entering or remaining in a
806 building or any other premises in violation of this order constitutes
807 criminal trespass in the first degree which is punishable by a term of
808 imprisonment of not more than one year, a fine of not more than two
809 thousand dollars, or both. Violation of this order also violates a
810 condition of your bail or release and may result in raising the amount
811 of bail or revoking release." If an order is issued in accordance with
812 this section after notice and hearing, the defendant shall receive
813 notification that the order is accorded full faith and credit pursuant to
814 18 USC 2265, as amended from time to time.

815 (c) The information contained in and concerning the issuance of any
816 protective order issued under this section shall be entered in the
817 registry of protective orders pursuant to section 51-5c.

818 Sec. 27. (NEW) (*Effective October 1, 2008*) The cost of service of
819 process by any proper officer of any document requiring such service
820 pursuant to section 46b-15 of the general statutes, as amended by this
821 act, shall be paid by the Judicial Department, and the cost of service of
822 process of any foreign order of protection requiring service in
823 Connecticut shall be paid for by the Judicial Department, unless the
824 cost of service is paid for by the other state.

825 Sec. 28. Subsection (b) of section 51-164m of the general statutes is
826 repealed and the following is substituted in lieu thereof (*Effective*
827 *October 1, 2008*):

828 (b) The judges of the Superior Court shall establish and maintain a
829 schedule of fines to be paid for those violations of section 14-219, as
830 amended by this act, specified in subsection [(e)] (k) of said section,
831 with such fines increasing in proportion to the severity of the violation
832 and for violations under subsection (b) of section 51-164n of the 2008
833 supplement to the general statutes, as amended by this act. The fines
834 may be modified as the judges of the Superior Court deem advisable.

835 Sec. 29. Subsection (b) of section 51-164n of the 2008 supplement to
836 the general statutes is repealed and the following is substituted in lieu
837 thereof (*Effective October 1, 2008*):

838 (b) Notwithstanding any provision of the general statutes, any
839 person who is alleged to have committed (1) a violation under the
840 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
841 283, 7-325, 7-393, 8-25 of the 2008 supplement to the general statutes, 8-
842 27, 9-63, 9-296 of the 2008 supplement to the general statutes, 9-305, 9-
843 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
844 170aa, 12-292, or 12-326g of the 2008 supplement to the general
845 statutes, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
846 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
847 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
848 140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42,
849 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
850 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
851 section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-
852 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
853 section 14-43, 14-49 of the 2008 supplement to the general statutes, 14-
854 50a or 14-58, subsection (b) of section 14-66 of the 2008 supplement to
855 the general statutes, section 14-66a, 14-66b or 14-67a, subsection (g) of
856 section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
857 14-103a of the 2008 supplement to the general statutes, 14-106a, 14-
858 106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in
859 subsection (f) of section 14-164i, section 14-219, as amended by this act,
860 as specified in subsection [(e)] (k) of said section, subdivision (1) of
861 section 14-223a, section 14-240, as amended by this act, 14-249, 14-250
862 or 14-253a of the 2008 supplement to the general statutes, subsection
863 (a) of section 14-261a of the 2008 supplement to the general statutes,
864 section 14-262, 14-264, 14-267a of the 2008 supplement to the general
865 statutes, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
866 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
867 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
868 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
869 16-256e, 16a-15 of the 2008 supplement to the general statutes or 16a-

870 22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145 of
871 the 2008 supplement to the general statutes, 17a-149, 17a-152, 17a-465,
872 17a-642, 17b-124, 17b-131, 17b-137 of the 2008 supplement to the
873 general statutes or 17b-734, subsection (b) of section 17b-736, section
874 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
875 section 19a-91 of the 2008 supplement to the general statutes, 19a-105,
876 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
877 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
878 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
879 subsection (a) of section 20-341 of the 2008 supplement to the general
880 statutes, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-
881 43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25 of the 2008 supplement to
882 the general statutes, 21a-26 or 21a-30, subsection (a) of section 21a-37,
883 section 21a-46, 21a-61, 21a-63 or 21a-77 of the 2008 supplement to the
884 general statutes, subsection (b) of section 21a-79, section 21a-85, 21a-
885 154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38,
886 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89,
887 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h,
888 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section
889 22-359, 22-366, 22-391 of the 2008 supplement to the general statutes,
890 22-413 of the 2008 supplement to the general statutes, 22-414 of the
891 2008 supplement to the general statutes, 22-415 of the 2008 supplement
892 to the general statutes, 22a-66a of the 2008 supplement to the general
893 statutes or 22a-246, subsection (a) of section 22a-250, subsection (e) of
894 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449 of
895 the 2008 supplement to the general statutes, 22a-461, 23-37, 23-38, 23-46
896 of the 2008 supplement to the general statutes or 23-61b, subsection (a)
897 or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40,
898 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97 of the 2008
899 supplement to the general statutes, 26-107, 26-117, 26-128, 26-131, 26-
900 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13
901 of the 2008 supplement to the general statutes, 29-6a, 29-109, 29-143o,
902 29-143z, 29-161y, 29-161z, 29-198, 29-210 of the 2008 supplement to the
903 general statutes, 29-243, 29-277, 29-316, 29-318, 29-341 of the 2008
904 supplement to the general statutes, 29-381, 30-48a, 30-86a, 31-3, 31-10,

905 31-11, 31-12 of the 2008 supplement to the general statutes, 31-13 of the
906 2008 supplement to the general statutes, 31-14, 31-15, 31-16, 31-18, 31-
907 23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
908 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
909 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a of the 2008
910 supplement to the general statutes, 31-89b or 31-134, subsection (i) of
911 section 31-273, section 31-288 of the 2008 supplement to the general
912 statutes, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13)
913 or (14) of section 46a-54, section 46a-59, 46b-22 of the 2008 supplement
914 to the general statutes, 46b-24 of the 2008 supplement to the general
915 statutes, 46b-34, 46b-38dd of the 2008 supplement to the general
916 statutes, 46b-38gg of the 2008 supplement to the general statutes, 46b-
917 38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of
918 section 53-211, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-
919 303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a
920 violation under the provisions of chapter 268, or (3) a violation of any
921 regulation adopted in accordance with the provisions of section 12-484,
922 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
923 bylaw of any town, city or borough, except violations of building codes
924 and the health code, for which the penalty exceeds ninety dollars but
925 does not exceed two hundred fifty dollars, unless such town, city or
926 borough has established a payment and hearing procedure for such
927 violation pursuant to section 7-152c, shall follow the procedures set
928 forth in this section.

929 Sec. 30. Section 51-164o of the general statutes is repealed and the
930 following is substituted in lieu thereof (*Effective October 1, 2008*):

931 (a) Except as provided in subsection (b) of this section, a
932 nonresident of the state, if summoned for allegedly having committed
933 an infraction, shall be required to post a cash bond or a guaranteed bail
934 bond certificate, as provided in section 14-140a, with the local or state
935 police issuing the summons and shall not be permitted to plead or pay
936 by mail as provided in section 51-164n of the 2008 supplement to the
937 general statutes, as amended by this act.

938 (b) If the nonresident is alleged to have committed an infraction
939 involving a motor vehicle or a violation of section 14-219, as amended
940 by this act, specified in subsection [(e)] (k) of said section and is a
941 resident of a state which has reciprocity with the Commissioner of
942 Motor Vehicles in this state with respect to suspension of operator's
943 licenses, the nonresident may plead or pay by mail as provided in
944 section 51-164n of the 2008 supplement to the general statutes, as
945 amended by this act, and shall not be required to post a bond as
946 provided in subsection (a) of this section.

947 (c) The amount of any bond required by this section shall be the
948 amount of the fine, any additional fee established for the infraction
949 alleged to have been committed, any cost established for the infraction
950 or a violation of section 14-219, as amended by this act, specified in
951 subsection [(e)] (k) of said section as provided in subsection (b) of
952 section 54-143 and section 54-143a and any additional amount
953 calculated in accordance with the percentage increases set forth in
954 section 13b-70 and rounded off to the next highest dollar. The total
955 amount of any such forfeited bond shall be deposited in the General
956 Fund as one undifferentiated lump sum amount or deposited in the
957 Special Transportation Fund as one undifferentiated lump sum
958 amount as may be required by statute.

959 Sec. 31. Section 54-56a of the general statutes is repealed and the
960 following is substituted in lieu thereof (*Effective October 1, 2008*):

961 In any criminal action arising out of an alleged violation of the law
962 relating to motor vehicles, except a violation of section 14-219, as
963 amended by this act, specified in subsection [(e)] (k) of said section 14-
964 219, appearances, pleas of not guilty and requests for trial by jury or
965 court may be made by or on behalf of the defendant by mailing such
966 pleas and requests by first-class mail, postage prepaid, to the clerk of
967 the court in which such case is to be tried, which pleas and requests
968 shall be received by said clerk not later than the court day next
969 preceding the court day on which the defendant is to appear. Said
970 pleas and claims shall be filed on forms approved by the Office of the

971 Chief Court Administrator.

972 Sec. 32. Subsection (a) of section 47a-23a of the general statutes is
973 repealed and the following is substituted in lieu thereof (*Effective*
974 *October 1, 2008*):

975 (a) If, at the expiration of the three days prescribed in section 47a-23,
976 the lessee or occupant neglects or refuses to quit possession or
977 occupancy of the premises, any commissioner of the Superior Court
978 may issue a writ, summons and complaint which shall be in the form
979 and nature of an ordinary writ, summons and complaint in a civil
980 process, but which shall set forth facts justifying a judgment for
981 immediate possession or occupancy of the premises and make a claim
982 for possession or occupancy of the premises. If the claim is for the
983 possession or occupancy of nonresidential property, the writ,
984 summons and complaint may also make a claim for the forfeiture to
985 the plaintiff of the possessions and personal effects of the defendant in
986 accordance with section 47a-42a. If the plaintiff has properly issued a
987 notice to quit possession to an occupant by alias, if permitted to do so
988 by section 47a-23, and has no further identifying information at the
989 time of service of the writ, summons and complaint, such writ,
990 summons and complaint may also name and serve such occupant or
991 occupants as defendants. In any case in which service is to be made
992 upon an occupant or occupants identified by alias, the complaint shall
993 contain an allegation that the plaintiff does not know the name of such
994 occupant or occupants. Such complaint shall be returnable to the
995 Superior Court. Such complaint may be made returnable six days,
996 inclusive, after service upon the defendant and shall be returned to
997 court at least three days before the return day. Such complaint may be
998 served on any day of the week. [Notwithstanding the provisions of
999 section 52-185 no] No recognizance shall be required of a complainant
1000 appearing pro se.

1001 Sec. 33. (*Effective October 1, 2008*) Section 52-185 of the general
1002 statutes is repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	14-219
Sec. 2	<i>October 1, 2008</i>	14-240
Sec. 3	<i>October 1, 2008</i>	17a-101
Sec. 4	<i>October 1, 2008</i>	20-14i
Sec. 5	<i>October 1, 2008</i>	20-14j(b)
Sec. 6	<i>October 1, 2008</i>	30-89(b)
Sec. 7	<i>October 1, 2008</i>	51-5a
Sec. 8	<i>from passage</i>	51-36(a)
Sec. 9	<i>October 1, 2008</i>	51-36(d)
Sec. 10	<i>July 1, 2008</i>	51-94a
Sec. 11	<i>October 1, 2008</i>	51-193c
Sec. 12	<i>October 1, 2008</i>	51-243(d) and (e)
Sec. 13	<i>from passage</i>	52-180(c)
Sec. 14	<i>October 1, 2008</i>	52-186
Sec. 15	<i>October 1, 2008</i>	52-259a
Sec. 16	<i>October 1, 2008</i>	52-598
Sec. 17	<i>from passage</i>	54-142i(c)
Sec. 18	<i>October 1, 2008</i>	54-143b
Sec. 19	<i>October 1, 2008</i>	46b-15
Sec. 20	<i>October 1, 2008</i>	46b-38c(c)
Sec. 21	<i>October 1, 2008</i>	46b-38c(d) and (e)
Sec. 22	<i>October 1, 2008</i>	53a-40e
Sec. 23	<i>October 1, 2008</i>	17b-90(c)
Sec. 24	<i>October 1, 2008</i>	18-81m
Sec. 25	<i>October 1, 2008</i>	53a-223a
Sec. 26	<i>October 1, 2008</i>	54-1k
Sec. 27	<i>October 1, 2008</i>	New section
Sec. 28	<i>October 1, 2008</i>	51-164m(b)
Sec. 29	<i>October 1, 2008</i>	51-164n(b)
Sec. 30	<i>October 1, 2008</i>	51-164o
Sec. 31	<i>October 1, 2008</i>	54-56a
Sec. 32	<i>October 1, 2008</i>	47a-23a(a)
Sec. 33	<i>October 1, 2008</i>	Repealer section

Statement of Legislative Commissioners:

In section 1, subsections (g), (h) and (i) were amended to conform with existing provisions in subsection (f), and section 23 was added to amend the reference to "standing criminal restraining order" in section

17b-90 of the general statutes for consistency with sections 22, 24 and 25 of the act.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Loss	Approximately 67,500	Approximately 90,000
Judicial Dept.	TF - Revenue Gain	Approximately 55,500	Approximately 74,000

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

Section 2 increases the penalty for driving too closely in trucks other than commercial vehicle combinations. It makes such an offense a violation, punishable by at least \$160 including the minimum fine of \$100 plus a 50% surcharge (both payable to the Transportation Fund) and a \$10 fee that is remitted to municipalities in which the violations occurred. Under current law, such an offense is an infraction and has a penalty of \$103 including the fine, 50% surcharge, General Fund fee and \$35 cost, plus the \$10 fee remitted to municipalities. The General Fund would experience a revenue loss, estimated to be \$30,000 annually, under this provision that would be offset by a revenue gain, estimated to be \$74,000 annually, to the Transportation Fund.

Section 6 requires any minor charged with a first offense of illegal possession of alcohol to appear in court (current law designates this as an infraction that is payable by mail). The bill also increases, from \$136 to between \$200 and \$500, the fine that may be imposed for a first offense. Based on prior experience, it is anticipated that eliminating the ability to pay the fine by mail will decrease state revenues

generated under this statute even though the bill increases the fines.¹ The annual revenue loss is estimated to be approximately \$50,000. It is anticipated that the Judicial Department could accommodate the increased caseload under the bill without requiring additional court staff or expenses.

Section 15 waives, for all state and federal employees, the certified copy fee for any record pertaining to a family relations matter. Any revenue loss under this provision would be less than \$10,000.

The bill also makes several technical, clarifying and minor changes that have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would remain relatively constant into the future since fine and fee amounts are set by statute.

¹ Prior to passage of PA 06-112, an offense was punishable by a fine of between \$200 and \$500, and the average revenue per offense was \$43. Subsequent to passage of PA 06-112, which established a fine of \$136 payable by mail, the average revenue per offense has been \$67.

OLR Bill Analysis**sSB 703*****AN ACT CONCERNING COURT OPERATIONS, RELATED MATTERS AND PROTECTION ORDERS.*****SUMMARY:**

This bill makes many unrelated changes. It:

1. raises the penalty for driving too closely in trucks, other than commercial vehicle combinations, from an infraction to a fine of \$100 to \$150;
2. adds (a) school superintendents and (b) family relations counselors, counselor trainees, and family services supervisors employed by the Judicial Branch, to the list of mandated child abuse reporters;
3. permits people who receive special training to administer medication to people in the custody of judicial marshals;
4. raises the penalty for a first offense of illegal possession of alcohol by minors from an infraction to a fine of \$200 to \$500, which is currently the penalty for subsequent offenses;
5. authorizes the chief court administrator to take any action necessary to ensure the continued operation of the courts, prompt disposition of cases, and proper administration of judicial business if there is a major disaster or public health emergency;
6. makes an attorney a state officer for purposes of indemnification and defense if the attorney is appointed by the court to inventory the files of an inactive, suspended, disbarred, or resigned attorney and to take necessary actions to protect the

- interests of clients;
7. requires the court to instruct the jury in a civil case to begin deliberations anew if an alternate juror joins the panel after deliberations begin;
 8. gives the court authority to order a plaintiff to post a bond for prosecution of a civil action or appeal, on its own or on the motion of the defendant, instead of requiring a bond from an out-of-state plaintiff or one who appears unable to pay the costs if judgment is against him;
 9. waives the certified copy fee for records of a family relations matter for employees of other states and the federal government acting in the performance of their duties;
 10. makes several changes to allow people to file documents and the Judicial Branch to retain documents electronically;
 11. allows the Judicial Branch to provide public access to information from its central computer system of rearrest warrants;
 12. makes several changes to the laws on (a) restraining orders; (b) protective orders; and (c) standing criminal restraining orders, including renaming them “permanent criminal restraining orders”; and
 13. makes several other minor and technical changes.

EFFECTIVE DATE: October 1, 2008 except (1) the provision on indemnification of certain attorneys is effective July 1, 2008 and (2) the provisions on computer images of court records and business records and access to re-arrest warrant information are effective upon passage.

§§ 1, 2, AND 28-31 — DRIVING TOO CLOSELY AND SPEEDING

The law prohibits following another vehicle more closely than is reasonable and prudent for the speed of the vehicles, traffic, and

highway and weather conditions. Under current law, the penalty is (1) an infraction or (2) a fine of \$100 to \$150 if the person is driving a commercial vehicle combination.

The bill raises the penalty for driving too closely in trucks, other than commercial vehicle combinations, from an infraction to a fine of \$100 to \$150. Specifically, it applies the higher fine to “tractor-trailer units” and all types of “trucks.”

In the speeding statute, the bill makes a technical change to provide a separate penalty provision for speeding in a “truck,” “tractor-trailer unit,” or “commercial vehicle combination” but it does not change the penalty.

By law, a “truck” is a motor vehicle designed, used, or maintained primarily to transport property. “Tractor-trailer unit” is a combination of a tractor and a trailer or a combination of a tractor and semi-trailer. A “commercial vehicle combination” is a truck tractor and two trailers that meet certain specifications.

§§ 3 AND 20 — MANDATED REPORTERS

The bill adds (1) school superintendents and (2) family relations counselors, counselor trainees, and family services supervisors employed by the Judicial Branch to the list of mandated child abuse reporters. A mandated reporter must report to the Department of Children and Families (DCF) when, acting in his or her professional capacity, he or she has reasonable cause to suspect that a child under age 18 has been abused, neglected, or is at risk of abuse or neglect.

The law establishes family violence response and intervention units in the judicial system to respond to cases involving family violence. The units receive referrals of family violence cases from a judge or prosecutor, prepare reports on the cases for the courts, and arrange for services to victims and offenders.

Under current law, all information provided to a family relations officer in one of these units is solely for the purposes of preparing the

report and protective order forms and recommending services and is otherwise confidential, but it can be disclosed to the court and prosecutors that the victim indicates that the defendant has a gun permit or possesses a firearm.

The bill applies these rules to family relations counselors, counselor trainees, and family services supervisors employed by the Judicial Branch. But it allows disclosure:

1. when necessary to satisfy the employee's duty as a mandated reporter or
2. to a probation officer to determine service needs and supervision levels of a defendant convicted and sentenced to probation in a family violence case, after the case is disposed of.

§§ 4-5 — ADMINISTERING MEDICATION TO PEOPLE IN JUDICIAL MARSHALS' CUSTODY

The bill permits people who receive special training to administer medication to people in the custody of judicial marshals. A licensed physician, dentist, advanced practice registered nurse, or physician assistant must prescribe the medication.

The bill requires the chief court administrator to establish training programs for personnel who administer medication to detainees in the custody of judicial marshals and adopt policies for administering medication. This is already required for personnel who administer medication to detainees in juvenile detention centers.

By law, people with special training can already administer medication to people in residential facilities and day programs or receiving individual and family support services from the Children and Families, Developmental Services, Mental Health and Addiction Services, and Correction departments; children in Judicial Department juvenile detention centers; and residents in residential facilities dually licensed by DCF and DPH.

§ 6 — PENALTY FOR ILLEGAL POSSESSION OF ALCOHOL BY MINORS

The bill requires minors charged with unlawful possession of alcohol to appear in court, eliminating a first-time offender's ability to pay the fine by mail instead. Currently, a first offense is an infraction, punishable by a fine of \$136. Under the bill, a first offense is no longer an infraction and the fine increases to \$200-\$500. The \$200-500 fine for each subsequent offense is unchanged.

By law, those who plead guilty to, or are convicted of committing, this offense are also subject to a (1) 60-day driver's license suspension if the possession occurred on a public street or highway or (2) 30-day suspension if it occurred in any other location.

§ 7 — COURT OPERATIONS DURING EMERGENCIES

The bill authorizes the chief court administrator to take any action necessary to ensure the continued operation of the courts, prompt disposition of cases, and proper administration of judicial business if there is a major disaster or public health emergency. This authority includes the power to:

1. establish alternative locations to conduct judicial business if a Superior Court location cannot be used;
2. authorize use of telephone, video, or electronics to conduct court business from other locations;
3. suspend judicial business that the administrator determines is not critical; and
4. take other necessary actions to ensure the continued operation of the courts.

Under the bill, (1) a "major disaster" is defined in the same way as for civil preparedness and (2) "public health emergency" is defined in the same way as for public health emergency responses.

§ 8 — COMPUTER-BASED IMAGING SYSTEM OR PROCESS

The law authorizes the chief court administrator to microfilm all court records, papers, or documents required to be retained by court rule, statute, or administrative directive. The bill authorizes him to also reproduce them as computerized images and to retain by microfilm or computer imaging all other records, papers, or documents the Judicial Branch must maintain.

The device used to create computerized images must be one that accurately reproduces the original in detail. The bill requires that the computerized image be considered and treated the same as the original record, paper, or document, if a paper or electronic certificate of authenticity is associated with each computerized image in accordance with directives promulgated by the chief court administrator. Once the directive is promulgated, a transcript, exemplification, or certified copy of the microfilm or computerized image is deemed to be a copy of the original regardless of the date it was created if the directive is followed.

The bill defines a “computerized image” as any electronic reproduction of the original by a computer-based imaging system or process.

§ 10 — INDEMNIFICATION OF CERTAIN COURT-APPOINTED ATTORNEYS

The bill makes an attorney a state officer for purposes of indemnification and defense if the attorney is appointed by the court to inventory the files of an inactive, suspended, disbarred, or resigned attorney and to take necessary actions to protect the interests of clients.

By law, the state indemnifies a state officer, employee, or member of the Public Defender Services Commission for financial loss or expense from a claim or judgment based on negligence, deprivation of civil rights, or other acts or omissions causing damage or injury, if the person was acting in the discharge of his or her duties or scope of employment. Indemnification does not apply if the person acted wantonly, recklessly, or maliciously. The attorney general must defend the person unless it is inappropriate.

If the attorney general does not defend the person and it is later determined that his or her conduct is covered by the indemnification statute, the state must pay his or her legal fees and costs after the claim's final disposition.

A state officer, employee, or commission member can sue the state in Superior Court to enforce the indemnification provisions.

§ 11 — ELECTRONICALLY FILING DOCUMENTS WITH THE COURTS

Under current law, the Judicial Branch can allow any document that is legally required to be filed with the Superior Court to be filed by computer, fax, or any new technology. The bill expands this to permit the filing of any document or data in a civil, criminal, family, juvenile, or other matter that is legally required to be filed with the Superior Court, a judge, or a judge trial referee. It specifies that this includes a summons for an infraction or certain violations, a complaint and summons for a misdemeanor, and an information (a document charging someone with a crime) filed by a prosecutor.

§ 12 — ALTERNATE JURORS

By law, when a civil trial may be protracted, the court can require that additional jurors be added to the jury panel as "alternate jurors." These jurors must have the same qualifications and be chosen in the same manner as the other jurors. They attend the trial and only become part of the jury panel if a juror is excused or dies. If an alternate juror is added to the jury panel, the trial must proceed as though the alternate was a member of the panel from the start.

The bill requires the court to instruct the jury to begin deliberations anew if an alternate juror joins the panel after deliberations began.

§ 13 — BUSINESS RECORDS

The bill specifies that computer-based images that are accurate reproductions of business records are admissible as evidence in any judicial or administrative proceeding, whether or not the original is in existence.

§§ 14 AND 33 — BOND BY OUT-OF-STATE OR POOR PLAINTIFFS

The bill eliminates a requirement that a plaintiff in a civil action who is not a state inhabitant or appears unable to pay the costs of judgment if it is against him must (1) enter into a recognizance to the adverse party with a financially responsible inhabitant of Connecticut as a surety or (2) have a financially responsible state inhabitant enter into a recognizance to the adverse party. The recognizance is to ensure that the plaintiff will prosecute the action and answer all costs if judgment is against him.

The bill instead gives the court authority to order a bond for prosecution of a civil action or appeal on its own or on the motion of the defendant. As under current law, a sufficient bond is determined by considering taxable costs the plaintiff may be responsible for, other than expert witness fees or charges.

§ 15 — CERTIFIED COPIES OF FAMILY RELATIONS MATTERS

The bill waives the certified copy fee for records related to a family relations matter for employees of other states and the federal government acting in the performance of their duties.

§ 16 — SMALL CLAIMS JUDGMENTS

By law, an execution to enforce a small claims judgment for money damages cannot be issued more than 10 years after the judgment was entered. The bill reduces, from 15 to 10 years, the time from the date of judgment that an action based on it can be instituted.

§ 17 — INTERNET ACCESS TO REARREST WARRANT INFORMATION

The law requires criminal justice agencies that collect, store, or disseminate criminal history record information to limit access to computerized information to authorized officers or employees of a criminal justice agency. But the law allows the Judicial Branch to provide disclosable information from its criminal and motor vehicle information systems to the public electronically, including through the Internet, under the chief court administrator's guidelines. The bill

expands this to allow public access to information from its central computer system of rearrest warrants.

Under PA 08-1, January Special Session, the Judicial Branch is required to make available on the Internet:

1. information on all outstanding arrest warrants for probation violations including the probationer's name, address, and photographic image and
2. quarterly reports by the court of issuance of all outstanding arrest warrants for probation violations including the name and address of the probationer named in each such warrant and the date the warrant was issued.

§ 18 — FORFEITED BONDS

Under current law, the Judicial Branch must send a \$10 additional fee it collects in connection with any forfeited bond for certain motor vehicle violations to the municipality in which the violation occurred. These violations include such offenses as speeding; reckless driving; traveling unreasonably fast; disregarding a signal to stop; driving under the influence; certain moving violations (such as passing, turning, and a first offense of failing to stop for a school bus); and certain motorcycle operating violations.

The bill instead specifies that the total amount of any forfeited bond for certain motor vehicle violations, when the bond is composed in part of the \$10 additional fee required by law for such violation, be deposited in the General Fund or deposited in the Special Transportation Fund as may be required by statute. By law, unaffected by this bill, the Judicial Branch must send the \$10 fee it collects from fines (not forfeited bonds) paid for these violations to the municipalities in which the violations occurred.

§§ 19 AND 27 — TEMPORARY RESTRAINING ORDERS

By law, a family or household member subjected to a continuous threat of present physical pain or physical injury by another family or

household member or person in a dating relationship can apply to the Superior Court for a restraining order. The court can make appropriate orders to protect the applicant and dependent children or others, including temporary child custody or visitation rights.

Under current law, the court can enjoin the person from imposing any restraint on the applicant's person or liberty; threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; and entering the family dwelling or the applicant's dwelling. The bill instead allows the order to include:

1. provisions necessary to protect the applicant from threats, harassment, injury, or intimidation and
2. if directly related to the applicant's protection, restrictions on the person's travel; associations; place of abode; and use or possession of dangerous weapons, intoxicants, or controlled substances.

Current law requires the Judicial Branch to pay the cost of serving notice of a hearing and a copy of the application, applicant's affidavit, and any ex parte order. The bill expands this to require the Judicial Branch to pay the cost of service of any document required by these provisions and the costs of serving any foreign order of protection that requires service in Connecticut unless another state pays for it.

Current law requires the clerk to provide the applicant with two certified copies of an ex parte order. The bill eliminates the requirement for them to be certified.

The bill eliminates specific language to be contained in an order granted after notice and a hearing which included stating that the court had jurisdiction, there was notice and a hearing, and the order is valid under the federal Violence Against Women Act and enforceable in all U.S. jurisdictions. The bill instead requires the order to be accompanied by a notice consistent with the full faith and credit provisions in the Violence Against Women Act, which provides that

the courts of U.S. jurisdictions will enforce the order.

§ 21 — PROTECTIVE ORDERS IN FAMILY VIOLENCE CASES

In family violence cases, the law allows the court to issue a protective order and the clerk must send a copy to the victim. The bill provides that the copy need not be certified and gives the clerk the option of sending the information contained in the order. Under current law, a copy is also sent to law enforcement in the town where the victim resides, defendant resides, and, at the victim's request, victim works. The bill requires the clerk to send a copy to law enforcement in the town where the victim works, instead of only doing so at the victim's request.

The bill also makes the same changes regarding provisions contained in an order and notice that it receives full faith and credit under the federal Violence Against Women Act, as described above for temporary restraining orders.

§ 22-25 — PERMANENT CRIMINAL PROTECTIVE ORDERS

The bill renames "standing criminal restraining orders" as "permanent criminal protective orders." By law, courts issue these orders in criminal cases to protect crime victims from future harm from defendants convicted of certain crimes.

The bill also makes the same changes regarding provisions in an order as it does for temporary restraining orders and protective orders.

The bill requires, when an order is issued after notice and a hearing, that an offender receive notice that the order is given full faith and credit under the Violence Against Women Act, which provides that the courts of U.S. jurisdictions will enforce the order.

The bill requires the clerk to send a copy of the order or the information in it to the victim and, by fax or other means within 48 hours, law enforcement in the town where the victim resides, offender resides, and victim works.

§ 26 — PROTECTIVE ORDERS AGAINST CERTAIN ARRESTEES

The law allows a court to issue a protective order when someone is arrested for (1) stalking or (2) harassment that caused the victim to reasonably fear for his or her physical safety.

The law requires the clerk to send a copy of the order to the victim. The bill provides that the copy need not be certified and also gives the clerk the option of sending the information contained in the order. The bill also specifies which law enforcement agencies the law requires the clerk to send a copy or information to within 48 hours. Instead of requiring the clerk to send copies to the appropriate law enforcement agency, the bill requires copies to be sent to the law enforcement agency where the victim resides, defendant resides, and victim works.

The bill also makes the same changes regarding provisions in an order as it does for temporary restraining orders, protective orders, and permanent criminal protective orders.

The bill requires, when an order is issued after notice and a hearing, that a defendant receive notice that the order is given full faith and credit under the federal Violence Against Women Act, which provides that the courts of U.S. jurisdictions will enforce the order.

BACKGROUND***Mandated Reporters***

By law, the following people are mandated reporters:

1. licensed physicians, surgeons, medical residents, physician assistants, dentists, and dental hygienists;
2. registered nurses and licensed practical nurses;
3. medical examiners, pharmacists, physical therapists, optometrists, chiropractors, and podiatrists;
4. psychologists, social workers, and licensed marital and family therapists;

5. school teachers, principals, guidance counselors, and paraprofessionals;
6. police officers;
7. clergy;
8. mental health professionals and licensed substance abuse counselors;
9. sexual assault and battered women's counselors;
10. child care providers in licensed facilities; and
11. DCF employees, the child advocate, Office of Child Advocate employees, and Department of Public Health employees who license child care centers and camps.

Related Bills—Minors and Alcohol

HB 5676, reported favorably by the Judiciary Committee, contains the same provision on illegal possession of alcohol by minors. SB 352, reported favorably by the Public Safety Committee, increases the fine for repeat offenses for illegal possession of alcohol by minors to \$500-\$1,000. sSB 337, reported favorably by the Judiciary Committee, eliminates a provision requiring juvenile court judges to impose fines on juveniles for illegal possession (this provision would not take effect until January 1, 2010).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 43 Nay 0 (03/24/2008)