



House of Representatives

File No. 1026

General Assembly

January Session, 2009

(Reprint of File No. 728)

Substitute House Bill No. 6710
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 30, 2009

AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Subsections (a) and (b) of section 4b-51 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2009*):

4 (a) The Commissioner of Public Works shall have charge and
5 supervision of the remodeling, alteration, repair or enlargement of any
6 real asset, except any dam, flood or erosion control system, highway,
7 bridge or any mass transit, marine or aviation transportation facility, a
8 facility of the Connecticut Marketing Authority, an asset of the
9 Department of Agriculture program established pursuant to section
10 26-237a, or any building under the supervision and control of the Joint
11 Committee on Legislative Management, involving an expenditure in
12 excess of five hundred thousand dollars, and except that (1) the
13 Judicial Branch may have charge and supervision of the remodeling,
14 alteration, repair, construction or enlargement of any real asset
15 involving an expenditure of not more than one million two hundred

16 fifty thousand dollars, (2) each constituent unit of the state system of
17 higher education may have charge and supervision of the remodeling,
18 alteration, repair, construction or enlargement of any real asset
19 involving an expenditure of not more than two million dollars, [except
20 that] and (3) The University of Connecticut shall have charge and
21 supervision of the remodeling, alteration, repair, construction, or
22 enlargement of any project, as defined in subdivision (16) of section
23 10a-109c, notwithstanding the amount of the expenditure involved. In
24 any decision to remodel, alter, repair or enlarge any real asset, the
25 commissioner shall consider the capability of the real asset to facilitate
26 recycling programs.

27 (b) No officer, department, institution, board, commission or council
28 of the state government, except the Commissioner of Public Works, the
29 Commissioner of Transportation, the Connecticut Marketing
30 Authority, the Department of Agriculture for purposes of the program
31 established pursuant to section 26-237a, the Joint Committee on
32 Legislative Management, the Judicial Branch or a constituent unit of
33 the state system of higher education as authorized in subsection (a) of
34 this section, shall, unless otherwise specifically authorized by law,
35 make or contract for the making of any alteration, repair or addition to
36 any real asset involving an expenditure of more than five hundred
37 thousand dollars.

38 Sec. 2. Subsections (a) and (b) of section 4b-52 of the general statutes
39 are repealed and the following is substituted in lieu thereof (*Effective*
40 *October 1, 2009*):

41 (a) (1) No repairs, alterations or additions involving expense to the
42 state of five hundred thousand dollars or less or, in the case of repairs,
43 alterations or additions to a building rented or occupied by a
44 constituent unit of the state system of higher education, two million
45 dollars or less, shall be made to any state building or premises
46 occupied by any state officer, department, institution, board,
47 commission or council of the state government and no contract for any
48 construction, repairs, alteration or addition shall be entered into

49 without the prior approval of the Commissioner of Public Works,
50 except repairs, alterations or additions to a building under the
51 supervision and control of the Joint Committee on Legislative
52 Management and repairs, alterations or additions to a building under
53 the supervision of The University of Connecticut. Repairs, alterations
54 or additions which are made pursuant to such approval of the
55 Commissioner of Public Works shall conform to all guidelines and
56 procedures established by the Department of Public Works for agency-
57 administered projects. (2) Notwithstanding the provisions of
58 subdivision (1) of this subsection, repairs, alterations or additions
59 involving expense to the state of [one hundred thousand] five hundred
60 thousand dollars or less may be made to any state building or premises
61 under the supervision of the Office of the Chief Court Administrator or
62 a constituent unit of the state system of higher education, under the
63 terms of section 4b-11, and any contract for any such construction,
64 repairs or alteration may be entered into by the Office of the Chief
65 Court Administrator or a constituent unit of the state system of higher
66 education without the approval of the Commissioner of Public Works.

67 (b) Except as provided in this section, no repairs, alterations or
68 additions involving an expense to the state of more than five hundred
69 thousand dollars or, in the case of repairs, alterations or additions to a
70 building rented or occupied by the Judicial Branch, more than one
71 million two hundred fifty thousand dollars, or, in the case of repairs,
72 alterations or additions to a building rented or occupied by a
73 constituent unit of the state system of higher education, more than two
74 million dollars, shall be made to any state building or premises
75 occupied by any state officer, department, institution, board,
76 commission or council of the state government, nor shall any contract
77 for any construction, repairs, alteration or addition be entered into,
78 until the Commissioner of Public Works or, in the case of the
79 construction or repairs, alterations or additions to a building under the
80 supervision and control of the Joint Committee on Legislative
81 Management of the General Assembly, said joint committee or, in the
82 case of the construction, repairs, alterations or additions to a building

83 involving expenditures in excess of five hundred thousand dollars but
84 not more than two million dollars under the supervision and control of
85 one of the constituent units of higher education, the constituent unit
86 has invited bids thereon and awarded a contract thereon, in
87 accordance with the provisions of sections 4b-91 to 4b-96, inclusive.
88 The Commissioner of Public Works, with the approval of the authority
89 having the supervision of state employees or the custody of inmates of
90 state institutions, without the necessity of bids, may employ such
91 employees or inmates and purchase or furnish the necessary materials
92 for the construction, erection, alteration, repair or enlargement of any
93 such state building or premises occupied by any state officer,
94 department, institution, board, commission or council of the state
95 government.

96 Sec. 3. Section 51-9 of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective October 1, 2009*):

98 Under the supervision and direction of the Chief Court
99 Administrator, the executive secretary and other members of the staff
100 of the Office of Chief Court Administrator shall:

101 (1) Audit all bills to be paid from state appropriations, except bills of
102 the Division of Criminal Justice, for the expenses of the Judicial
103 Department and its constituent courts prior to taxation or final
104 approval thereof by any judge;

105 (2) Maintain adequate accounting and budgetary records for all
106 appropriations by the state for the maintenance of the Judicial
107 Department, except the Division of Criminal Justice, and all other
108 appropriations assigned by the legislature or state budgetary control
109 offices for administration by the Judicial Department, except the
110 Division of Criminal Justice;

111 (3) Prepare and submit to the appropriate budget agency of the state
112 government estimates of appropriations necessary for the maintenance
113 and operation of the Judicial Department, including therein estimates
114 submitted for the Division of Criminal Justice as provided in section

115 51-279, and make recommendations in respect to those appropriations;

116 (4) Act as secretary of any meetings, conferences or assemblies of
117 judges, or committees thereof, of the Judicial Department and of its
118 constituent courts;

119 (5) Supervise all purchases of commodities and services for the
120 Judicial Department, except for the Division of Criminal Justice, to be
121 charged to state appropriations, and issue all orders therefor for the
122 department, excluding orders for the Division of Criminal Justice;

123 (6) Examine the administrative methods and systems employed in
124 the Judicial Department and its constituent courts and agencies, except
125 the Division of Criminal Justice, and develop and implement programs
126 for the improvement thereof and for securing uniform administration
127 and procedures;

128 (7) Examine the state of the dockets of the courts of the Judicial
129 Department to ascertain the need for assistance by any court and to
130 implement programs for the fair and prompt disposition of cases
131 therein;

132 (8) Collect and compile statistical and other data concerning the
133 business transacted by the Judicial Department and its constituent
134 courts and the expenditure of public moneys for the maintenance and
135 operation of the judicial system;

136 (9) Assist in the preparation of the assignments of the judges of the
137 Superior Court and attend to the printing and distribution for the
138 Superior Court of an annual directory containing relevant information
139 pertaining to the operation of the court;

140 (10) Serve as payroll officer for the Judicial Department, excluding
141 the Division of Criminal Justice, and for the Supreme Court, Appellate
142 Court and Superior Court;

143 (11) Supervise the assignment of court reporters of the Superior
144 Court;

145 (12) Conduct research and planning activities for the Judicial
146 Department and its constituent courts and offices as deemed feasible
147 by, or in the discretion of, the Chief Justice or the Chief Court
148 Administrator;

149 (13) Develop education programs for the judges and other
150 personnel of the Judicial Department;

151 (14) Develop personnel standards, policies and procedures, and
152 make recommendations concerning all personnel matters, including
153 requests for salary increases or for additional positions, for
154 consideration by the Supreme Court or the appropriate appointing
155 authorities;

156 (15) Report periodically to the Chief Court Administrator
157 concerning all matters which have been entrusted to him;

158 (16) Attend to matters assigned to him by the Chief Justice, or the
159 Chief Court Administrator or by statute;

160 (17) Design, implement and maintain, as deemed feasible by the
161 Chief Court Administrator, computerized automatic data processing
162 systems for use in the Supreme Court, Appellate Court and Superior
163 Court or divisions of the Superior Court;

164 (18) Supervise administrative methods employed in clerks' offices
165 and in the various offices of the Supreme Court, Appellate Court and
166 Superior Court; and

167 (19) Supervise the care and control of all property where the Judicial
168 Department is the primary occupant, which supervision shall include
169 planning, execution of contracts, oversight and supervision of work
170 involving the construction, repair or alteration of a building or
171 premises under the supervision of the Office of the Chief Court
172 Administrator, when consultant fees do not exceed three hundred
173 thousand dollars and construction contracts do not exceed one million
174 two hundred fifty thousand dollars. For the purposes of this

175 [subsection, the term] subdivision, "Judicial Department" does not
176 include the courts of probate, the Division of Criminal Justice and the
177 Public Defender Services Commission, except where they share
178 facilities in state-maintained courts.

179 Sec. 4. Section 51-1b of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective October 1, 2009*):

181 (a) The Chief Justice of the Supreme Court shall be the head of the
182 Judicial Department and shall be responsible for its administration.

183 (b) The Chief Justice shall appoint a Chief Court Administrator who
184 shall serve at the pleasure of the Chief Justice.

185 (c) The Chief Justice may take any action necessary in the event of a
186 major disaster, emergency, disaster emergency or civil preparedness
187 emergency, each as defined in section 28-1, or a public health
188 emergency, as defined in section 19a-131, to ensure the continued
189 efficient operation of the Supreme, Appellate and Superior Courts, the
190 prompt disposition of cases and the proper administration of judicial
191 business. Such necessary action may include: (1) Establishing
192 alternative locations to conduct judicial business in the event that one
193 or more court locations cannot be utilized, (2) suspending any judicial
194 business that is deemed not essential by the Chief Justice, and (3)
195 taking any other appropriate action necessary to ensure that essential
196 judicial business can be effectively handled by the courts.

197 Sec. 5. Section 51-5a of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective October 1, 2009*):

199 (a) The Chief Court Administrator: (1) Shall be the administrative
200 director of the Judicial Department and shall be responsible for the
201 efficient operation of the department, the prompt disposition of cases
202 and the prompt and proper administration of judicial business; (2)
203 shall meet periodically at such places and times as [he] the Chief Court
204 Administrator may designate with any judge, judges, or committee of
205 judges, and with the Probate Court Administrator to transact such

206 business as is necessary to insure the efficient administration of the
207 Judicial Department; (3) may issue such orders, require such reports
208 and appoint other judges to such positions to perform such duties, as
209 [he] the Chief Court Administrator deems necessary to carry out his or
210 her responsibilities; (4) may assign, reassign and modify assignments
211 of the judges of the Superior Court to any division or part of the
212 Superior Court and may order the transfer of actions under sections
213 51-347a and 51-347b; [and] (5) may provide for the convening of
214 conferences of the judges of the several courts, or any of them, and of
215 such members of the bar as [he] the Chief Court Administrator may
216 determine, for the consideration of matters relating to judicial
217 business, the improvement of the judicial system and the effective
218 administration of justice in this state, and (6) may take any action
219 necessary in the event of a major disaster, emergency, disaster
220 emergency or civil preparedness emergency, each as defined in section
221 28-1, or a public health emergency, as defined in section 19a-131, to
222 ensure the continued efficient operation of the Supreme, Appellate and
223 Superior Courts, the prompt disposition of cases and the proper
224 administration of judicial business. Such necessary action may include:
225 (A) Establishing alternative locations to conduct judicial business in
226 the event that one or more court locations cannot be utilized, (B)
227 suspending any judicial business that is deemed not essential by the
228 Chief Court Administrator, and (C) taking any other appropriate
229 action necessary to ensure that essential judicial business can be
230 effectively handled by the courts.

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

234 Sec. 6. Section 51-193c of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective October 1, 2009*):

236 (a) The Judicial Branch may permit, in any civil, criminal, family,
237 juvenile or other matter, the filing of any document or data that is
238 required by law to be filed with the Superior Court or with a judge or

239 judge trial referee thereof, including, but not limited to, a summons
240 issued pursuant to section 51-164n, a complaint or a summons issued
241 pursuant to section 54-1h, and an information filed pursuant to section
242 54-46, by computer or facsimile transmission or by employing [new]
243 other technology. [as it is developed.]

244 (b) For the purposes of this section, the judges of the Superior Court
245 may prescribe alternative methods for the signing, subscribing or
246 verifying [of such document] by a person of any document or data that
247 is required by law to be filed with the Superior Court or with a judge
248 or judge trial referee thereof so that such document or data shall have
249 the same validity and status as a paper document that was signed,
250 subscribed or verified by such person.

251 (c) Notwithstanding any other provision of the general statutes, the
252 Chief Court Administrator may permit [the] any payment [of any fee]
253 that is required by law to be paid to the clerk of the Superior Court to
254 be made by the use of any [existing] technology. [or new technology as
255 it is developed.] The payor may be charged a service fee for any such
256 payment. The service fee shall not exceed any charge by the service
257 provider, including any discount rate.

258 (d) Any notice, order, judgment, decision, decree, memorandum,
259 ruling, opinion, mittimus or similar document that is issued by the
260 Superior Court or by a judge, judge trial referee or family support
261 magistrate thereof, or by a magistrate appointed pursuant to section
262 51-193l, may be signed or verified by computer or facsimile
263 transmission or by employing other technology in accordance with
264 procedures and technical standards established by the Office of the
265 Chief Court Administrator, and such notice, order, judgment, decision,
266 decree, memorandum, ruling, opinion, mittimus or similar document
267 shall have the same validity and status as a paper document that was
268 signed or verified by the Superior Court or by a judge, judge trial
269 referee or family support magistrate thereof, or by a magistrate
270 appointed pursuant to section 51-193l.

271 ~~[(d)]~~ (e) The judges of the Superior Court may adopt any rules they
272 deem necessary to implement the provisions of this section and the
273 Office of the Chief Court Administrator shall prescribe any forms
274 required to implement such provisions.

275 Sec. 7. Subsections (a) and (b) of section 51-5c of the general statutes
276 are repealed and the following is substituted in lieu thereof (*Effective*
277 *October 1, 2009*):

278 (a) The Chief Court Administrator shall establish and maintain an
279 automated registry of protective orders that shall contain (1) protective
280 or restraining orders issued by courts of this state, including, but not
281 limited to, orders issued pursuant to sections 46b-15, as amended by
282 this act, 46b-38c, as amended by this act, 53a-40e, 54-1k, 54-82q and 54-
283 82r, and (2) foreign orders of protection that have been registered in
284 this state pursuant to section 46b-15a. The registry shall clearly indicate
285 the date of commencement, the termination date, if specified, and the
286 duration of any order contained therein. The Chief Court
287 Administrator shall adopt policies and procedures for the operation of
288 the registry, which shall include policies and procedures governing the
289 disclosure of information in the registry to the judges of the Superior
290 Court and employees of the Judicial Department.

291 (b) (1) The following information contained in the registry of
292 protective orders shall not be subject to disclosure and may be
293 accessed only in accordance with this section, unless otherwise
294 ordered by the court: (A) Any information that would identify a
295 person protected by an order contained in the registry; (B) any
296 information that is confidential pursuant to state or federal law,
297 including, but not limited to, any information that is confidential
298 pursuant to a court order; and (C) any information entered in the
299 registry pursuant to an ex parte order prior to a hearing by a court
300 having jurisdiction over the parties and the subject matter.

301 (2) Any judge of the Superior Court and any employee of the
302 Judicial Department who is authorized by the policies and procedures

303 adopted by the Chief Court Administrator pursuant to subsection (a)
304 of this section shall have access to such information. The Chief Court
305 Administrator may grant access to such information to personnel of
306 the Department of Public Safety, the Department of Correction, the
307 Board of Pardons and Paroles, the Psychiatric Security Review Board,
308 the Division of Criminal Justice, any municipal or tribal police
309 department within this state or any other agency, organization or
310 person determined by the Chief Court Administrator, pursuant to
311 policies and procedures adopted by the Chief Court Administrator, to
312 have a legitimate interest in the information contained in the registry.
313 Any person who obtains such information pursuant to this subdivision
314 may use and disclose the information only in the performance of such
315 person's duties.

316 (3) Except as provided in subsection (c) of this section, the
317 information contained in the registry shall be provided to and may be
318 accessed through the Connecticut on-line law enforcement
319 communications teleprocessing system maintained by the Department
320 of Public Safety. Nothing in this section shall be construed to permit
321 public access to the Connecticut on-line law enforcement
322 communications teleprocessing system.

323 Sec. 8. Subsection (a) of section 51-36 of the general statutes is
324 repealed and the following is substituted in lieu thereof (*Effective*
325 *October 1, 2009*):

326 (a) The Chief Court Administrator may cause any and all court
327 records, papers or documents, and any and all other records, papers or
328 documents maintained by the Judicial Branch, required to be retained
329 indefinitely or for a period of time defined by (1) rules of court, (2)
330 directives promulgated by the Office of the Chief Court Administrator,
331 or (3) statute, to be microfilmed or reproduced as a computerized
332 image. The device used to reproduce such records, papers or
333 documents on microfilm or as a computerized image shall be one
334 which accurately reproduces the original thereof in detail. Such
335 microfilm or computerized image shall be considered and treated the

336 same as the original records, papers or documents, provided a
337 certificate of authenticity appears on each roll of microfilm [. A] and a
338 paper or electronic certificate of authenticity is associated with each
339 computerized image in accordance with directives promulgated by the
340 Office of the Chief Court Administrator. On and after the date the
341 Office of the Chief Court Administrator promulgates directives
342 concerning microfilms and computerized images, a transcript,
343 exemplification or certified copy [thereof] of such microfilm or
344 computerized image shall for all purposes be deemed to be a
345 transcript, exemplification or certified copy of the original regardless
346 of when created, if such computerized image was created in
347 accordance with such directives. The original [court] records, papers or
348 documents so reproduced may be disposed of in such manner as
349 approved by the Office of the Chief Court Administrator. For the
350 purposes of this subsection, "microfilm" includes microcard,
351 microfiche, microphotograph, electronic medium or any other process
352 which actually reproduces or forms a durable medium for so
353 reproducing the original, and "computerized image" means any
354 electronic reproduction of the original by a computer-based imaging
355 system or process.

356 Sec. 9. Subsection (d) of section 51-36 of the general statutes is
357 repealed and the following is substituted in lieu thereof (*Effective*
358 *October 1, 2009*):

359 (d) All court records other than records concerning title to land may
360 be destroyed in accordance with rules of court. Records concerning
361 title to land shall not be subject to any such destruction, [and] except
362 that records concerning title to land may be retained in an electronic
363 format [, except that] and official notes and tapes of evidence or
364 judicial proceedings concerning title to land may be destroyed. All
365 court records may be transferred to any agency of this state or to any
366 federal agency in accordance with rules of court or directives
367 promulgated by the Office of the Chief Court Administrator, provided
368 records in any action concerning title to land terminated by a final
369 judgment affecting any right, title or interest in real property shall be

370 retained for not less than forty years in the office of the clerk of the
371 court location in which the judgment was rendered. Any other [judicial
372 branch] Judicial Branch books, records, papers or documents may be
373 destroyed or transferred to any agency of this state or to any federal
374 agency in accordance with directives promulgated by the Office of the
375 Chief Court Administrator.

376 Sec. 10. Subsection (e) of section 54-2a of the general statutes is
377 repealed and the following is substituted in lieu thereof (*Effective*
378 *October 1, 2009*):

379 (e) Whenever a warrant or other criminal process is issued under
380 this section or section 53a-32, as amended by this act, the court, judge
381 or judge trial referee may cause such warrant or other criminal process
382 to be entered into a central computer system in accordance with
383 policies and procedures established by the Chief Court Administrator.
384 Existence of the warrant or criminal process in the computer system
385 shall constitute prima facie evidence of the issuance of the warrant or
386 criminal process. Any person named in the warrant or criminal process
387 may be arrested based on the existence of the active warrant or
388 criminal process in the computer system and shall, upon any such
389 arrest, be given a copy of the warrant or criminal process.

390 Sec. 11. Section 54-142i of the general statutes is repealed and the
391 following is substituted in lieu thereof (*Effective October 1, 2009*):

392 All criminal justice agencies which collect, store or disseminate
393 criminal history record information shall:

394 [(a)] (1) Screen and have the right to reject for employment, based
395 on good cause, all personnel to be authorized to have direct access to
396 criminal history record information;

397 [(b)] (2) Initiate or cause to be initiated administrative action that
398 could result in the transfer or removal of personnel authorized to have
399 direct access to such information when such personnel violate the
400 provisions of these regulations or other security requirements

401 established for the collection, storage or dissemination of criminal
402 history record information;

403 [(c)] (3) Provide that direct access to computerized criminal history
404 record information shall be available only to authorized officers or
405 employees of a criminal justice agency, and, as necessary, other
406 authorized personnel essential to the proper operation of a criminal
407 history record information system, except that the Judicial Branch may
408 provide disclosable information from its combined criminal and motor
409 vehicle information systems, or from its central computer system
410 containing warrants and criminal process pursuant to section 54-2a, as
411 amended by this act, to the public electronically, including through the
412 Internet, in accordance with guidelines established by the Chief Court
413 Administrator;

414 [(d)] (4) Provide that each employee working with or having access
415 to criminal history record information shall be made familiar with the
416 substance and intent of the provisions in this section;

417 [(e)] (5) Whether manual or computer processing is utilized,
418 institute procedures to assure that an individual or agency authorized
419 to have direct access is responsible for the physical security of criminal
420 history record information under its control or in its custody, and for
421 the protection of such information from unauthorized access,
422 disclosure or dissemination. The State Police Bureau of Identification
423 shall institute procedures to protect both its manual and computerized
424 criminal history record information from unauthorized access, theft,
425 sabotage, fire, flood, wind or other natural or man-made disasters;

426 [(f)] (6) Where computerized data processing is employed, institute
427 effective and technologically advanced software and hardware designs
428 to prevent unauthorized access to such information and restrict to
429 authorized organizations and personnel only, access to criminal
430 history record information system facilities, systems operating
431 environments, systems documentation, and data file contents while in
432 use or when stored in a media library; and

433 [(g)] (7) Develop procedures for computer operations which support
434 criminal justice information systems, whether dedicated or shared, to
435 assure that: [(1)] (A) Criminal history record information is stored by
436 the computer in such a manner that it cannot be modified, destroyed,
437 accessed, changed, purged [,] or overlaid in any fashion by
438 noncriminal justice terminals; [(2)] (B) operation programs are used
439 that will prohibit inquiry, record updates, or destruction of records [,]
440 from any terminal other than criminal justice system terminals which
441 are so designated; [(3)] (C) the destruction of records is limited to
442 designated terminals under the direct control of the criminal justice
443 agency responsible for creating or storing the criminal history record
444 information; [(4)] (D) operational programs are used to detect and
445 store for the output of designated criminal justice agency employees all
446 unauthorized attempts to penetrate any criminal history record
447 information system, program or file; [(5)] (E) the programs specified in
448 [subdivisions (2) and (4) of this subsection] subparagraphs (B) and (D)
449 of this subdivision are known only to criminal justice agency
450 employees responsible for criminal history record information system
451 control or individuals or agencies pursuant to a specific agreement
452 with the criminal justice agency to provide such programs and the
453 programs are kept continuously under maximum security conditions.

454 Sec. 12. Section 47a-69 of the general statutes is repealed and the
455 following is substituted in lieu thereof (*Effective October 1, 2009*):

456 (a) The judges of the Superior Court or an authorized committee
457 thereof may appoint such housing [specialists] mediators as they deem
458 necessary for the purpose of assisting the court in the prompt and
459 efficient hearing of housing matters within the limit of their
460 appropriation therefor. Such judges or such committee shall appoint
461 not less than two such [specialists] mediators for each of the judicial
462 districts of Hartford, New Haven and Fairfield and may designate one
463 of them in each judicial district as chief housing [specialist] mediator.
464 Such judges or committee shall also appoint not less than three such
465 housing [specialists] mediators for all other judicial districts. The
466 housing [specialists] mediators for the judicial district of New Haven

467 shall assist the court in the hearing of housing matters in the judicial
468 district of Waterbury, the housing [specialists] mediators for the
469 judicial district of Hartford shall assist the court in the hearing of
470 housing matters in the judicial district of New Britain and the housing
471 [specialists] mediators for the judicial district of Fairfield shall assist
472 the court in the hearing of housing matters in the judicial district of
473 Stamford-Norwalk.

474 (b) Housing [specialists] mediators shall be knowledgeable in the
475 maintenance, repair and rehabilitation of dwelling units and the
476 federal, state and municipal laws, ordinances, rules and regulations
477 pertaining thereto. [They] Housing mediators shall also have
478 knowledge necessary to advise parties regarding the type of funds and
479 services available to assist owners, landlords and tenants in the
480 financing of resolutions to housing problems. [The housing specialists]
481 Housing mediators shall make inspections and conduct investigations
482 at the request of the court, shall advise parties in locating possible
483 sources of financial assistance necessary to comply with orders of the
484 court and shall exercise such other powers and perform such other
485 duties as the judge may from time to time prescribe.

486 (c) Such housing [specialists] mediators (1) shall be responsible for
487 the initial screening and evaluation of all contested housing matters
488 eligible for placement on the housing docket pursuant to section 47a-
489 68, (2) may conduct investigations of such matters including, but not
490 limited to, interviews with the parties, and (3) may recommend
491 settlements.

492 Sec. 13. Subsection (a) of section 52-261 of the general statutes is
493 repealed and the following is substituted in lieu thereof (*Effective*
494 *October 1, 2009*):

495 (a) Except as provided in subsection (b) of this section and section
496 52-261a, as amended by this act, each officer or person who serves
497 process, summons or attachments shall receive a fee of not more than
498 thirty dollars for each process served and an additional fee of thirty

499 dollars for the second and each subsequent service of such process,
500 except that such officer or person shall receive an additional fee of ten
501 dollars for each subsequent service of such process at the same address
502 or for notification of the office of the Attorney General in dissolution
503 and postjudgment proceedings if a party or child is receiving public
504 assistance. Each such officer or person shall also receive the fee set by
505 the Department of Administrative Services for state employees for
506 each mile of travel [, to be computed from the place where such officer
507 or person received the process to the place of service, and thence in the
508 case of civil process to the place of return] that such officer reasonably
509 incurred in the service of such process. If more than one process is
510 served on one person at one time by any such officer or person, the
511 total cost of travel for the service shall be the same as for the service of
512 one process only. Each officer or person who serves process shall also
513 receive the moneys actually paid for town clerk's fees on the service of
514 process. Any officer or person required to summon jurors by personal
515 service of a warrant to attend court shall receive for the first ten miles
516 of travel while so engaged, such mileage to be computed from the
517 place where such officer or person receives the process to the place of
518 service, twenty-five cents for each mile, and for each additional mile,
519 ten cents. For summoning any juror to attend court otherwise than by
520 personal service of the warrant, such officer or person shall receive
521 only the sum of fifty cents and actual disbursements necessarily
522 expended by such officer or person in making service thereof as
523 directed. Notwithstanding the provisions of this section, for
524 summoning grand jurors, such officer or person shall receive only such
525 officer's or person's actual expenses and such reasonable sum for
526 services as are taxed by the court. The following fees shall be allowed
527 and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of
528 writs and complaints, exclusive of endorsements, one dollar per page,
529 not to exceed a total amount of nine hundred dollars in any particular
530 matter; (3) for endorsements, forty cents per page or fraction thereof;
531 (4) for service of a warrant for the seizure of intoxicating liquors, or for
532 posting and leaving notices after the seizure, or for the destruction or
533 delivery of any such liquors under order of court, twenty dollars; (5)

534 for the removal and custody of such liquors so seized, reasonable
535 expenses, and twenty dollars; (6) for the levy of an execution, when the
536 money is actually collected and paid over, or the debt or a portion of
537 the debt is secured by the officer, fifteen per cent on the amount of the
538 execution, provided the minimum fee for such execution shall be thirty
539 dollars; (7) on the levy of an execution on real property and on
540 application for sale of personal property attached, to each appraiser,
541 for each half day of actual service, reasonable and customary expenses;
542 (8) for causing an execution levied on real property to be recorded, fees
543 for travel, twenty dollars and costs; (9) for services on an application
544 for the sale of personal property attached, or in selling mortgaged
545 property foreclosed under a decree of court, the same fees as for
546 similar services on executions; (10) for committing any person to a
547 community correctional center, in civil actions, twenty-one cents a mile
548 for travel, from the place of the court to the community correctional
549 center, in lieu of all other expenses; and (11) for summoning and
550 attending a jury for reassessing damages or benefits on a highway,
551 three dollars a day. The court shall tax as costs a reasonable amount for
552 the care of property held by any officer under attachment or execution.
553 The officer serving any attachment or execution may claim
554 compensation for time and expenses of any person, in keeping,
555 securing or removing property taken thereon, provided such officer
556 shall make out a bill. The bill shall specify the labor done, and by
557 whom, the time spent, the travel, the money paid, if any, and to whom
558 and for what. The compensation for the services shall be reasonable
559 and customary and the amount of expenses and shall be taxed by the
560 court with the costs.

561 Sec. 14. Section 52-261a of the general statutes is repealed and the
562 following is substituted in lieu thereof (*Effective October 1, 2009*):

563 (a) Any process served by any officer or person for the Judicial
564 Department or Division of Criminal Justice shall be served in
565 accordance with the following schedule of fees:

566 (1) Except as provided in subdivision (3) of this subsection, each

567 officer or person who serves process shall receive a fee of not more
568 than thirty dollars for the service of such process on a person and an
569 additional fee of ten dollars for the service of such process on each
570 additional person.

571 (2) Except as provided in subdivision (3) of this subsection, in
572 addition to the fee set forth in subdivision (1) of this subsection, each
573 officer or person who serves process shall receive, for each mile of
574 travel that such officer reasonably incurred in the service of such
575 process, the same amount per mile as provided for state employees
576 pursuant to section 5-141c, [to be computed from the place where such
577 officer or person received the process to the place of service, and
578 thence in the case of civil process to the place of return,] provided, if
579 more than one process is served on one person at one time by any such
580 officer or person, the total cost of travel for such service shall be the
581 same as for the service of one process only.

582 (3) Each officer or person who serves process to enforce the
583 obligation of an attorney pursuant to subdivision (2) of subsection (a)
584 of section 51-81d shall receive twenty cents for each mile of travel, to
585 be computed from the place where such officer or person received the
586 process to the place of service, and thence to the place of return.

587 (4) Each officer or person who serves process shall also receive the
588 moneys actually paid for town clerk's fees on the service of process.

589 (5) Any officer or person required to summon jurors by personal
590 service of a warrant to attend court shall receive for the first ten miles
591 of travel while so engaged, such mileage to be computed from the
592 place where such officer or person receives the process to the place of
593 service, twenty-five cents for each mile, and for each additional mile,
594 ten cents.

595 (6) For summoning any juror to attend court otherwise than by
596 personal service of the warrant, such officer or person shall receive
597 only the sum of fifty cents and actual disbursements necessarily
598 expended by such officer or person in making service thereof as

599 directed.

600 (b) Notwithstanding the provisions of this section, for summoning
601 grand jurors, such officer or person shall receive only such officer's or
602 person's actual expenses and such reasonable sum for services as are
603 taxed by the court.

604 (c) The following fees shall be allowed and paid: (1) For taking bail
605 or bail bond, one dollar; (2) for copies of writs and complaints,
606 exclusive of endorsements, sixty cents per page; (3) for endorsements,
607 forty cents per page or fraction thereof; (4) for service of a warrant for
608 the seizure of intoxicating liquors, or for posting and leaving notices
609 after the seizure, or for the destruction or delivery of any such liquors
610 under order of court, one dollar; (5) for the removal and custody of
611 such liquors so seized, reasonable expenses and one dollar; (6) for
612 levying an execution, when the money is actually collected and paid
613 over, or the debt secured by the officer to the acceptance of the
614 creditor, three per cent on the amount of the execution; (7) on the levy
615 of an execution on real property and on application for sale of personal
616 property attached, to each appraiser, for each half day of actual
617 service, two dollars, to surveyors when necessarily employed, four
618 dollars per day and to each chain bearer necessarily employed, two
619 dollars per day, which sums, with those paid to the town clerk, shall
620 be, by the officer levying the execution, endorsed thereon, together
621 with such officer's own fees; (8) for causing an execution levied on real
622 property to be recorded, fees for travel and fifty cents; (9) for services
623 on an application for the sale of personal property attached, or in
624 selling mortgaged property foreclosed under a decree of court, the
625 same fees as for similar services on executions; (10) for committing any
626 person to a community correctional center, in civil actions, twenty
627 cents a mile for travel, from the place of the court to the community
628 correctional center, in lieu of all other expenses; and (11) for
629 summoning and attending a jury for reassessing damages or benefits
630 on a highway, three dollars a day.

631 (d) The court shall tax as costs a reasonable amount for the care of

632 property held by any officer under attachment or execution. The
633 officer serving any attachment or execution may claim compensation
634 for time and expenses of any person, in keeping, securing or removing
635 property taken thereon, provided such officer shall make out a bill.
636 The bill shall specify the labor done and by whom, the time spent, the
637 travel, the money paid, if any, and to whom and for what. The
638 compensation for the services shall be fixed on the basis of two dollars
639 per hour and the amount of expenses and shall be taxed by the court
640 with the costs.

641 (e) The following fees shall be allowed and paid, except to state
642 employees in the classified service: (1) For each arrest in criminal cases,
643 one dollar and fifty cents; (2) for any necessary assistants in making
644 criminal arrests, a reasonable sum, the necessity of such assistance to
645 be proved by the oath of the officer; (3) for travel with a prisoner to
646 court or to a community correctional center, forty cents a mile,
647 provided (A) if more than one prisoner is transported at the same time,
648 the total cost of travel shall be forty cents per mile for each prisoner
649 transported up to a maximum of two dollars per mile, regardless of the
650 number of prisoners transported, and (B) if a prisoner is transported
651 for commitment on more than one mittimus, the total cost of travel
652 shall be the same as for the transportation of one prisoner committed
653 on one mittimus only; (4) for holding a prisoner in custody upon
654 criminal process for each twelve hours or fraction thereof, to be taxed
655 as expenses in the case, one dollar; (5) for holding a prisoner in custody
656 by order of court, one dollar a day; (6) for keepers, for every twelve
657 hours, in lieu of all other expenses, except in special cases to be
658 approved by the court, five dollars; (7) for executing a mittimus of
659 commitment to the Connecticut Correctional Institution, Somers, for
660 each prisoner, one dollar and fifty cents; (8) for transporting any
661 prisoner from a community correctional center to the Connecticut
662 Correctional Institution, Somers, or for transporting any person under
663 commitment from a community correctional center to the John R.
664 Manson Youth Institution, Cheshire, twenty-five cents a mile, to be
665 taxed as expenses, provided, if more than one prisoner or person is

666 transported, the total cost of travel shall be twenty-five cents per mile
667 for each prisoner or person transported up to a maximum of one dollar
668 per mile, regardless of the number of prisoners or persons transported;
669 (9) for taking samples to a state chemist by order of court, two dollars,
670 and for each mile of travel in going and returning, ten cents; (10) for
671 service of a mittimus to commit to the Connecticut Juvenile Training
672 School, necessary expenses and a reasonable compensation; and (11)
673 for producing any prisoner, held by criminal process, in court or before
674 a judge under habeas corpus proceedings, twenty-five cents a mile
675 travel and two dollars and fifty cents a day for attendance, to be taxed
676 and allowed by the court or judge.

677 Sec. 15. Section 17a-101 of the general statutes is repealed and the
678 following is substituted in lieu thereof (*Effective October 1, 2009*):

679 (a) The public policy of this state is: To protect children whose
680 health and welfare may be adversely affected through injury and
681 neglect; to strengthen the family and to make the home safe for
682 children by enhancing the parental capacity for good child care; to
683 provide a temporary or permanent nurturing and safe environment for
684 children when necessary; and for these purposes to require the
685 reporting of suspected child abuse and neglect, investigation of such
686 reports by a social agency, and provision of services, where needed, to
687 such child and family.

688 (b) The following persons shall be mandated reporters: Any
689 physician or surgeon licensed under the provisions of chapter 370, any
690 resident physician or intern in any hospital in this state, whether or not
691 so licensed, any registered nurse, licensed practical nurse, medical
692 examiner, dentist, dental hygienist, psychologist, coach of intramural
693 or interscholastic athletics, school teacher, school principal, school
694 guidance counselor, school paraprofessional, school coach, social
695 worker, police officer, juvenile or adult probation officer, juvenile or
696 adult parole officer, member of the clergy, pharmacist, physical
697 therapist, optometrist, chiropractor, podiatrist, mental health
698 professional or physician assistant, any person who is a licensed or

699 certified emergency medical services provider, any person who is a
700 licensed or certified alcohol and drug counselor, any person who is a
701 licensed marital and family therapist, any person who is a sexual
702 assault counselor or a battered women's counselor, as defined in
703 section 52-146k, any person who is a licensed professional counselor,
704 any person paid to care for a child in any public or private facility,
705 child day care center, group day care home or family day care home
706 licensed by the state, any employee of the Department of Children and
707 Families, any employee of the Department of Public Health who is
708 responsible for the licensing of child day care centers, any family
709 relations counselor, family relations counselor trainee or family
710 services supervisor employed by the Judicial Department, group day
711 care homes, family day care homes or youth camps, the Child
712 Advocate and any employee of the Office of the Child Advocate.

713 (c) The Commissioner of Children and Families shall develop an
714 educational training program for the accurate and prompt
715 identification and reporting of child abuse and neglect. Such training
716 program shall be made available to all persons mandated to report
717 child abuse and neglect at various times and locations throughout the
718 state as determined by the Commissioner of Children and Families.

719 (d) Any mandated reporter, as defined in subsection (b) of this
720 section, who fails to report to the Commissioner of Children and
721 Families pursuant to section 17a-101a shall be required to participate in
722 an educational and training program established by the commissioner.
723 The program may be provided by one or more private organizations
724 approved by the commissioner, provided the entire costs of the
725 program shall be paid from fees charged to the participants, the
726 amount of which shall be subject to the approval of the commissioner.

727 Sec. 16. Subsection (c) of section 46b-38c of the general statutes is
728 repealed and the following is substituted in lieu thereof (*Effective*
729 *October 1, 2009*):

730 (c) Each such local family violence intervention unit shall: (1) Accept

731 referrals of family violence cases from a judge or prosecutor, (2)
732 prepare written or oral reports on each case for the court by the next
733 court date to be presented at any time during the court session on that
734 date, (3) provide or arrange for services to victims and offenders, (4)
735 administer contracts to carry out such services, and (5) establish
736 centralized reporting procedures. All information provided to a family
737 relations [officer] counselor, family relations counselor trainee or
738 family services supervisor employed by the Judicial Department in a
739 local family violence intervention unit shall be solely for the purposes
740 of preparation of the report and the protective order forms for each
741 case and recommendation of services and shall otherwise be
742 confidential and retained in the files of such unit and not be subject to
743 subpoena or other court process for use in any other proceeding or for
744 any other purpose, except that (A) if the victim has indicated that the
745 defendant holds a permit to carry a pistol or revolver or possesses one
746 or more firearms, [the] a family relations [officer] counselor, family
747 relations counselor trainee or family services supervisor employed by
748 the Judicial Department shall disclose such information to the court
749 and the prosecuting authority for appropriate action, (B) a family
750 relations counselor, family relations counselor trainee or family
751 services supervisor employed by the Judicial Department shall disclose
752 such information as may be necessary to satisfy such counselor's,
753 trainee's or supervisor's duty as a mandated reporter under subsection
754 (b) of section 17a-101, as amended by this act, or (C) after disposition
755 of a family violence case, a family relations counselor, family relations
756 counselor trainee or family services supervisor employed by the
757 Judicial Department may disclose to a probation officer, for purposes
758 of determining service needs and supervision levels, information
759 regarding a defendant who has been convicted and sentenced to a
760 period of probation in the family violence case.

761 Sec. 17. (NEW) (*Effective October 1, 2009*) (a) In the course of their
762 official duties, probation officers may detain, for a reasonable period of
763 time and until a police officer arrives to make an arrest, (1) any person
764 who has one or more unexecuted state or federal arrest warrants

765 lodged against the person, and (2) any person who the probation
766 officer has probable cause to believe has violated a condition of
767 probation and who is the subject of a probation officer's arrest powers
768 pursuant to subsection (a) of section 53a-32 of the general statutes, as
769 amended by this act.

770 (b) A probation officer may receive and take into custody any
771 contraband, as defined in subsection (a) of section 54-36a of the general
772 statutes, that the probation officer discovers in the course of the
773 probation officer's official duties, provided the probation officer
774 promptly processes the contraband in accordance with the policies and
775 procedures of the Court Support Services Division of the Judicial
776 Branch.

777 (c) A probation officer may act as a member of an ad hoc fugitive
778 task force that seeks out and arrests persons who have unexecuted
779 state or federal warrants lodged against them. Any probation officer
780 shall be deemed to be acting within the probation officer's scope of
781 employment as a state employee for the purposes of section 4-165 of
782 the general statutes when carrying out the probation officer's official
783 duties as a member of the task force.

784 Sec. 18. Subsection (e) of section 53a-30 of the general statutes is
785 repealed and the following is substituted in lieu thereof (*Effective*
786 *October 1, 2009*):

787 (e) The court may require that the person subject to electronic
788 monitoring pursuant to subsection (a) of this section pay directly to the
789 electronic monitoring service provider a fee [for the cost] equal to the
790 contractually approved daily cost rate of such electronic monitoring
791 services. If the court finds that the person subject to electronic
792 monitoring is indigent and unable to pay the costs of electronic
793 monitoring services, it shall waive all or part of such costs. [Any
794 contract entered into by the Judicial Branch and the electronic
795 monitoring service provider shall include a provision stating that the
796 total cost for electronic monitoring services shall not exceed six dollars

797 per day. Such amount shall be indexed annually to reflect the rate of
798 inflation.]

799 Sec. 19. Subsection (a) of section 53a-32 of the general statutes is
800 repealed and the following is substituted in lieu thereof (*Effective*
801 *October 1, 2009*):

802 (a) At any time during the period of probation or conditional
803 discharge, the court or any judge thereof may issue a warrant for the
804 arrest of a defendant for violation of any of the conditions of probation
805 or conditional discharge, or may issue a notice to appear to answer to a
806 charge of such violation, which notice shall be personally served upon
807 the defendant. Any such warrant shall authorize all officers named
808 therein to return the defendant to the custody of the court or to any
809 suitable detention facility designated by the court. [Whenever a
810 defendant has, in the judgment of such defendant's probation officer,
811 violated the conditions of such defendant's probation, the probation
812 officer may, in lieu of having such defendant returned to court for
813 proceedings in accordance with this section, place such defendant in
814 the zero-tolerance drug supervision program established pursuant to
815 section 53a-39d.] Whenever a [sexual offender, as defined in section
816 54-260, has violated the conditions of such person's probation by
817 failing to notify such person's probation officer of any change of such
818 person's residence address, as required by said section] probation
819 officer has probable cause to believe that a probationer sentenced
820 under section 53a-29 has violated a condition of probation, such
821 probation officer may notify any police officer that such person has, in
822 such officer's judgment, violated the conditions of such person's
823 probation and such notice shall be sufficient warrant for the police
824 officer to arrest such person and return such person to the custody of
825 the court or to any suitable detention facility designated by the court.
826 Any probation officer may arrest any defendant on probation without
827 a warrant or may deputize any other officer with power to arrest to do
828 so by giving such other officer a written statement setting forth that the
829 defendant has, in the judgment of the probation officer, violated the
830 conditions of the defendant's probation. Such written statement,

831 delivered with the defendant by the arresting officer to the official in
832 charge of any correctional center or other place of detention, shall be
833 sufficient warrant for the detention of the defendant. After making
834 such an arrest, such probation officer shall present to the detaining
835 authorities a similar statement of the circumstances of violation.
836 Provisions regarding release on bail of persons charged with a crime
837 shall be applicable to any defendant arrested under the provisions of
838 this section. Upon such arrest and detention, the probation officer shall
839 immediately so notify the court or any judge thereof.

840 Sec. 20. Subsection (b) of section 54-56g of the general statutes is
841 repealed and the following is substituted in lieu thereof (*Effective*
842 *October 1, 2009*):

843 (b) The court, after consideration of the recommendation of the
844 state's attorney, assistant state's attorney or deputy assistant state's
845 attorney in charge of the case, may, in its discretion, grant such
846 application. If the court grants such application, it shall refer such
847 person to the Court Support Services Division for assessment and
848 confirmation of the eligibility of the applicant and to the Department
849 of Mental Health and Addiction Services for evaluation. The Court
850 Support Services Division, in making its assessment and confirmation,
851 may rely on the representations made by the applicant under oath in
852 open court with respect to convictions in other states of offenses
853 specified in subsection (a) of this section. Upon confirmation of
854 eligibility and receipt of the evaluation report, the defendant shall be
855 referred to the Department of Mental Health and Addiction Services
856 by the Court Support Services Division for placement in an
857 appropriate alcohol intervention program for one year, or be placed in
858 a state-licensed substance abuse treatment program. Any person who
859 enters the system shall agree: (1) To the tolling of the statute of
860 limitations with respect to such crime, (2) to a waiver of such person's
861 right to a speedy trial, (3) to complete ten or fifteen counseling sessions
862 in an alcohol intervention program or successfully complete a
863 substance abuse treatment program of not less than twelve sessions
864 pursuant to this section dependent upon the evaluation report and the

865 court order, (4) upon completion of participation in the alcohol
866 intervention program, to accept placement in a treatment program
867 upon recommendation of a provider under contract with the
868 Department of Mental Health and Addiction Services pursuant to
869 subsection (d) of this section or placement in a state-licensed treatment
870 program which meets standards established by the Department of
871 Mental Health and Addiction Services, if the Court Support Services
872 Division deems it appropriate, and (5) if ordered by the court, to
873 participate in at least one victim impact panel. The suspension of the
874 motor vehicle operator's license of any such person pursuant to section
875 14-227b shall be effective during the period such person is
876 participating in such program, provided such person shall have the
877 option of not commencing the participation in such program until the
878 period of such suspension is completed. If the Court Support Services
879 Division informs the court that the defendant is ineligible for the
880 system and the court makes a determination of ineligibility or if the
881 program provider certifies to the court that the defendant did not
882 successfully complete the assigned program or is no longer amenable
883 to treatment, the court shall order the court file to be unsealed, enter a
884 plea of not guilty for such defendant and immediately place the case
885 on the trial list. If such defendant satisfactorily completes the assigned
886 program, such defendant may apply for dismissal of the charges
887 against such defendant and the court, on reviewing the record of the
888 defendant's participation in such program submitted by the Court
889 Support Services Division and on finding such satisfactory completion,
890 shall dismiss the charges. If the defendant does not apply for dismissal
891 of the charges against such defendant after satisfactorily completing
892 the assigned program the court, upon receipt of the record of the
893 defendant's participation in such program submitted by the Court
894 Support Services Division, may on its own motion make a finding of
895 such satisfactory completion and dismiss the charges. Upon motion of
896 the defendant and a showing of good cause, the court may extend the
897 one-year placement period for a reasonable period for the defendant to
898 complete the assigned program. A record of participation in such
899 program shall be retained by the Court Support Services Division for a

900 period of [seven] ten years from the date of application. The Court
901 Support Services Division shall transmit to the Department of Motor
902 Vehicles a record of participation in such program for each person who
903 satisfactorily completes such program. The Department of Motor
904 Vehicles shall maintain for a period of [seven] ten years the record of a
905 person's participation in such program as part of such person's driving
906 record. The Court Support Services Division shall transmit to the
907 Department of Environmental Protection the record of participation of
908 any person who satisfactorily completes such program who has been
909 charged with a violation of the provisions of section 15-133, 15-140l or
910 15-140n. The Department of Environmental Protection shall maintain
911 for a period of [seven] ten years the record of a person's participation
912 in such program as a part of such person's boater certification record.

913 Sec. 21. Section 46b-62 of the general statutes is repealed and the
914 following is substituted in lieu thereof (*Effective October 1, 2009*):

915 (a) In any proceeding seeking relief under the provisions of this
916 chapter and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to
917 46b-213v, inclusive, 47-14g, 51-348a and 52-362, the court may order
918 either spouse or, if such proceeding concerns the custody, care,
919 education, visitation or support of a minor child, either parent to pay
920 the reasonable attorney's fees of the other in accordance with their
921 respective financial abilities and the criteria set forth in section 46b-82.
922 If, in any proceeding under this chapter and said sections, the court
923 appoints an attorney for a minor child, the court may order the father,
924 mother or an intervening party, individually or in any combination, to
925 pay the reasonable fees of the attorney or may order the payment of
926 the attorney's fees in whole or in part from the estate of the child. If the
927 child is receiving or has received state aid or care, the compensation of
928 the attorney shall be established and paid by the Commission on Child
929 Protection.

930 (b) In any proceeding under this chapter for the dissolution of
931 marriage, the court may order a spouse to pay court costs and the
932 reasonable attorney's fees of the other spouse if the court finds that the

933 spouse knowingly submitted false or incomplete information to the
934 court, which information, if relied on by the court, would be against
935 the interests of the other spouse. Any order under this section may be
936 in addition to any applicable penalty for perjury or false statement.

937 Sec. 22. Subsection (b) of section 46b-15 of the general statutes is
938 repealed and the following is substituted in lieu thereof (*Effective*
939 *October 1, 2009, and applicable to any application pending on or filed on or*
940 *after said date*):

941 (b) The application form shall allow the applicant, at the applicant's
942 option, to indicate whether the respondent holds a permit to carry a
943 pistol or revolver or possesses one or more firearms. The application
944 shall be accompanied by an affidavit made under oath which includes
945 a brief statement of the conditions from which relief is sought. Upon
946 receipt of the application the court shall order that a hearing on the
947 application be held not later than fourteen days from the date of the
948 order. The court, in its discretion, may make such orders as it deems
949 appropriate for the protection of the applicant and such dependent
950 children or other persons as the court sees fit. In making such orders,
951 the court may consider relevant court records if the records are
952 available to the public from a clerk of the Superior Court or on the
953 Judicial Branch's Internet web site. Such [order] orders may include
954 temporary child custody or visitation rights and such relief may
955 include but is not limited to an order enjoining the respondent from (1)
956 imposing any restraint upon the person or liberty of the applicant; (2)
957 threatening, harassing, assaulting, molesting, sexually assaulting or
958 attacking the applicant; or (3) entering the family dwelling or the
959 dwelling of the applicant. The court, in its discretion, may make such
960 orders as it deems appropriate for the protection of any animal owned
961 or kept by the applicant including, but not limited to, an order
962 enjoining the respondent from injuring or threatening to injure such
963 animal. If an applicant alleges an immediate and present physical
964 danger to the applicant, the court may issue an ex parte order granting
965 such relief as it deems appropriate. If a postponement of a hearing on
966 the application is requested by either party and granted, the order

967 shall not be continued except upon agreement of the parties or by
 968 order of the court for good cause shown.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	4b-51(a) and (b)
Sec. 2	<i>October 1, 2009</i>	4b-52(a) and (b)
Sec. 3	<i>October 1, 2009</i>	51-9
Sec. 4	<i>October 1, 2009</i>	51-1b
Sec. 5	<i>October 1, 2009</i>	51-5a
Sec. 6	<i>October 1, 2009</i>	51-193c
Sec. 7	<i>October 1, 2009</i>	51-5c(a) and (b)
Sec. 8	<i>October 1, 2009</i>	51-36(a)
Sec. 9	<i>October 1, 2009</i>	51-36(d)
Sec. 10	<i>October 1, 2009</i>	54-2a(e)
Sec. 11	<i>October 1, 2009</i>	54-142i
Sec. 12	<i>October 1, 2009</i>	47a-69
Sec. 13	<i>October 1, 2009</i>	52-261(a)
Sec. 14	<i>October 1, 2009</i>	52-261a
Sec. 15	<i>October 1, 2009</i>	17a-101
Sec. 16	<i>October 1, 2009</i>	46b-38c(c)
Sec. 17	<i>October 1, 2009</i>	New section
Sec. 18	<i>October 1, 2009</i>	53a-30(e)
Sec. 19	<i>October 1, 2009</i>	53a-32(a)
Sec. 20	<i>October 1, 2009</i>	54-56g(b)
Sec. 21	<i>October 1, 2009</i>	46b-62
Sec. 22	<i>October 1, 2009, and applicable to any application pending on or filed on or after said date</i>	46b-15(b)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Approximately \$105,000	Approximately \$140,000

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 18 enhances the ability of the Judicial Department to recover from probationers the cost of electronic monitoring. Current law limits cost recovery to \$6.00¹ per day from any probationer who is not indigent. The bill: (1) eliminates the \$6.00 cap; and (2) allows the court to require any indigent probationer to pay a portion of the cost for electronic monitoring. The potential, additional cost recovery under this provision is approximately \$140,000 each year. Since the effective date of this provision is October 1, 2009, the FY 10 revenue gain is estimated to be 25% less than the annualized amount.

The bill's other provisions have no fiscal impact.

House Amendment "A" makes minor changes that have no fiscal impact.

House Amendment "B" eliminates the provision in the bill that requires the governor's recommended budgets to incorporate, without change, the Judicial Department's budget requests submitted to the Office of Policy and Management. This has no fiscal impact.

¹ Note that the current contractual rates of electronic monitoring via the Global Positioning System are \$6.45 (passive) to \$12.95 (active).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6710 (as amended by House "A" and "B")******AN ACT CONCERNING COURT OPERATIONS.*****SUMMARY:**

This bill makes several unrelated changes in court operations. It:

1. raises the cap on construction projects the Judicial Branch may undertake without Department of Public Works' (DPW) oversight;
2. increases the Judicial Branch's and constituent units of the state system of higher education's independence over construction projects;
3. gives the state Supreme Court chief justice and chief court administrator authority to take action when there is a major disaster, emergency, disaster emergency, civil preparedness emergency, or public health emergency to ensure continuity of court operations;
4. permits data as well as documents to be filed electronically in civil, criminal, family, juvenile, or other matters;
5. requires the chief court administrator to adopt policies and procedures governing the disclosure of information in the court's protective order registry to Superior Court judges and Judicial Department employees;
6. permits the chief court administrator to promulgate directives concerning microfilms and computerized images maintained by the Judicial Branch, including title to land;

7. directs the chief court administrator to develop policies and procedures for entering warrants or other criminal process into a central computer system (currently, only warrants must be entered);
8. authorizes the Judicial Branch to publicly disclose information from the Judicial Branch's central computer system containing warrants and criminal process electronically, including the Internet;
9. requires the Judicial Branch and departments of Motor Vehicles and Environmental Protection to keep records of applications for alcohol education programs for 10, rather than seven, years for people arrested for drunk driving, boating, or hunting;
10. requires family relations counselors, family counselor trainees, and family services supervisors employed by the Judicial Branch to report child abuse and neglect and requires them to disclose otherwise confidential information in certain situations;
11. allows probation officers to detain people with outstanding warrants, seize contraband, and act as ad hoc fugitive task force members;
12. broadens notification provisions when a probation officer believes a probationer has violated probation and eliminates an officer's option of placing a probationer who has violated probation in a zero-tolerance drug program, instead of returning him or her to jail;
13. eliminates the \$6 per-day cap on electronic monitoring services;
14. in divorce cases, allows the court to order a spouse to pay court costs and the reasonable attorney's fees of the other spouse when it finds that the spouse knowingly submitted false or incomplete information to the court which, if relied on by the court, would be against the interests of the other spouse (this may be in

- addition to any penalty for perjury or false statement);
15. changes the formula for calculating service of process fees;
 16. changes the name of “housing specialists” in landlord tenant matters to “housing mediators;” and
 17. allows a court issuing a family protection order to consider relevant court records if they are publicly available from a Superior Court clerk or on the Judicial Branch website.

*House Amendment “A” (1) decreases to \$1.25 million the threshold for DPW supervision of construction and remodeling projects, which the underlying bill had increased from \$500,000 to \$2 million; (2) decreases to \$500,000 the DPW prior approval threshold, which the underlying bill had increased from \$100,000 to \$2 million; and (3) adds the provision on the records a court may consider in issuing family protection orders.

*House Amendment “B” eliminates the bill’s requirement that the governor’s budget incorporate, without change, the Judicial Branch’s budget requests submitted to the Office of Policy and Management.

EFFECTIVE DATE: October 1, 2009, with the provision concerning family protection orders applicable to applications for such orders pending on or filed after that date.

§§ 1-3 — CONSTRUCTION AND REMODELING PROJECTS

The bill gives the Judicial Branch more independence over building projects. It increases the threshold requiring DPW supervision from \$500,000 to \$1.25 million. And it increases the DPW prior approval threshold from \$100,000 to \$500,000. The latter change is also applicable to constituent units of the state system of higher education.

§§ 4 & 5 — HANDLING DISASTERS

The bill authorizes the chief justice and chief court administrator to take necessary action in the event of a major disaster, emergency,

disaster emergency, civil preparedness emergency, or public health emergency. They must ensure the continued and efficient operation of the state courts, prompt disposition of cases, and proper administration of judicial business. Permissible actions include:

1. establishing alternative locations to conduct judicial business if one or more courts cannot be used,
2. suspending judicial business deemed non-essential, and
3. taking other appropriate action necessary to ensure that courts can handle essential business effectively.

§ 6 — ELECTRONIC TRANSACTIONS

The bill permits all documents and data filed with Superior Court judges or trial referees to be submitted by computer, fax, or other technology. It allows judges and trial referees to prescribe alternate methods for signing electronic filings so that the document or data will have the same validity as a paper document. Current law has similar language but does not refer to data.

Payment of Fees

The bill allows any payment required by law to be paid to the Superior Court clerk to be paid electronically. Currently, electronic payments are limited to court fees. Under the bill, such things as fines would also be covered.

Judicial Orders and Decisions

The bill allows electronic signatures, fax transmissions, or the use of other forms of technology for court orders, judgments, decisions, decrees, memoranda, rulings, opinions, or similar documents. If a different technology is used, it must satisfy the procedures and technical standards the chief court administrator sets. Documents sent in this manner have the same validity as paper documents signed or verified by the Superior Court or a judge, judge trial referee, family support magistrate, or small claims or motor vehicle magistrate.

§ 8 — DIGITIZED COURT RECORDS

Current law allows the chief court administrator to direct that court records that must be kept for a specific period of time, except land records, be kept as computerized images, which are defined as any electronic reproduction of the original by a computer-based imaging system or process. The chief court administrator must issue directives concerning paper or electronic certificates of authenticity to accompany each computerized image; this is already required for microfilmed documents. Computerized images bearing authenticity certificates are deemed to be originals for all purposes regardless of when they were created.

§§ 9 & 11 — DATA BASE FOR CRIMINAL PROCESS

The chief court administrator must also issue policies and procedures for judges and trial referees to enter warrants or other criminal process (such as *capias*, an order to take a person into custody to bring them to court) into a central computer system. This is the current practice for warrants, although the law does not require the chief court administrator to promulgate policies and procedures.

Computerized Warrants

Currently, the existence of a warrant in the court's computer system is *prima facie* evidence of the issuance of the warrant and a basis for arrest. Under the bill, only people with active warrants are subject to arrest, and this procedure extends to other forms of criminal process.

The bill authorizes the Judicial Branch to give the public Internet access to warrants and other forms of criminal process. Current law allows this for motor vehicle information.

§ 20—PRETRIAL ALCOHOL INTERVENTION PROGRAM

The bill requires the Court Support Services Division (CSSD) and the departments of Motor Vehicles and Environmental Protection to keep a record of a person's successful completion of a pretrial alcohol intervention class for 10, rather than seven years. The program is for qualifying people charged with less serious forms of driving or boating

under the influence of alcohol or drugs.

§§ 15 & 16—FAMILY RELATIONS COUNSELORS

Mandated Reporters

The bill makes Judicial Branch family relations counselors and trainees and family services supervisors mandated reporters of child abuse and neglect. By law, mandated reporters must notify the Department of Children and Families when they reasonably believe a child has been the victim of abuse or neglect. Other mandated reporters include licensed counselors, psychologists, and teachers.

Sharing Information

The bill requires Judicial Branch family relations counselors and trainees and family services supervisors to disclose information that would otherwise be confidential to:

1. fulfill their duties as mandated reporters and
2. after disposition of a family violence case, to a probation officer, in order to determine service needs and the appropriate level of supervision for a defendant who has been convicted and sentenced to probation.

§§ 17 & 19—PROBATION OFFICER POWERS

The bill expands the authority of probation officers to:

1. detain for a reasonable time, until a police officer arrives, (a) people who have one or more unexecuted state or federal arrest warrants against them or (b) anyone subject to the probation officer's arrest powers, when the officer reasonably believes the probationer has violated a condition of probation;
2. contraband that he or she discovers in the course of official duties, so long as the officer promptly processes the contraband following the Judicial Branch CSSD's policies and procedures; and

3. act as a member of an ad hoc fugitive task force seeking out and arresting people who have unexecuted state or federal warrants against them.

Under the bill, probation officers serving on the task force are entitled to qualified immunity for negligent acts, so long as the acts were not willful or wanton.

Zero-Tolerance Drug Program

Currently, probation officers can place a person whom they believe has violated a term or condition of parole in a zero-tolerance drug supervision program instead of returning the probationer to court. The bill eliminates this option.

Arrest Authority

The bill also broadens officers' authority to arrest any probationer when they have probable cause to believe the offender has violated a term or condition of probation. Currently, this authority extends only to sex offenders who have failed to notify the State Police of an address change. In other situations, the officers may issue a notice to appear in court.

§ 18—ELECTRONIC MONITORING COSTS

The bill eliminates the \$6 daily cost for electronic monitoring service providers, allowing the Judicial Branch to contract with providers at a higher rate. It also allows the court to order those who are unable to pay the full cost of monitoring to pay a portion of the cost. Under current law, indigent people subject to the monitoring pay nothing.

§§ 12-& 13 — SERVICE OF PROCESS FEES

Currently, process servers (e.g., state marshals) receive mileage reimbursements based on the distance traveled to serve the process and the place to which the server returned. Under the bill, the travel reimbursement is based on the mileage the process server reasonably incurred.

BACKGROUND

Related Bill

SB 1145 (File 657) raises the threshold for non-higher education building projects.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 1 (03/31/2009)

Appropriations Committee

Joint Favorable

Yea 46 Nay 5 (05/05/2009)

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 0 (05/12/2009)