Substitute House Bill No. 5339

Public Act No. 10-42

AN ACT CONCERNING NOTIFICATION OF PEACE OFFICERS WHO HAVE BEEN ASSAULTED PRIOR TO THE COURT SENTENCING OR ACCEPTING A PLEA AGREEMENT OF THE DEFENDANT.

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

Section 1. Section 54-91c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) For the purposes of this section, "victim" means a person who is a victim of a crime, the legal representative of such person, a member of a deceased victim's immediate family or a person designated by a deceased victim in accordance with section 1-56r.

(b) Prior to the imposition of sentence upon any defendant who has been found guilty of any crime or has pleaded guilty or nolo contendere to any crime, and prior to the acceptance by the court of a plea of guilty or nolo contendere made pursuant to a plea agreement with the state wherein the defendant pleads to a lesser offense than the offense with which such defendant was originally charged, the court shall permit any victim of the crime to appear before the court for the purpose of making a statement for the record, which statement may include the victim's opinion of any plea agreement. In lieu of such appearance, the victim may submit a written statement or, if the victim

of the crime is deceased, the legal representative or a member of the immediate family of such deceased victim may submit a statement of such deceased victim to the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case. Such state's attorney, assistant state's attorney or deputy assistant state's attorney shall file the statement with the sentencing court and the statement shall be made a part of the record at the sentencing hearing. Any such statement, whether oral or written, shall relate to the facts of the case, the appropriateness of any penalty and the extent of any injuries, financial losses and loss of earnings directly resulting from the crime for which the defendant is being sentenced. The court shall inquire on the record whether any victim is present for the purpose of making an oral statement or has submitted a written statement. If no victim is present and no such written statement has been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim as provided in subdivision (1) of subsection (c) of this section or, if the defendant was originally charged with a violation of section 53a-167c for assaulting a peace officer, whether the peace officer has been personally notified as provided in subdivision (2) of subsection (c) of this section. After consideration of any such statements, the court may refuse to accept, where appropriate, a negotiated plea or sentence, and the court shall give the defendant an opportunity to enter a new plea and to elect trial by jury or by the court.

(c) **[**Prior**]** (1) Except as provided in subdivision (2) of this subsection, prior to the imposition of sentence upon such defendant and prior to the acceptance of a plea pursuant to a plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall **[**advise**]** notify the victim of such crime of the date, time and place of the original sentencing hearing or any judicial proceeding concerning the acceptance of a plea pursuant to a plea agreement, provided the victim has informed such state's

attorney, assistant state's attorney or deputy assistant state's attorney that such victim wishes to make or submit a statement as provided in subsection (b) of this section and has complied with a request from such state's attorney, assistant state's attorney or deputy assistant state's attorney to submit a stamped, self-addressed postcard for the purpose of such notification.

(2) Prior to the imposition of sentence upon a defendant originally charged with a violation of section 53a-167c for assaulting a peace officer, and prior to the acceptance of a plea pursuant to a plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall personally notify the peace officer who was the victim of such crime of the date, time and place of the original sentencing hearing or any judicial proceeding concerning the acceptance of a plea pursuant to a plea agreement.

(3) If the state's attorney, assistant state's attorney or deputy assistant state's attorney is unable to notify the victim, such state's attorney, assistant state's attorney or deputy state's attorney shall sign a statement as to such notification.

(d) Upon the request of a victim, prior to the acceptance by the court of a plea of a defendant pursuant to a proposed plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall provide such victim with the terms of such proposed plea agreement in writing.

(e) The provisions of this section shall not apply to any proceedings held in accordance with section 46b-121 or section 54-76h.

Approved May 18, 2010