



General Assembly

January Session, 2009

**Raised Bill No. 6701**

LCO No. 5077

\*05077 \_\_\_\_\_ JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING COURT-APPOINTED TRUSTEES, NOLLE  
ERASURE PROCEDURES AND TEMPORARY DETENTION.***

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

1 Section 1. Section 51-94a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 No attorney appointed by the court pursuant to rules of the  
4 Superior Court to inventory the files of an inactive, suspended,  
5 disbarred or resigned attorney and to take necessary action to protect  
6 the interests of the inactive, suspended, disbarred or resigned  
7 attorney's clients shall be liable for damage or injury, not wanton,  
8 reckless or malicious, caused in the discharge of the appointed  
9 attorney's duties in connection with such inventory and action. Any  
10 attorney so appointed by the court shall be deemed to be a state officer  
11 or employee for purposes of indemnification and defense under  
12 section 5-141d.

13 Sec. 2. Subsection (c) of section 54-142a of the general statutes, as  
14 amended by section 1 of public act 08-151, is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2009*):

16 (c) (1) Whenever any charge in a criminal case has been nolle in the  
17 Superior Court, or in the Court of Common Pleas, if at least thirteen  
18 months have elapsed since such nolle, all police and court records and  
19 records of the state's or prosecuting attorney or the prosecuting grand  
20 juror pertaining to such charge shall be erased, except that in cases of  
21 nolles entered in the Superior Court, Court of Common Pleas, Circuit  
22 Court, municipal court or by a justice of the peace prior to April 1,  
23 1972, such records shall be deemed erased by operation of law and the  
24 clerk or the person charged with the retention and control of such  
25 records shall not disclose to anyone their existence or any information  
26 pertaining to any charge so erased, provided nothing in this subsection  
27 shall prohibit the arrested person or any one of his heirs from filing a  
28 petition to the court or to the records center of the Judicial Department,  
29 as the case may be, to have such records erased, in which case such  
30 records shall be erased.

31 (2) Whenever any charge in a criminal case has been continued at  
32 the request of the prosecuting attorney, and a period of thirteen  
33 months has elapsed since the granting of such continuance during  
34 which period there has been no prosecution or other disposition of the  
35 matter, the charge shall be [construed to have been nolle as of the  
36 date of termination of such thirteen-month period] nolle upon motion  
37 of the defendant and such erasure may thereafter be effected or a  
38 petition filed therefor, as the case may be, as provided in this  
39 subsection for nolle cases.

40 Sec. 3. (NEW) (*Effective October 1, 2009*) Any person committed to  
41 the custody of the Commissioner of Correction for whom a physician  
42 employed by the Department of Correction has issued an emergency  
43 certificate pursuant to section 17a-502 of the general statutes, which  
44 person has been brought to the Superior Court for the purpose of  
45 being released from custody, may be ordered temporarily detained by  
46 the Superior Court for a reasonable period of time until the person can  
47 be transported to a public or private hospital by an employee of the  
48 Department of Mental Health and Addiction Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	51-94a
Sec. 2	<i>October 1, 2009</i>	54-142a(c)
Sec. 3	<i>October 1, 2009</i>	New section

**Statement of Purpose:**

To (1) include within the definition of "state officers and employees", for purposes of representation and indemnification, attorneys appointed by the court to act as trustees for attorneys who have been placed on inactive status, suspended or disbarred, or who have resigned; (2) require the defendant in a criminal case to file a motion to erase a record regarding the nolle of a case that has been continued at the request of the prosecutor for at least thirteen months with no activity; and (3) permit the court to order the temporary detention, for a reasonable period of time, of a person for whom a physician's emergency certificate has been issued by a Department of Correction physician, until the person can be transported to a Department of Mental Health and Addiction Services facility.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*