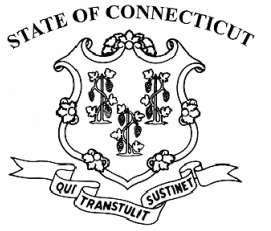

Substitute House Bill No. 5539

Public Act No. 10-43

AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES.

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

Section 1. Section 51-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Terms of the Supreme Court shall be held at Hartford **[**on the first Tuesday of each month except July, August and September. Each term shall continue until the business ready for disposition at its beginning is disposed of**]** and the specific dates of such terms shall be posted on the Internet web site of the Judicial Branch. Special **[**terms**]** sessions may be held at any other time or place as fixed by rule of the judges or on call of the Chief Justice.

Sec. 2. Section 51-203 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Assignment of cases for hearing by the Supreme Court shall be made by the chief clerk of the Supreme Court, **[**at the Supreme Court room in Hartford,**]** under the direction of the Chief Justice or an associate judge designated by the Chief Justice. **[**, on or before the Thursday preceding the beginning of each term, the day and hour to be fixed by rule of court.**]**

(b) Assignments of cases for hearing by the Appellate Court shall be made by the chief clerk of the Appellate Court, under the direction of the Chief Judge or an Appellate Court judge designated by the Chief Judge. **[**, the day and hour to be fixed by rule of court.**]**

(c) Assignments shall ordinarily be made in the order in which cases stand upon the docket of cases ready to be heard; but counsel may, **[**by personal appearance at the time set for making assignments or by communication before that time with the clerk, present any stipulation that has been made or any reason why the regular order should be departed from**]** in writing and in the manner provided by the rules of the Supreme Court or Appellate Court, as the case may be, request a variation in such order. Assignments shall be made, so far as reasonably possible, in accordance with any such **[**stipulation**]** request or in a way which suits the convenience of counsel.

Sec. 3. Section 51-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Each party in any case before the Supreme Court has a right to be heard by a **[**full court. A full court shall consist**]** panel consisting of five associate judges or the Chief Justice and four associate judges. **[**or, upon order of the Chief Justice, six associate judges or the Chief Justice and five or six associate judges.**]**

(b) If any judge is **[**absent and such right is claimed**]** disabled or if any judge is disqualified and the **[**absence or**]** disqualification is not waived or if the business before the court requires it, the Chief Justice or, in the case of his or her **[**absence**]** disability or disqualification, the most senior associate judge **[**present and**]** qualified may summon the sixth or seventh member, or both, of the Supreme Court to constitute a **[**full court**]** panel. If a **[**full court**]** panel cannot be constituted from the seven members of the Supreme Court due to the **[**absence**]** disability or disqualification of one or more members, the Chief Justice or, in the

case of his or her **[**absence**]** disability or disqualification, the most senior associate judge **[**present and**]** qualified may summon one or more judges of the Superior Court, including senior judges of the Supreme Court and judges and senior judges of the Appellate Court, to constitute a **[**full court**]** panel, who shall attend and act as judges of the Supreme Court for the time being.

[(c) Subject to the discharge of his or her duties as Chief Court Administrator, if he or she is also an associate judge of the Supreme Court, the Chief Court Administrator may be summoned to constitute a full court at the discretion of the Chief Justice, or, in case of the absence or disqualification of the Chief Justice, the most senior associate judge present and qualified.**]**

(c) The Chief Justice or any judge shall not sit to review a decision he or she made below.

Sec. 4. Section 51-209 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

No ruling, judgment or decree of any court may be reversed, affirmed, sustained, modified or in any other manner affected by the Supreme Court or the Appellate Court unless a majority of the judges on the panel hearing the cause concur in the decision. No cause reserved, where no verdict has been rendered, judgment given or decree passed, shall be determined unless a majority of the judges on the panel hearing the cause concur in the decision. **[**When a case is argued before an even number of judges and court is evenly divided as to the result, a reargument before a full panel shall be ordered.**]** Whenever the Supreme Court is evenly divided as to the result, the court shall reconsider the case, with or without oral argument, with an odd number of judges. If the court reconsiders the case without oral argument, the judges who did not hear oral argument shall have available to them the electronic recording or transcript of the oral

argument before participating in the decision. If a judge who is a member of a panel is not present for oral argument, the judge shall have available to him or her the electronic recording or transcript of the oral argument.

Sec. 5. Section 9-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Any elector or candidate who claims that he is aggrieved by any ruling of any election official in connection with any election for presidential electors and for a senator in Congress and for representative in Congress or any of them, held in his town, or that there was a mistake in the count of the votes cast at such election for candidates for such electors, senator in Congress and representative in Congress, or any of them, at any voting district in his town, or any candidate for such an office who claims that he is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election, may bring his complaint to any judge of the Supreme Court, in which he shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall **[**send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand,**]** file a certification attached to the complaint indicating that a copy of the complaint has been sent by first-class mail or delivered to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to the election, it shall be brought not later than fourteen days after the election or, if such complaint is brought in response to the manual tabulation of paper ballots

authorized pursuant to section 9-320f, such complaint shall be brought not later than seven days after the close of any such manual tabulation, and in either such circumstance, the judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five or less than three days from the making of such order, and shall cause notice of not less than three or more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, to the Secretary of the State, to the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge, with two other judges of the Supreme Court to be designated by the Chief Court Administrator, shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judges may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judges shall thereupon, in the case they, or any two of them, find any error in the rulings of the election official, any mistake in the count of such votes or any violation of said sections, certify the result of their finding or decision, or the finding or decision of a majority of them, to the Secretary of the State before the first Monday after the second Wednesday in December. Such judges may order a new election or a change in the existing election schedule, provided such order complies with Section 302 of the Help America Vote Act, P.L. 107-252, as amended from time to time. Such certificate of such judges, or a majority of them, shall be final upon all questions relating to the rulings of such election officials, to the correctness of such count and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers so as to conform to such finding or decision.

Sec. 6. Subsection (a) of section 9-329a of the general statutes is

repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Any (1) elector or candidate aggrieved by a ruling of an election official in connection with any primary held pursuant to (A) section 9-423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who alleges that there has been a mistake in the count of the votes cast at such primary, or (3) candidate in such a primary who alleges that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such primary, may bring his complaint to any judge of the Superior Court for appropriate action. In any action brought pursuant to the provisions of this section, the complainant shall **[**send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand,**]** file a certification attached to the complaint indicating that a copy of the complaint has been sent by first-class mail or delivered to the State Elections Enforcement Commission. If such complaint is made prior to such primary such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such primary it shall be brought, not later than fourteen days after such primary, or if such complaint is brought in response to the manual tabulation of paper ballots, described in section 9-320f, such complaint shall be brought, not later than seven days after the close of any such manual tabulation, to any judge of the Superior Court.

Sec. 7. Section 51-50j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Each retired Chief Justice, associate judge of the Supreme Court, judge of the Appellate Court and judge of the Superior Court shall be eligible for the performance of judicial duties and all services under the provisions of sections 9-625, 51-194, **[**51-204,**]** 51-207, 53a-45, 54-47b to

54-47g, inclusive, and 54-82.

Sec. 8. Section 51-1b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

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

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

Sec. 9. Section 51-5a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

of the Judicial Department; (3) may issue such orders, require such reports and appoint other judges to such positions to perform such duties, as **[**he**]** the Chief Court Administrator deems necessary to carry out his or her responsibilities; (4) may assign, reassign and modify assignments of the judges of the Superior Court to any division or part of the Superior Court and may order the transfer of actions under sections 51-347a and 51-347b; **[**and**]** (5) may provide for the convening of conferences of the judges of the several courts, or any of them, and of such members of the bar as **[**he**]** the Chief Court Administrator may determine, for the consideration of matters relating to judicial business, the improvement of the judicial system and the effective administration of justice in this state; and (6) may take any action necessary in the event of a major disaster, emergency, civil preparedness emergency or disaster emergency, as those terms are defined in section 28-1, or a public health emergency, as defined in section 19a-131, to ensure the continued efficient operation of the Supreme, Appellate and Superior Courts, the prompt disposition of cases and the proper administration of judicial business, which necessary action may include: (A) Establishing alternative locations to conduct judicial business in the event that one or more court locations cannot be used, (B) suspending any judicial business that is deemed not essential by the Chief Court Administrator, and (C) taking any other appropriate action necessary to ensure that essential judicial business is effectively handled by the courts.

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

Sec. 10. Subsection (a) of section 17a-22h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioners of Social Services and Children and Families

shall develop and implement an integrated behavioral health service system for HUSKY Part A and HUSKY Part B members **[**,**]** and children enrolled in the voluntary services program operated by the Department of Children and Families and may, at the discretion of the Commissioners of Children and Families and Social Services, include other children, adolescents and families served by the Department of Children and Families or the Court Support Services Division of the Judicial Branch, which shall be known as the Behavioral Health Partnership. The Behavioral Health Partnership shall seek to increase access to quality behavioral health services through: (1) Expansion of individualized, family-centered, community-based services; (2) maximization of federal revenue to fund behavioral health services; (3) reduction in the unnecessary use of institutional and residential services for children; (4) capture and investment of enhanced federal revenue and savings derived from reduced residential services and increased community-based services; (5) improved administrative oversight and efficiencies; and (6) monitoring of individual outcomes, provider performance, taking into consideration the acuity of the patients served by each provider, and overall program performance.

Sec. 11. Subsection (b) of section 17a-22j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The council shall consist of the following members:

(1) Four appointed by the speaker of the House of Representatives; two of whom are representatives of general or specialty psychiatric hospitals; one of whom is an adult with a psychiatric disability; and one of whom is an advocate for adults with psychiatric disabilities;

(2) Four appointed by the president pro tempore of the Senate, two of whom are parents of children who have a behavioral health disorder or have received child protection or juvenile justice services

from the Department of Children and Families; one of whom has expertise in health policy and evaluation; and one of whom is an advocate for children with behavioral health disorders;

(3) Two appointed by the majority leader of the House of Representatives; one of whom is a primary care provider serving children pursuant to the HUSKY Plan; and one of whom is a child psychiatrist serving children pursuant to the HUSKY Plan;

(4) Two appointed by the majority leader of the Senate; one of whom is either an adult with a substance use disorder or an advocate for adults with substance use disorders; and one of whom is a representative of school-based health clinics;

(5) Two appointed by the minority leader of the House of Representatives; one of whom is a provider of community-based behavioral health services for adults; and one of whom is a provider of residential treatment for children;

(6) Two appointed by the minority leader of the Senate; one of whom is a provider of community-based services for children with behavioral health problems; and one of whom is a member of the advisory council on Medicaid managed care;

(7) Four appointed by the Governor; two of whom are representatives of general or specialty psychiatric hospitals and two of whom are parents of children who have a behavioral health disorder or have received child protection or juvenile justice services from the Department of Children and Families;

(8) The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health **[**,**]** and appropriations and the budgets of state agencies, or their designees;

(9) A member of the Community Mental Health Strategy Board, established pursuant to section 17a-485b, as selected by said board;

(10) The Commissioner of Mental Health and Addiction Services, or said commissioner's designee;

(11) **[**Seven**]** Eight nonvoting ex-officio members, one each appointed by the **[**Commissioners**]** Commissioner of Social Services, the Commissioner of Children and Families, the Commissioner of Mental Health and Addiction Services and the Commissioner of Education to represent his or her department, one appointed by the Chief Court Administrator of the Judicial Branch to represent the Court Support Services Division and one each appointed by the State Comptroller, the Secretary of the Office of Policy and Management and the Office of Health Care Access to represent said offices;

(12) One or more consumers appointed by the chairpersons of the council, to be nonvoting ex-officio members; and

(13) One representative from the administrative services organization and from each Medicaid managed care organization, to be nonvoting ex-officio members.

Sec. 12. Section 17a-101 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

such child and family.

(b) The following persons shall be mandated reporters: Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist, coach of intramural or interscholastic athletics, school superintendent, school teacher, school principal, school guidance counselor, school paraprofessional, school coach, social worker, police officer, juvenile or adult probation officer, juvenile or adult parole officer, member of the clergy, pharmacist, physical therapist, optometrist, chiropractor, podiatrist, mental health professional or physician assistant, any person who is a licensed or certified emergency medical services provider, any person who is a licensed or certified alcohol and drug counselor, any person who is a licensed marital and family therapist, any person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k, any person who is a licensed professional counselor, any person who is a licensed foster parent, any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home licensed by the state, any employee of the Department of Children and Families, any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, the Child Advocate and any employee of the Office of the Child Advocate and any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department.

(c) The Commissioner of Children and Families shall develop an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be made available to all persons mandated to report

child abuse and neglect at various times and locations throughout the state as determined by the Commissioner of Children and Families.

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

Sec. 13. Subsection (c) of section 46b-38c of the general statutes, as amended by section 65 of public act 09-7 of the September special session, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(c) Each such local family violence intervention unit shall: (1) Accept referrals of family violence cases from a judge or prosecutor, (2) prepare written or oral reports on each case for the court by the next court date to be presented at any time during the court session on that date, (3) provide or arrange for services to victims and offenders, (4) administer contracts to carry out such services, and (5) establish centralized reporting procedures. All information provided to a family relations **[**officer**]** counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department in a local family violence intervention unit shall be solely for the purposes of preparation of the report and the protective order forms for each case and recommendation of services and shall otherwise be confidential and retained in the files of such unit and not be subject to subpoena or other court process for use in any other proceeding or for any other purpose, except that (A) if the victim has indicated that the defendant holds a permit to carry a pistol or revolver or possesses one or more firearms, the family relations **[**officer**]** counselor, family

relations counselor trainee or family services supervisor shall disclose such information to the court and the prosecuting authority for appropriate action, and (B) the family relations counselor, family relations counselor trainee or family services supervisor shall disclose such information as may be necessary to fulfill such counselor's, trainee's or supervisor's duty as a mandated reporter under section 17a-101a to report suspected child abuse or neglect.

Sec. 14. Section 47a-69 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The judges of the Superior Court or an authorized committee thereof may appoint such housing **[**specialists**]** mediators as they deem necessary for the purpose of assisting the court in the prompt and efficient hearing of housing matters within the limit of their appropriation therefor. Such judges or such committee shall appoint not less than two such **[**specialists**]** mediators for each of the judicial districts of Hartford, New Haven and Fairfield and may designate one of them in each judicial district as chief housing **[**specialist**]** mediator. Such judges or committee shall also appoint not less than three such housing **[**specialists**]** mediators for all other judicial districts. The housing **[**specialists**]** mediators for the judicial district of New Haven shall assist the court in the hearing of housing matters in the judicial district of Waterbury, the housing **[**specialists**]** mediators for the judicial district of Hartford shall assist the court in the hearing of housing matters in the judicial district of New Britain and the housing **[**specialists**]** mediators for the judicial district of Fairfield shall assist the court in the hearing of housing matters in the judicial district of Stamford-Norwalk.

(b) Housing **[**specialists**]** mediators shall be knowledgeable in the maintenance, repair and rehabilitation of dwelling units and the federal, state and municipal laws, ordinances, rules and regulations pertaining thereto. **[**They**]** Housing mediators shall also have

knowledge necessary to advise parties regarding the type of funds and services available to assist owners, landlords and tenants in the financing of resolutions to housing problems. **[**The housing specialists**]** Housing mediators shall make inspections and conduct investigations at the request of the court, shall advise parties in locating possible sources of financial assistance necessary to comply with orders of the court and shall exercise such other powers and perform such other duties as the judge may from time to time prescribe.

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

Sec. 15. Subsection (a) of section 51-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) All jurors shall be electors, or citizens of the United States who are residents of this state having a permanent place of abode in this state and appear on the list compiled by the Jury Administrator under subsection (b) of section 51-222a, who have reached the age of eighteen. A person shall be disqualified to serve as a juror if such person: (1) **[**is**]** Is found by a judge of the Superior Court to exhibit any quality which will impair the capacity of such person to serve as a juror, except that no person shall be disqualified on the basis of deafness or hearing impairment; (2) has been convicted of a felony within the past seven years or is a defendant in a pending felony case or is in the custody of the Commissioner of Correction; (3) is not able to speak and understand the English language; (4) is the Governor, Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General; (5) is a judge of the Probate Court, Superior Court,

Appellate Court or Supreme Court, is a family support magistrate or is a federal court judge; (6) is a member of the General Assembly, provided such disqualification shall apply only while the General Assembly is in session; (7) is seventy years of age or older and chooses not to perform juror service; or (8) is incapable, by reason of a physical or mental disability, of rendering satisfactory juror service. Any person claiming a disqualification under subdivision (8) of this subsection must submit to the Jury Administrator a letter from a licensed **[**physician**]** health care provider stating the **[**physician's**]** health care provider's opinion that such disability prevents the person from rendering satisfactory juror service. In reaching such opinion, the **[**physician**]** health care provider shall apply the following guideline: A person shall be capable of rendering satisfactory juror service if such person is able to perform a sedentary job requiring close attention for six hours per day, with short work breaks in the morning and afternoon sessions, for at least three consecutive business days.

Sec. 16. Section 52-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

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

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

Sec. 17. Subsection (f) of section 52-259 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(f) There shall be paid to the clerk of the Superior Court for receiving and filing an assessment of damages by appraisers of land taken for public use or the appointment of a commissioner of the Superior Court, two dollars; for recording the commission and oath of a notary public or certifying under seal to the official character of any magistrate, ten dollars; for issuing a certificate that an attorney is in good standing, ten dollars; for certifying under seal, two dollars; for exemplifying, twenty dollars; for making all necessary records and certificates of naturalization, the fees allowed under the provisions of the United States statutes for such services; and for making copies, one dollar a page.

Sec. 18. Subsection (b) of section 52-259a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(b) (1) The Immigration and Naturalization Service shall not be required to pay any fees specified in section 52-259, as amended by this act, for any certified copy of any criminal record.

(2) The Office of the Federal Public Defender shall not be required to pay any fees specified in section 52-259, as amended by this act, for any certified copy of any criminal record.

(3) An employee of the United States Probation Office, acting in the performance of such employee's duties, shall not be required to pay any fee specified in section 52-259, as amended by this act, for any

certified copy of any criminal record.

Sec. 19. Subsection (g) of section 53a-29 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(g) Whenever the court sentences a person, on or after October 1, 2008, to a period of probation of more than two years for a class C or D felony or an unclassified felony or more than one year for a class A or B misdemeanor, the probation officer supervising such person shall submit a report to the sentencing court, the state's attorney and the attorney of record, if any, for such person, not later than sixty days prior to the date such person completes two years of such person's period of probation for such felony or one year of such person's period of probation for such misdemeanor setting forth such person's progress in addressing such person's assessed needs and complying with the conditions of such person's probation. The probation officer shall recommend, in accordance with guidelines developed by the Judicial Branch, whether such person's sentence of probation should be continued for the duration of the original period of probation or be terminated. If such person is serving a period of probation concurrent with another period of probation, the probation officer shall submit a report only when such person becomes eligible for termination of the period of probation with the latest return date, at which time all of such person's probation cases shall be presented to the court for review. Not later than sixty days after receipt of such report, the sentencing court shall continue the sentence of probation or terminate the sentence of probation. Notwithstanding the provisions of section 53a-32, as amended by this act, the parties may agree to waive the requirement of a court hearing. The Court Support Services Division shall establish within its policy and procedures a requirement that any victim be notified whenever a person's sentence of probation may be terminated pursuant to this subsection. The sentencing court shall

permit such victim to appear before the sentencing court for the purpose of making a statement for the record concerning whether such person's sentence of probation should be terminated. In lieu of such appearance, the victim may submit a written statement to the sentencing court and the sentencing court shall make such statement a part of the record. Prior to ordering that such person's sentence of probation be continued or terminated, the sentencing court shall consider the statement made or submitted by such victim.

Sec. 20. Subsection (a) of section 53a-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) At any time during the period of probation or conditional discharge, the court or any judge thereof may issue a warrant for the arrest of a defendant for violation of any of the conditions of probation or conditional discharge, or may issue a notice to appear to answer to a charge of such violation, which notice shall be personally served upon the defendant. Any such warrant shall authorize all officers named therein to return the defendant to the custody of the court or to any suitable detention facility designated by the court. **[**Whenever a defendant has, in the judgment of such defendant's probation officer, violated the conditions of such defendant's probation, the probation officer may, in lieu of having such defendant returned to court for proceedings in accordance with this section, place such defendant in the zero-tolerance drug supervision program established pursuant to section 53a-39d. Whenever a sexual offender, as defined in section 54-260, has violated the conditions of such person's probation by failing to notify such person's probation officer of any change of such person's residence address, as required by said section**]** Whenever a probation officer has probable cause to believe that a person has violated a condition of such person's probation, such probation officer may notify any police officer that such person has, in such officer's

judgment, violated the conditions of such person's probation and such notice shall be sufficient warrant for the police officer to arrest such person and return such person to the custody of the court or to any suitable detention facility designated by the court. Any probation officer may arrest any defendant on probation without a warrant or may deputize any other officer with power to arrest to do so by giving such other officer a written statement setting forth that the defendant has, in the judgment of the probation officer, violated the conditions of the defendant's probation. Such written statement, delivered with the defendant by the arresting officer to the official in charge of any correctional center or other place of detention, shall be sufficient warrant for the detention of the defendant. After making such an arrest, such probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to any defendant arrested under the provisions of this section. Upon such arrest and detention, the probation officer shall immediately so notify the court or any judge thereof.

Sec. 21. Subsection (e) of section 54-2a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

the warrant or process.

Sec. 22. Subsection (d) of section 54-56e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(d) Except as provided in subsection (e) of this section, any defendant who enters such program shall pay to the court a participation fee of one hundred dollars. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of the right to a speedy trial. Any such defendant shall appear in court and shall, under such conditions as the court shall order, be released to the custody of the Court Support Services Division, except that, if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district, such defendant may be transferred, under such conditions as the court shall order, to the court handling such docket for supervision by such court. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. The period of such probation or supervision, or both, shall not exceed two years. **[**The court may order that as a condition of such probation the defendant participate in the zero-tolerance drug supervision program established pursuant to section 53a-39d.**]** If the defendant has reached the age of sixteen years but has not reached the age of eighteen years, the court may order that as a condition of such probation the defendant be referred for services to a youth service bureau established pursuant to section 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the defendant is in need of and likely to benefit from such services. When determining any conditions of probation to order for a person entering such program who was charged with a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or a

motor vehicle violation, the court shall consider ordering the person to perform community service in the community in which the offense or violation occurred. If the court determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section. If the defendant is charged with a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181*l*, the court may order that as a condition of such probation the defendant participate in a hate crimes diversion program as provided in subsection (e) of this section. If a defendant is charged with a violation of section 53-247, the court may order that as a condition of such probation the defendant undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant.

Sec. 23. Section 54-56j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a school violence prevention program for students of a public or private secondary school charged with an offense involving the use or threatened use of physical violence in or on the real property comprising a public or private elementary or secondary school or at a school-sponsored activity as defined in subsection (h) of section 10-233a. Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that such person has never had such system invoked in such person's behalf and that such person has not been convicted of an offense involving the threatened use of physical violence in or on the real property comprising a public

or private elementary or secondary school or at a school-sponsored activity as defined in subsection (h) of section 10-233a, and that such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as such an offense.

(b) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant such application. If the court grants such application, it shall refer such person to the **[**Bail Commission**]** Court Support Services Division for assessment and confirmation of the eligibility of the applicant. The **[**Bail Commission**]** Court Support Services Division, in making its assessment and confirmation, may rely on the representations made by the applicant under oath in open court with respect to convictions in other states of offenses specified in subsection (a) of this section. As a condition of eligibility for participation in such program, the student and the parents or guardian of such student shall certify under penalty of false statement that, to the best of such person's knowledge and belief, such person does not possess any firearms, dangerous weapons, controlled substances or other property or materials the possession of which is prohibited by law or in violation of the law. Upon confirmation of eligibility, the defendant shall be referred to the **[**Office of Alternative Sanctions**]** Court Support Services Division for evaluation and placement in an appropriate school violence prevention program for one year.

(c) Any person who enters the program shall agree: (1) To the tolling of the statute of limitations with respect to such crime, (2) to a waiver of the right to a speedy trial, (3) to participate in a school violence prevention program offered by a provider under contract with the **[**Office of Alternative Sanctions**]** Court Support Services Division pursuant to subsection (g) of this section, and (4) to

successfully complete the assigned program. If the **[**Bail Commission**]** Court Support Services Division informs the court that the defendant is ineligible for the program and the court makes a determination of ineligibility or if the program provider certifies to the court that the defendant did not successfully complete the assigned program, the court shall order the court file to be unsealed, enter a plea of not guilty for such defendant and immediately place the case on the trial list.

(d) The **[**Office of Alternative Sanctions**]** Court Support Services Division shall monitor the defendant's participation in the assigned program and the defendant's compliance with the orders of the court including, but not limited to, maintaining contact with the student and officials of the student's school.

(e) If such defendant satisfactorily completes the assigned program and one year has elapsed since the defendant was placed in the program, such defendant may apply for dismissal of the charges against such defendant and the court, on reviewing the record of such defendant's participation in such program submitted by the **[**Office of Alternative Sanctions**]** Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If the defendant does not apply for dismissal of the charges against the defendant after satisfactorily completing the assigned program and one year has elapsed since the defendant was placed in the program, the court, upon receipt of the record of the defendant's participation in such program submitted by the **[**Office of Alternative Sanctions**]** Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges.

(f) The cost of participation in such program shall be paid by the parent or guardian of such student, except that no student shall be excluded from such program for inability to pay such cost provided (1) the parent or guardian of such student files with the court an affidavit of indigency or inability to pay, and (2) the court enters a finding

thereof.

(g) The **[**Office of Alternative Sanctions**]** Court Support Services Division shall contract with service providers, develop standards and oversee appropriate school violence prevention programs to meet the requirements of this section.

(h) The school violence prevention program shall consist of at least eight group counseling sessions in anger management and nonviolent conflict resolution.

Sec. 24. Subsection (c) of section 54-63d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(c) In addition to or in conjunction with any of the conditions enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this section, the bail commissioner may impose nonfinancial conditions of release, which may require that the arrested person do any of the following: (1) Remain under the supervision of a designated person or organization; (2) comply with specified restrictions on the person's travel, association or place of abode; (3) not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or controlled substance; (4) **[**participate in the zero-tolerance drug supervision program established under section 53a-39d; (5)**]** avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; or **[**(6)**]** (5) satisfy any other condition that is reasonably necessary to assure the appearance of the person in court. Any of the conditions imposed under subsection (a) of this section and this subsection by the bail commissioner shall be effective until the appearance of such person in court.

Sec. 25. Subsection (c) of section 54-64a of the general statutes is

repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(c) If the court determines that a nonfinancial condition of release should be imposed pursuant to subparagraph (B) of subdivision (1) of subsection (a) or (b) of this section, the court shall order the pretrial release of the person subject to the least restrictive condition or combination of conditions that the court determines will reasonably assure the appearance of the arrested person in court and, with respect to the release of the person pursuant to subsection (b) of this section, that the safety of any other person will not be endangered, which conditions may include an order that the arrested person do one or more of the following: (1) Remain under the supervision of a designated person or organization; (2) comply with specified restrictions on such person's travel, association or place of abode; (3) not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or a controlled substance; (4) **[**participate in the zero-tolerance drug supervision program established under section 53a-39d; (5)**]** provide sureties of the peace pursuant to section 54-56f under supervision of a designated bail commissioner; **[**(6)**]** (5) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; **[**(7)**]** (6) maintain employment or, if unemployed, actively seek employment; **[**(8)**]** (7) maintain or commence an educational program; **[**(9)**]** (8) be subject to electronic monitoring; or **[**(10)**]** (9) satisfy any other condition that is reasonably necessary to assure the appearance of the person in court and that the safety of any other person will not be endangered. The court shall state on the record its reasons for imposing any such nonfinancial condition.

Sec. 26. Subsection (b) of section 54-76j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(b) If execution of the sentence is suspended under subdivision (6) of subsection (a) of this section, the defendant may be placed on probation or conditional discharge for a period not to exceed three years, provided, at any time during the period of probation, after hearing and for good cause shown, the court may extend the period as deemed appropriate by the court. If the court places the person adjudicated to be a youthful offender on probation, the court may order that, as a condition of such probation, the person be referred for services to a youth service bureau established pursuant to section 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the person is in need of and likely to benefit from such services. **[**If the court places a person adjudicated as a youthful offender on probation, the court may order that, as a condition of such probation, the person participate in the zero-tolerance drug supervision program established pursuant to section 53a-39d.**]** If the court places a youthful offender on probation, school and class attendance on a regular basis and satisfactory compliance with school policies on student conduct and discipline may be a condition of such probation and, in such a case, failure to so attend or comply shall be a violation of probation. If the court has reason to believe that the person adjudicated to be a youthful offender is or has been an unlawful user of narcotic drugs, as defined in section 21a-240, and the court places such youthful offender on probation, the conditions of probation, among other things, shall include a requirement that such person shall submit to periodic tests to determine, by the use of "synthetic opiate antinarcotic in action", nalline test or other detection tests, at a hospital or other facility, equipped to make such tests, whether such person is using narcotic drugs. A failure to report for such tests or a determination that such person is unlawfully using narcotic drugs shall constitute a violation of probation. If the court places a person adjudicated as a youthful offender for a violation of section 53-247 on probation, the court may order that, as a condition of such probation, the person undergo

psychiatric or psychological counseling or participate in an animal cruelty prevention and education program, provided such a program exists and is available to the person.

Sec. 27. Section 54-108c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

The Court Support Services Division of the Judicial Branch shall make available on the Internet (1) information concerning all outstanding arrest warrants for violation of probation including the name, address and photographic image of the probationer named in such warrant, except that information concerning such an outstanding warrant shall not be made available on the Internet if (A) there is reason to believe that making such information available might endanger the safety of the probationer or any other person, or (B) the probationer is a person adjudicated as a youthful offender, and (2) a quarterly report listing by court of issuance all **[**outstanding**]** arrest warrants for violation of probation made available under subdivision (1) of this section, including the name and address of the probationer named in each such warrant and the date of issuance of such warrant.

Sec. 28. Section 54-142i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

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

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

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

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

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

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

[(f)**]** (6) Where computerized data processing is employed, institute effective and technologically advanced software and hardware designs to prevent unauthorized access to such information and restrict to authorized organizations and personnel only, access to criminal history record information system facilities, systems operating

environments, systems documentation, and data file contents while in use or when stored in a media library; and

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

Sec. 29. (NEW) (*Effective October 1, 2010*) (a) A probation officer may, in the performance of his or her official duties, detain for a reasonable period of time and until a police officer arrives to make an arrest (1) any person who has one or more unexecuted state or federal arrest warrants lodged against him or her, and (2) any person who such officer has probable cause to believe has violated a condition of probation and is the subject of a probation officer's authorization to arrest pursuant to subsection (a) of section 53a-32 of the general

statutes, as amended by this act.

(b) A probation officer may seize and take into custody any contraband, as defined in subsection (a) of section 54-36a of the general statutes, that such officer discovers in the performance of his or her official duties. Such probation officer shall promptly process such contraband in accordance with the provisions of section 54-36a of the general statutes.

(c) A probation officer may, in the performance of his or her official duties, act as a member of a state or federal ad hoc fugitive task force that seeks out and arrests persons who have unexecuted state or federal arrest warrants lodged against such persons and such officer shall be deemed to be acting as an employee of the state while carrying out the duties of the task force.

Sec. 30. Subsection (a) of section 46b-122 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) All matters which are juvenile matters, as provided in section 46b-121, shall be kept separate and apart from all other business of the Superior Court as far as is practicable, except matters transferred under the provisions of section 46b-127, which matters shall be transferred to the regular criminal docket of the Superior Court. Except as provided in subsection (b) of this section, any judge hearing a juvenile matter may, during such hearing, exclude from the room in which such hearing is held any person whose presence is, in the court's opinion, not necessary, except that in delinquency proceedings, any victim shall not be excluded unless, after hearing from the parties and the victim and for good cause shown, which shall be clearly and specifically stated on the record, the judge orders otherwise. For the purposes of this section, "victim" means a person who is the victim of a delinquent act, a parent or guardian of such person, the legal

representative of such person or **[**an**]** a victim advocate **[**appointed for such person pursuant to section 54-221**]** for such person under section 54-220.

Sec. 31. Subsection (d) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) judicial branch employees who, in the performance of their duties, require access to such records, and (2) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child, or (C) the design and delivery of treatment programs pursuant to section 46b-121j. Such employees and authorized agents include, but are not limited to, law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters **[**,**]** and officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, the Court Support Services Division **[**,**]** and agencies under contract with the judicial branch. **[**, and an advocate appointed pursuant to section 54-221 for a victim of a crime committed by the child.**]** Such records shall also be available to (i) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (ii) the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (iii) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (iv) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations, (v) a state or

federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be limited to that information necessary for the collection of and application for such moneys, and (vi) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information.

Sec. 32. Section 46b-138b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

In any proceeding concerning the alleged delinquency of a child, any victim of the alleged delinquent conduct, the parents or guardian of such victim, **[**an**]** a victim advocate for such victim **[**, appointed**]** under section **[**54-221**]** 54-220, or such victim's counsel shall have the right to appear before the court for the purpose of making a statement to the court concerning the disposition of the case.

Sec. 33. Subsection (b) of section 54-76h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(b) In a proceeding under sections 54-76b to 54-76n, inclusive, the

court shall not exclude any victim from such proceeding or any portion thereof unless, after hearing from the parties and the victim and for good cause shown, which shall be clearly and specifically stated on the record, the court orders otherwise. For the purposes of this subsection, "victim" means a person who is the victim of a crime for which a youth is charged, a parent or guardian of such person, the legal representative of such person or **[**an**]** a victim advocate **[**appointed**]** for such person **[**pursuant to section 54-221**]** under section 54-220.

Sec. 34. Subsection (b) of section 54-76*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(b) The records of any such youth, or any part thereof, may be disclosed to and between individuals and agencies, and employees of such agencies, providing services directly to the youth, including law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials, the Division of Criminal Justice, the Court Support Services Division and **[**an**]** a victim advocate **[**appointed pursuant to section 54-221**]** under section 54-220 for a victim of a crime committed by the youth. Such records shall also be available to the attorney representing the youth, in any proceedings in which such records are relevant, to the parents or guardian of such youth, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon his or her emancipation or attainment of the age of majority, provided proof of the identity of such youth is submitted in accordance with guidelines prescribed by the Chief Court Administrator. Such records shall also be available to members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been adjudged a youthful offender and

sentenced to a term of imprisonment or been convicted of a crime in the regular criminal docket of the Superior Court, and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Such records disclosed pursuant to this subsection shall not be further disclosed.

Sec. 35. Subsection (a) of section 54-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The Office of Victim Services shall establish a Criminal Injuries Compensation Fund for the purpose of funding the compensation and restitution services provided for by sections 54-201 to 54-233, inclusive. The fund may contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. The interest derived from the investment of the fund shall be credited to the fund. Amounts in the fund may be expended only pursuant to appropriation by the General Assembly, except that any recovery from the person or persons responsible for the injury or death or any reimbursement from the applicant received by the Office of Victim Services pursuant to section 54-212 and deposited in the fund may be expended in the subsequent fiscal year. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the fiscal year next succeeding.

Sec. 36. Subsection (a) of section 54-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The Office of Victim Services or a victim compensation

commissioner may order the payment of compensation under sections 54-201 to 54-233, inclusive, for: (1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, provided coverage for the cost of medical care and treatment of a crime victim who does not have medical insurance or who has exhausted coverage under applicable health insurance policies or Medicaid shall be ordered; (2) loss of earning power as a result of total or partial incapacity of such victim; (3) pecuniary loss to the spouse or dependents of the deceased victim, **[**including zero to one per cent loans of up to one hundred thousand dollars, with repayment beginning five years from the date the loan was awarded,**]** provided the family qualifies for compensation as a result of murder or manslaughter of the victim; (4) pecuniary loss to the relatives or dependents of a deceased victim for attendance at court proceedings with respect to the criminal case of the person or persons charged with committing the crime that resulted in the death of the victim; and (5) any other loss, except as set forth in section 54-211, resulting from the personal injury or death of the victim which the Office of Victim Services or a victim compensation commissioner, as the case may be, determines to be reasonable. At the discretion of said office or victim compensation commissioner, there shall be one hundred dollars deductible from the total amount determined by said office or victim compensation commissioner. **[**Loan funds awarded under subdivision (3) of this subsection shall be used to pay for essential living expenses, directly resulting from the loss of income provided by the deceased victim, or preexisting financial obligations that are not otherwise forgiven or excused. The Office of the Chief Court Administrator shall establish procedures and forms for the application and repayment of such loans.**]**

Sec. 37. Section 54-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Notwithstanding the provisions of sections 54-204 and 54-205, if it appears to the Office of Victim Services, prior to taking action upon a claim and based upon a review of all information then available to the Office of Victim Services, that such claim is one with respect to which an award probably will be made and undue hardship will result to the claimant if **[**immediate payment is not made**]** payment is not expedited, the Office of Victim Services may make an emergency award to the claimant pending a final determination on the claimant's application, provided (1) the amount of such emergency award shall not exceed two thousand dollars, (2) the amount of such emergency award shall be deducted from any final award made to the claimant, and (3) the excess of the amount of such emergency award over the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the Office of Victim Services.

Sec. 38. Subsection (c) of section 46b-129 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(c) The preliminary hearing on the order of temporary custody or order to appear or the first hearing on a petition filed pursuant to subsection (a) of this section shall be held in order for the court to: (1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135; (2) assure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section 46b-123e and sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to represent the respondent when the respondent is unable to afford representation, in accordance with subsection (b) of section 46b-123e; (4) advise the parent or guardian of the right to a hearing on the

petitions and applications, to be held not later than ten days after the date of the preliminary hearing if the hearing is pursuant to an order of temporary custody or an order to show cause; (5) accept a plea regarding the truth of such allegations; (6) make any interim orders, including visitation, that the court determines are in the best interests of the child or youth. The court, after a hearing pursuant to this subsection, shall order specific steps the commissioner and the parent or guardian shall take for the parent or guardian to regain or to retain custody of the child or youth; (7) take steps to determine the identity of the father of the child or youth, including, if necessary, inquiring of the mother of the child or youth, under oath, as to the identity and address of any person who might be the father of the child or youth and ordering genetic testing, **[**if necessary,**]** and order service of the petition and notice of the hearing date, if any, to be made upon him; (8) if the person named as the father appears, and admits that he is the father, provide him and the mother with the notices that comply with section 17b-27 and provide them with the opportunity to sign a paternity acknowledgment and affirmation on forms that comply with section 17b-27. Such documents shall be executed and filed in accordance with chapter 815y and a copy delivered to the clerk of the superior court for juvenile matters; (9) in the event that the person named as a father appears and denies that he is the father of the child or youth, advise him that he may have no further standing in any proceeding concerning the child, and either order genetic testing to determine paternity or direct him to execute a written denial of paternity on a form promulgated by the Office of the Chief Court Administrator. Upon execution of such a form by the putative father, the court may remove him from the case and afford him no further standing in the case or in any subsequent proceeding regarding the child or youth until such time as paternity is established by formal acknowledgment or adjudication in a court of competent jurisdiction; (10) identify any person or persons related to the child or youth by blood or marriage residing in this state who might serve as licensed foster parents or

temporary custodians and order the Commissioner of Children and Families to investigate and determine, not later than thirty days after the preliminary hearing, the appropriateness of placement of the child or youth with such relative or relatives; and (11) in accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood or marriage residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of placement of the child or youth with such relative or relatives.

Sec. 39. Subsection (d) of section 46b-137 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(d) Any confession, admission or statement, written or oral, made by the parent or parents or guardian of the child or youth after the filing of a petition alleging such child or youth to be neglected, uncared-for or dependent, shall be inadmissible in any proceeding held upon such petition against the person making such admission or statement unless such person shall have been advised of the person's right to retain counsel, and that if the person is unable to afford counsel, counsel will be appointed to represent the person, that the person has a right to refuse to make any statement and that any statements the person makes may be introduced in evidence against the person, except that any statement made by the mother of any child or youth, upon inquiry by the court and under oath if necessary, as to the identity of any person who might be the father of the child or youth shall not be inadmissible if the mother was not so advised.

Sec. 40. Subsection (d) of section 46b-137 of the 2010 supplement to the general statutes, as amended by section 87 of public act 09-7 of the September special session, is repealed and the following is substituted

in lieu thereof (*Effective July 1, 2012*):

(d) Any confession, admission or statement, written or oral, made by the parent or parents or guardian of the child or youth after the filing of a petition alleging such child or youth to be neglected, uncared-for or dependent, shall be inadmissible in any proceeding held upon such petition against the person making such admission or statement unless such person shall have been advised of the person's right to retain counsel, and that if the person is unable to afford counsel, counsel will be appointed to represent the person, that the person has a right to refuse to make any statement and that any statements the person makes may be introduced in evidence against the person, except that any statement made by the mother of any child or youth, upon inquiry by the court and under oath if necessary, as to the identity of any person who might be the father of the child or youth shall not be inadmissible if the mother was not so advised.

Sec. 41. Subsections (a) and (b) of section 54-102a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The court before which is pending any case involving a violation of any provision of sections 53a-65 to 53a-89, inclusive, may, before final disposition of such case, order the examination of the accused person or, in a delinquency proceeding, the accused child to determine whether or not **[**he**]** the accused person or child is suffering from any venereal disease, unless the court from which such case has been transferred has ordered the examination of the accused person or child for such purpose, in which event the court to which such transfer is taken may determine that a further examination is unnecessary.

(b) Notwithstanding the provisions of section 19a-582, the court before which is pending any case involving a violation of section 53-21 or any provision of sections 53a-65 to 53a-89, inclusive, that involved a

sexual act, as defined in section 54-102b, may, before final disposition of such case, order the testing of the accused person or, in a delinquency proceeding, the accused child for the presence of the etiologic agent for Acquired Immune Deficiency Syndrome or Human Immunodeficiency Virus, unless the court from which such case has been transferred has ordered the testing of the accused person or child for such purpose, in which event the court to which such transfer is taken may determine that a further test is unnecessary. If the victim of the offense requests that the accused person or child be tested, the court may order the testing of the accused person or child in accordance with this subsection and the results of such test may be disclosed to the victim. The provisions of sections 19a-581 to 19a-585, inclusive, and section 19a-590, except any provision requiring the subject of an HIV-related test to provide informed consent prior to the performance of such test and any provision that would prohibit or limit the disclosure of the results of such test to the victim under this subsection, shall apply to a test ordered under this subsection and the disclosure of the results of such test.

Sec. 42. Subsection (a) of section 54-102b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Notwithstanding any provision of the general statutes, except as provided in subsection (b) of this section, a court entering a judgment of conviction or **[**an adjudication of delinquency**]** conviction of a child as delinquent for a violation of section 53a-70, 53a-70a, 53a-70b or 53a-71 or a violation of section 53-21, 53a-72a, 53a-72b or 53a-73a involving a sexual act, shall, at the request of the victim of such crime, order that the offender be tested for the presence of the etiologic agent for acquired immune deficiency syndrome or human immunodeficiency virus and that the results be disclosed to the victim and the offender. The test shall be performed by or at the direction of the Department of

Correction or, in the case of a child convicted as delinquent, at the direction of the Court Support Services Division of the Judicial Department or the Department of Children and Families, in consultation with the Department of Public Health.

Sec. 43. Sections 51-183e, 51-204, 51-206, 53a-39d and 54-221 of the general statutes are repealed. (*Effective October 1, 2010*)

Approved May 18, 2010