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SB 606

An Act Making Minor, Technical and Conforming Changes to Certain Statutes
Concerning Criminal and Civil Law and Procedure.

Judiciary Committee
Public Hearing
March 20, 2008

Summed 3/27/08

Explanation of changes:

Section 1. Section 26-61(d)

Technical changes for consistency with style of criminal penalty language. Also, the current statute makes the fine for a first violation a minimum fine of \$200 with no maximum. Making the first violation fine a maximum of \$200, rather than a minimum, would set a ceiling on the fine and be consistent with the fine for a second violation of \$200 minimum to \$500 maximum.

Sec. 2. Section 46b-15(b)

Conforms language to similar language in sections 46b-38c(e) and 54-1k, enacted as part of the same 2007 public act (PA 07-78), for consistency purposes and to clarify and reflect legislative intent that the pet protection order is part of the initial order protecting the applicant, children and others, and not a separate order to protect only the animal.

Sec. 3. Section 46b-38b(d)

Accuracy. A victim does not file an arrest warrant but files an affidavit for an arrest warrant.

Sec. 4. Section 46b-86(a)

Language repositioned for clarity and accuracy. The language in brackets concerning modification of a requirement to maintain life insurance was added by a floor amendment in 2001. (See LCO 7035 to HB 6126). The sponsor of the amendment, Rep. John Wayne

Fox, explained that the amendment "would allow for modification for the required maintenance of life insurance. Under existing law as it is interpreted, the court does not have authority to modify a life insurance provision of a separation agreement or judgment." However, the placement of this new language in the first sentence by the amendment resulted in an awkward and grammatically confusing sentence. In response to a question as to whether a showing of a change in circumstances is required, Rep. Fox acknowledged that the placement of the new language was not the best by replying: "It's not entirely clear from the way in which the amendment is drafted, although it does come under 46b-86. The answer to your question is yes, you would have to establish a substantial change in circumstances, as you do with other provisions of the statute." - The language added by the floor amendment is repositioned and included in the list of orders that may be modified for clarity, readability and accuracy.

Sec. 5. Section 49-9a.

Technical changes for consistency in terminology and accuracy.

Sec. 6. Section 51-164n(b)

Accuracy. Prior to the 2007 session, the penalty set forth in subsection (a) of section 20-341 was a \$200 fine that did not require a court appearance and could be mailed in. Public act 07-188, section 2, changed the penalty from a fine only to a class B misdemeanor, which would require a court appearance. Consequently, the reference to "subsection (a) of section 20-341" should be deleted from this provision that allows fine-only violations to be mailed in.

Sec. 7. Section 52-225a

Consistency in wording between subsections (a) and (c).

Sec. 8. Section 53-289c(b)

Grammar, usage.

Sec. 9. Section 53a-35a

Accuracy, clarity. The list of exceptions to the authorized minimum and maximum terms of imprisonment for the classes of felonies is incomplete. Over the years many penalty provisions have been changed or new crimes have been enacted that required mandatory minimum sentences, yet those sections are not referenced here. Rather than listing all the exceptions, and the circumstances under which those mandatory minimums come into play (e.g. where the victim is under 16 years or age; where computer crime for terrorist purposes is directed at public agency; etc.), a general exception is added.

Sec. 10. Section 53a-36

Accuracy, clarity. The list of exceptions to the authorized terms of imprisonment for the classes of misdemeanors is incomplete. Over the years many penalty provisions have been changed or new crimes have been enacted that required mandatory minimum

sentences for certain misdemeanors, yet those sections are not referenced here. Rather than listing all the exceptions, and the circumstances under which those mandatory minimums come into play, a general exception is added.

Sec. 11. Section 53a-40b

Accuracy. Prior to the 2007 session, section 53a-222 concerned the offense of violation of conditions of release. In the 2007 session, PA 07-123, split that offense in two, creating violation of conditions of release in the first degree, a class D felony, limited to when a person was charged with a felony, and creating violation of conditions of release in the second degree, a class A misdemeanor, applicable to a person charged with a misdemeanor or motor vehicle violation for which a sentence to a term of imprisonment may be imposed. The latter, "new" offense is now codified at Sec. 53a-222a. Since section 53a-40b only contains a reference to section 53a-222, which is now just the first degree crime, it should be amended to also include a reference to the second degree crime, i.e. section 53a-222a.

Sec. 12. Section 53a-192a(a)

Word choice. It is also the language used in the federal trafficking law (18 USC 1589) and most state trafficking laws.

*** Sec. 13. Section 54-36a(a)**

Note: This section should be deleted from the bill. Although the defined terms "contraband" and "stolen property" are not used in the referenced sections, "owner" is used in those two sections.

Sec. 14. Section 54-86m

Consistency with style of general statutes.

Sec. 15. Section 54-125a(a)

Accuracy. In 1993, Public Act 93-319 revised the class of inmates over which the Board of Parole (now Board of Pardons and Paroles) had jurisdiction from those sentenced to a definite or aggregate sentence of more than "one year" to those sentenced to more than "two years". That change was made in the first sentence of this subsection, but the necessary corresponding change was not made in the last sentence. Persons sentenced to less than two years are released by the Department of Correction, not the Board of Pardons and Parole.

Sec. 16. Section 54-201(4)

Clarity.

Sec. 17. Section 54-260b(a)

Accuracy. The defined term "wire communication" is not used in the section.