



House of Representatives

General Assembly

File No. 549

February Session, 2010

Substitute House Bill No. 5539

House of Representatives, April 15, 2010

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES.

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

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 Section 51-200 of the general statutes is repealed and the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

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

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 Section 51-203 of the general statutes is repealed and the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

12 (a) Assignment of cases for hearing by the Supreme Court shall be

13 made by the chief clerk of the Supreme Court, [at the Supreme Court
14 room in Hartford,] under the direction of the Chief Justice or an
15 associate judge designated by the Chief Justice. [, on or before the
16 Thursday preceding the beginning of each term, the day and hour to
17 be fixed by rule of court.]

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

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

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

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

39 (b) If any judge is [absent and such right is claimed] disabled or if
40 any judge is disqualified and the [absence or] disqualification is not
41 waived or if the business before the court requires it, the Chief Justice
42 or, in the case of his or her [absence] disability or disqualification, the
43 most senior associate judge [present and] qualified may summon the
44 sixth or seventh member, or both, of the Supreme Court to constitute a

45 [full court] panel. If a [full court] panel cannot be constituted from the
46 seven members of the Supreme Court due to the [absence] disability or
47 disqualification of one or more members, the Chief Justice or, in the
48 case of his or her [absence] disability or disqualification, the most
49 senior associate judge [present and] qualified may summon one or
50 more judges of the Superior Court, including senior judges of the
51 Supreme Court and judges and senior judges of the Appellate Court,
52 to constitute a [full court] panel, who shall attend and act as judges of
53 the Supreme Court for the time being.

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

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

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

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

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

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

84 Any elector or candidate who claims that he is aggrieved by any
85 ruling of any election official in connection with any election for
86 presidential electors and for a senator in Congress and for
87 representative in Congress or any of them, held in his town, or that
88 there was a mistake in the count of the votes cast at such election for
89 candidates for such electors, senator in Congress and representative in
90 Congress, or any of them, at any voting district in his town, or any
91 candidate for such an office who claims that he is aggrieved by a
92 violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-
93 364, 9-364a or 9-365 in the casting of absentee ballots at such election,
94 may bring his complaint to any judge of the Supreme Court, in which
95 he shall set out the claimed errors of such election official, the claimed
96 errors in the count or the claimed violations of said sections. In any
97 action brought pursuant to the provisions of this section, the
98 complainant shall [send a copy of the complaint by first-class mail, or
99 deliver a copy of the complaint by hand,] file a certification attached to
100 the complaint indicating that a copy of the complaint has been sent by
101 first-class mail or delivered to the State Elections Enforcement
102 Commission. If such complaint is made prior to such election, such
103 judge shall proceed expeditiously to render judgment on the complaint
104 and shall cause notice of the hearing to be given to the Secretary of the
105 State and the State Elections Enforcement Commission. If such
106 complaint is made subsequent to the election, it shall be brought not
107 later than fourteen days after the election or, if such complaint is
108 brought in response to the manual tabulation of paper ballots
109 authorized pursuant to section 9-320f, such complaint shall be brought
110 not later than seven days after the close of any such manual tabulation,
111 and in either such circumstance, the judge shall forthwith order a

112 hearing to be had upon such complaint, upon a day not more than five
113 or less than three days from the making of such order, and shall cause
114 notice of not less than three or more than five days to be given to any
115 candidate or candidates whose election may be affected by the decision
116 upon such hearing, to such election official, to the Secretary of the
117 State, to the State Elections Enforcement Commission and to any other
118 party or parties whom such judge deems proper parties thereto, of the
119 time and place for the hearing upon such complaint. Such judge, with
120 two other judges of the Supreme Court to be designated by the Chief
121 Court Administrator, shall, on the day fixed for such hearing and
122 without unnecessary delay, proceed to hear the parties. If sufficient
123 reason is shown, such judges may order any voting machines to be
124 unlocked or any ballot boxes to be opened and a recount of the votes
125 cast, including absentee ballots, to be made. Such judges shall
126 thereupon, in the case they, or any two of them, find any error in the
127 rulings of the election official, any mistake in the count of such votes or
128 any violation of said sections, certify the result of their finding or
129 decision, or the finding or decision of a majority of them, to the
130 Secretary of the State before the first Monday after the second
131 Wednesday in December. Such judges may order a new election or a
132 change in the existing election schedule, provided such order complies
133 with Section 302 of the Help America Vote Act, P.L. 107-252, as
134 amended from time to time. Such certificate of such judges, or a
135 majority of them, shall be final upon all questions relating to the
136 rulings of such election officials, to the correctness of such count and,
137 for the purposes of this section only, such claimed violations, and shall
138 operate to correct the returns of the moderators or presiding officers so
139 as to conform to such finding or decision.

140 Sec. 6. Subsection (a) of section 9-329a of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective*
142 *October 1, 2010*):

143 (a) Any (1) elector or candidate aggrieved by a ruling of an election
144 official in connection with any primary held pursuant to (A) section 9-
145 423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who

146 alleges that there has been a mistake in the count of the votes cast at
147 such primary, or (3) candidate in such a primary who alleges that he is
148 aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-
149 361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots
150 at such primary, may bring his complaint to any judge of the Superior
151 Court for appropriate action. In any action brought pursuant to the
152 provisions of this section, the complainant shall [send a copy of the
153 complaint by first-class mail, or deliver a copy of the complaint by
154 hand,] file a certification attached to the complaint indicating that a
155 copy of the complaint has been sent by first-class mail or delivered to
156 the State Elections Enforcement Commission. If such complaint is
157 made prior to such primary such judge shall proceed expeditiously to
158 render judgment on the complaint and shall cause notice of the hearing
159 to be given to the Secretary of the State and the State Elections
160 Enforcement Commission. If such complaint is made subsequent to
161 such primary it shall be brought, not later than fourteen days after
162 such primary, or if such complaint is brought in response to the
163 manual tabulation of paper ballots, described in section 9-320f, such
164 complaint shall be brought, not later than seven days after the close of
165 any such manual tabulation, to any judge of the Superior Court.

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

168 Each retired Chief Justice, associate judge of the Supreme Court,
169 judge of the Appellate Court and judge of the Superior Court shall be
170 eligible for the performance of judicial duties and all services under the
171 provisions of sections 9-625, 51-194, [51-204,] 51-207, 53a-45, 54-47b to
172 54-47g, inclusive, and 54-82.

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

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

177 (b) The Chief Justice shall appoint a Chief Court Administrator who

178 shall serve at the pleasure of the Chief Justice.

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

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

193 (a) The Chief Court Administrator: (1) Shall be the administrative
194 director of the Judicial Department and shall be responsible for the
195 efficient operation of the department, the prompt disposition of cases
196 and the prompt and proper administration of judicial business; (2)
197 shall meet periodically at such places and times as [he] the Chief Court
198 Administrator may designate with any judge, judges [,] or committee
199 of judges, and with the Probate Court Administrator to transact such
200 business as is necessary to [insure] ensure the efficient administration
201 of the Judicial Department; (3) may issue such orders, require such
202 reports and appoint other judges to such positions to perform such
203 duties, as [he] the Chief Court Administrator deems necessary to carry
204 out his or her responsibilities; (4) may assign, reassign and modify
205 assignments of the judges of the Superior Court to any division or part
206 of the Superior Court and may order the transfer of actions under
207 sections 51-347a and 51-347b; [and] (5) may provide for the convening
208 of conferences of the judges of the several courts, or any of them, and
209 of such members of the bar as [he] the Chief Court Administrator may
210 determine, for the consideration of matters relating to judicial

211 business, the improvement of the judicial system and the effective
212 administration of justice in this state; and (6) may take any action
213 necessary in the event of a major disaster, emergency, civil
214 preparedness emergency or disaster emergency, as those terms are
215 defined in section 28-1, or a public health emergency, as defined in
216 section 19a-131, to ensure the continued efficient operation of the
217 Supreme, Appellate and Superior Courts, the prompt disposition of
218 cases and the proper administration of judicial business, which
219 necessary action may include: (A) Establishing alternative locations to
220 conduct judicial business in the event that one or more court locations
221 cannot be used, (B) suspending any judicial business that is deemed
222 not essential by the Chief Court Administrator, and (C) taking any
223 other appropriate action necessary to ensure that essential judicial
224 business is effectively handled by the courts.

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

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

231 (a) The Commissioners of Social Services and Children and Families
232 shall develop and implement an integrated behavioral health service
233 system for HUSKY Part A and HUSKY Part B members [,] and
234 children enrolled in the voluntary services program operated by the
235 Department of Children and Families and may, at the discretion of the
236 Commissioners of Children and Families and Social Services, include
237 other children, adolescents and families served by the Department of
238 Children and Families or the Court Support Services Division of the
239 Judicial Branch, which shall be known as the Behavioral Health
240 Partnership. The Behavioral Health Partnership shall seek to increase
241 access to quality behavioral health services through: (1) Expansion of
242 individualized, family-centered, community-based services; (2)
243 maximization of federal revenue to fund behavioral health services; (3)

244 reduction in the unnecessary use of institutional and residential
245 services for children; (4) capture and investment of enhanced federal
246 revenue and savings derived from reduced residential services and
247 increased community-based services; (5) improved administrative
248 oversight and efficiencies; and (6) monitoring of individual outcomes,
249 provider performance, taking into consideration the acuity of the
250 patients served by each provider, and overall program performance.

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

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

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

259 (2) Four appointed by the president pro tempore of the Senate, two
260 of whom are parents of children who have a behavioral health
261 disorder or have received child protection or juvenile justice services
262 from the Department of Children and Families; one of whom has
263 expertise in health policy and evaluation; and one of whom is an
264 advocate for children with behavioral health disorders;

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

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

273 (5) Two appointed by the minority leader of the House of
274 Representatives; one of whom is a provider of community-based

275 behavioral health services for adults; and one of whom is a provider of
276 residential treatment for children;

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

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

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

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

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

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

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

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

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

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

320 (b) The following persons shall be mandated reporters: Any
321 physician or surgeon licensed under the provisions of chapter 370, any
322 resident physician or intern in any hospital in this state, whether or not
323 so licensed, any registered nurse, licensed practical nurse, medical
324 examiner, dentist, dental hygienist, psychologist, coach of intramural
325 or interscholastic athletics, school superintendent, school teacher,
326 school principal, school guidance counselor, school paraprofessional,
327 school coach, social worker, police officer, juvenile or adult probation
328 officer, juvenile or adult parole officer, member of the clergy,
329 pharmacist, physical therapist, optometrist, chiropractor, podiatrist,
330 mental health professional or physician assistant, any person who is a
331 licensed or certified emergency medical services provider, any person
332 who is a licensed or certified alcohol and drug counselor, any person
333 who is a licensed marital and family therapist, any person who is a
334 sexual assault counselor or a battered women's counselor as defined in
335 section 52-146k, any person who is a licensed professional counselor,
336 any person who is a licensed foster parent, any person paid to care for
337 a child in any public or private facility, child day care center, group

338 day care home or family day care home licensed by the state, any
339 employee of the Department of Children and Families, any employee
340 of the Department of Public Health who is responsible for the licensing
341 of child day care centers, group day care homes, family day care
342 homes or youth camps, the Child Advocate and any employee of the
343 Office of the Child Advocate and any family relations counselor,
344 family relations counselor trainee or family services supervisor
345 employed by the Judicial Department.

346 (c) The Commissioner of Children and Families shall develop an
347 educational training program for the accurate and prompt
348 identification and reporting of child abuse and neglect. Such training
349 program shall be made available to all persons mandated to report
350 child abuse and neglect at various times and locations throughout the
351 state as determined by the Commissioner of Children and Families.

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

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

364 (c) Each such local family violence intervention unit shall: (1) Accept
365 referrals of family violence cases from a judge or prosecutor, (2)
366 prepare written or oral reports on each case for the court by the next
367 court date to be presented at any time during the court session on that
368 date, (3) provide or arrange for services to victims and offenders, (4)
369 administer contracts to carry out such services, and (5) establish
370 centralized reporting procedures. All information provided to a family

371 relations [officer] counselor, family relations counselor trainee or
372 family services supervisor employed by the Judicial Department in a
373 local family violence intervention unit shall be solely for the purposes
374 of preparation of the report and the protective order forms for each
375 case and recommendation of services and shall otherwise be
376 confidential and retained in the files of such unit and not be subject to
377 subpoena or other court process for use in any other proceeding or for
378 any other purpose, except that (A) if the victim has indicated that the
379 defendant holds a permit to carry a pistol or revolver or possesses one
380 or more firearms, the family relations [officer] counselor, family
381 relations counselor trainee or family services supervisor shall disclose
382 such information to the court and the prosecuting authority for
383 appropriate action, and (B) the family relations counselor, family
384 relations counselor trainee or family services supervisor shall disclose
385 such information as may be necessary to fulfill such counselor's,
386 trainee's or supervisor's duty as a mandated reporter under section
387 17a-101a to report suspected child abuse or neglect.

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

390 (a) The judges of the Superior Court or an authorized committee
391 thereof may appoint such housing [specialists] mediators as they deem
392 necessary for the purpose of assisting the court in the prompt and
393 efficient hearing of housing matters within the limit of their
394 appropriation therefor. Such judges or such committee shall appoint
395 not less than two such [specialists] mediators for each of the judicial
396 districts of Hartford, New Haven and Fairfield and may designate one
397 of them in each judicial district as chief housing [specialist] mediator.
398 Such judges or committee shall also appoint not less than three such
399 housing [specialists] mediators for all other judicial districts. The
400 housing [specialists] mediators for the judicial district of New Haven
401 shall assist the court in the hearing of housing matters in the judicial
402 district of Waterbury, the housing [specialists] mediators for the
403 judicial district of Hartford shall assist the court in the hearing of
404 housing matters in the judicial district of New Britain and the housing

405 [specialists] mediators for the judicial district of Fairfield shall assist
406 the court in the hearing of housing matters in the judicial district of
407 Stamford-Norwalk.

408 (b) Housing [specialists] mediators shall be knowledgeable in the
409 maintenance, repair and rehabilitation of dwelling units and the
410 federal, state and municipal laws, ordinances, rules and regulations
411 pertaining thereto. [They] Housing mediators shall also have
412 knowledge necessary to advise parties regarding the type of funds and
413 services available to assist owners, landlords and tenants in the
414 financing of resolutions to housing problems. [The housing specialists]
415 Housing mediators shall make inspections and conduct investigations
416 at the request of the court, shall advise parties in locating possible
417 sources of financial assistance necessary to comply with orders of the
418 court and shall exercise such other powers and perform such other
419 duties as the judge may from time to time prescribe.

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

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

429 (a) All jurors shall be electors, or citizens of the United States who
430 are residents of this state having a permanent place of abode in this
431 state and appear on the list compiled by the Jury Administrator under
432 subsection (b) of section 51-222a, who have reached the age of
433 eighteen. A person shall be disqualified to serve as a juror if such
434 person: (1) [is] Is found by a judge of the Superior Court to exhibit any
435 quality which will impair the capacity of such person to serve as a
436 juror, except that no person shall be disqualified on the basis of
437 deafness or hearing impairment; (2) has been convicted of a felony

438 within the past seven years or is a defendant in a pending felony case
439 or is in the custody of the Commissioner of Correction; (3) is not able
440 to speak and understand the English language; (4) is the Governor,
441 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or
442 Attorney General; (5) is a judge of the Probate Court, Superior Court,
443 Appellate Court or Supreme Court, is a family support magistrate or is
444 a federal court judge; (6) is a member of the General Assembly,
445 provided such disqualification shall apply only while the General
446 Assembly is in session; (7) is seventy years of age or older and chooses
447 not to perform juror service; or (8) is incapable, by reason of a physical
448 or mental disability, of rendering satisfactory juror service. Any person
449 claiming a disqualification under subdivision (8) of this subsection
450 must submit to the Jury Administrator a letter from a licensed
451 [physician] health care provider stating the [physician's] health care
452 provider's opinion that such disability prevents the person from
453 rendering satisfactory juror service. In reaching such opinion, the
454 [physician] health care provider shall apply the following guideline: A
455 person shall be capable of rendering satisfactory juror service if such
456 person is able to perform a sedentary job requiring close attention for
457 six hours per day, with short work breaks in the morning and
458 afternoon sessions, for at least three consecutive business days.

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

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

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

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

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

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

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

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

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

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

503 certified copy of any criminal record.

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

507 (g) Whenever the court sentences a person, on or after October 1,
508 2008, to a period of probation of more than two years for a class C or D
509 felony or an unclassified felony or more than one year for a class A or
510 B misdemeanor, the probation officer supervising such person shall
511 submit a report to the sentencing court, the state's attorney and the
512 attorney of record, if any, for such person, not later than sixty days
513 prior to the date such person completes two years of such person's
514 period of probation for such felony or one year of such person's period
515 of probation for such misdemeanor setting forth such person's
516 progress in addressing such person's assessed needs and complying
517 with the conditions of such person's probation. The probation officer
518 shall recommend, in accordance with guidelines developed by the
519 Judicial Branch, whether such person's sentence of probation should be
520 continued for the duration of the original period of probation or be
521 terminated. If such person is serving a period of probation concurrent
522 with another period of probation, the probation officer shall submit a
523 report only when such person becomes eligible for termination of the
524 period of probation with the latest return date, at which time all of
525 such person's probation cases shall be presented to the court for
526 review. Not later than sixty days after receipt of such report, the
527 sentencing court shall continue the sentence of probation or terminate
528 the sentence of probation. Notwithstanding the provisions of section
529 53a-32, as amended by this act, the parties may agree to waive the
530 requirement of a court hearing. The Court Support Services Division
531 shall establish within its policy and procedures a requirement that any
532 victim be notified whenever a person's sentence of probation may be
533 terminated pursuant to this subsection. The sentencing court shall
534 permit such victim to appear before the sentencing court for the
535 purpose of making a statement for the record concerning whether such
536 person's sentence of probation should be terminated. In lieu of such

537 appearance, the victim may submit a written statement to the
538 sentencing court and the sentencing court shall make such statement a
539 part of the record. Prior to ordering that such person's sentence of
540 probation be continued or terminated, the sentencing court shall
541 consider the statement made or submitted by such victim.

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

545 (a) At any time during the period of probation or conditional
546 discharge, the court or any judge thereof may issue a warrant for the
547 arrest of a defendant for violation of any of the conditions of probation
548 or conditional discharge, or may issue a notice to appear to answer to a
549 charge of such violation, which notice shall be personally served upon
550 the defendant. Any such warrant shall authorize all officers named
551 therein to return the defendant to the custody of the court or to any
552 suitable detention facility designated by the court. [Whenever a
553 defendant has, in the judgment of such defendant's probation officer,
554 violated the conditions of such defendant's probation, the probation
555 officer may, in lieu of having such defendant returned to court for
556 proceedings in accordance with this section, place such defendant in
557 the zero-tolerance drug supervision program established pursuant to
558 section 53a-39d. Whenever a sexual offender, as defined in section
559 54-260, has violated the conditions of such person's probation by
560 failing to notify such person's probation officer of any change of such
561 person's residence address, as required by said section] Whenever a
562 probation officer has probable cause to believe that a person has
563 violated a condition of such person's probation, such probation officer
564 may notify any police officer that such person has, in such officer's
565 judgment, violated the conditions of such person's probation and such
566 notice shall be sufficient warrant for the police officer to arrest such
567 person and return such person to the custody of the court or to any
568 suitable detention facility designated by the court. Any probation
569 officer may arrest any defendant on probation without a warrant or
570 may deputize any other officer with power to arrest to do so by giving

571 such other officer a written statement setting forth that the defendant
572 has, in the judgment of the probation officer, violated the conditions of
573 the defendant's probation. Such written statement, delivered with the
574 defendant by the arresting officer to the official in charge of any
575 correctional center or other place of detention, shall be sufficient
576 warrant for the detention of the defendant. After making such an
577 arrest, such probation officer shall present to the detaining authorities
578 a similar statement of the circumstances of violation. Provisions
579 regarding release on bail of persons charged with a crime shall be
580 applicable to any defendant arrested under the provisions of this
581 section. Upon such arrest and detention, the probation officer shall
582 immediately so notify the court or any judge thereof.

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

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

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

600 (d) Except as provided in subsection (e) of this section, any
601 defendant who enters such program shall pay to the court a
602 participation fee of one hundred dollars. Any defendant who enters
603 such program shall agree to the tolling of any statute of limitations

604 with respect to such crime and to a waiver of the right to a speedy trial.
605 Any such defendant shall appear in court and shall, under such
606 conditions as the court shall order, be released to the custody of the
607 Court Support Services Division, except that, if a criminal docket for
608 drug-dependent persons has been established pursuant to section
609 51-181b in the judicial district, such defendant may be transferred,
610 under such conditions as the court shall order, to the court handling
611 such docket for supervision by such court. If the defendant refuses to
612 accept, or, having accepted, violates such conditions, the defendant's
613 case shall be brought to trial. The period of such probation or
614 supervision, or both, shall not exceed two years. [The court may order
615 that as a condition of such probation the defendant participate in the
616 zero-tolerance drug supervision program established pursuant to
617 section 53a-39d.] If the defendant has reached the age of sixteen years
618 but has not reached the age of eighteen years, the court may order that
619 as a condition of such probation the defendant be referred for services
620 to a youth service bureau established pursuant to section 10-19m,
621 provided the court finds, through an assessment by a youth service
622 bureau or its designee, that the defendant is in need of and likely to
623 benefit from such services. When determining any conditions of
624 probation to order for a person entering such program who was
625 charged with a misdemeanor that did not involve the use, attempted
626 use or threatened use of physical force against another person or a
627 motor vehicle violation, the court shall consider ordering the person to
628 perform community service in the community in which the offense or
629 violation occurred. If the court determines that community service is
630 appropriate, such community service may be implemented by a
631 community court established in accordance with section 51-181c if the
632 offense or violation occurred within the jurisdiction of a community
633 court established by said section. If the defendant is charged with a
634 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the
635 court may order that as a condition of such probation the defendant
636 participate in a hate crimes diversion program as provided in
637 subsection (e) of this section. If a defendant is charged with a violation
638 of section 53-247, the court may order that as a condition of such

639 probation the defendant undergo psychiatric or psychological
640 counseling or participate in an animal cruelty prevention and
641 education program provided such a program exists and is available to
642 the defendant.

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

645 (a) There shall be a school violence prevention program for students
646 of a public or private secondary school charged with an offense
647 involving the use or threatened use of physical violence in or on the
648 real property comprising a public or private elementary or secondary
649 school or at a school-sponsored activity as defined in subsection (h) of
650 section 10-233a. Upon application by any such person for participation
651 in such program, the court shall, but only as to the public, order the
652 court file sealed, provided such person states under oath, in open court
653 or before any person designated by the clerk and duly authorized to
654 administer oaths, under penalties of perjury that such person has
655 never had such system invoked in such person's behalf and that such
656 person has not been convicted of an offense involving the threatened
657 use of physical violence in or on the real property comprising a public
658 or private elementary or secondary school or at a school-sponsored
659 activity as defined in subsection (h) of section 10-233a, and that such
660 person has not been convicted in any other state at any time of an
661 offense the essential elements of which are substantially the same as
662 such an offense.

663 (b) The court, after consideration of the recommendation of the
664 state's attorney, assistant state's attorney or deputy assistant state's
665 attorney in charge of the case, may, in its discretion, grant such
666 application. If the court grants such application, it shall refer such
667 person to the [Bail Commission] Court Support Services Division for
668 assessment and confirmation of the eligibility of the applicant. The
669 [Bail Commission] Court Support Services Division, in making its
670 assessment and confirmation, may rely on the representations made by
671 the applicant under oath in open court with respect to convictions in

672 other states of offenses specified in subsection (a) of this section. As a
673 condition of eligibility for participation in such program, the student
674 and the parents or guardian of such student shall certify under penalty
675 of false statement that, to the best of such person's knowledge and
676 belief, such person does not possess any firearms, dangerous weapons,
677 controlled substances or other property or materials the possession of
678 which is prohibited by law or in violation of the law. Upon
679 confirmation of eligibility, the defendant shall be referred to the [Office
680 of Alternative Sanctions] Court Support Services Division for
681 evaluation and placement in an appropriate school violence
682 prevention program for one year.

683 (c) Any person who enters the program shall agree: (1) To the
684 tolling of the statute of limitations with respect to such crime, (2) to a
685 waiver of the right to a speedy trial, (3) to participate in a school
686 violence prevention program offered by a provider under contract
687 with the [Office of Alternative Sanctions] Court Support Services
688 Division pursuant to subsection (g) of this section, and (4) to
689 successfully complete the assigned program. If the [Bail Commission]
690 Court Support Services Division informs the court that the defendant
691 is ineligible for the program and the court makes a determination of
692 ineligibility or if the program provider certifies to the court that the
693 defendant did not successfully complete the assigned program, the
694 court shall order the court file to be unsealed, enter a plea of not guilty
695 for such defendant and immediately place the case on the trial list.

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

701 (e) If such defendant satisfactorily completes the assigned program
702 and one year has elapsed since the defendant was placed in the
703 program, such defendant may apply for dismissal of the charges
704 against such defendant and the court, on reviewing the record of such

705 defendant's participation in such program submitted by the [Office of
706 Alternative Sanctions] Court Support Services Division and on finding
707 such satisfactory completion, shall dismiss the charges. If the
708 defendant does not apply for dismissal of the charges against the
709 defendant after satisfactorily completing the assigned program and
710 one year has elapsed since the defendant was placed in the program,
711 the court, upon receipt of the record of the defendant's participation in
712 such program submitted by the [Office of Alternative Sanctions] Court
713 Support Services Division, may on its own motion make a finding of
714 such satisfactory completion and dismiss the charges.

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

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

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

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

731 (c) In addition to or in conjunction with any of the conditions
732 enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this
733 section, the bail commissioner may impose nonfinancial conditions of
734 release, which may require that the arrested person do any of the
735 following: (1) Remain under the supervision of a designated person or
736 organization; (2) comply with specified restrictions on the person's

737 travel, association or place of abode; (3) not engage in specified
738 activities, including the use or possession of a dangerous weapon, an
739 intoxicant or controlled substance; (4) [participate in the zero-tolerance
740 drug supervision program established under section 53a-39d; (5)]
741 avoid all contact with an alleged victim of the crime and with a
742 potential witness who may testify concerning the offense; or [(6)] (5)
743 satisfy any other condition that is reasonably necessary to assure the
744 appearance of the person in court. Any of the conditions imposed
745 under subsection (a) of this section and this subsection by the bail
746 commissioner shall be effective until the appearance of such person in
747 court.

748 Sec. 25. Subsection (c) of section 54-64a of the general statutes is
749 repealed and the following is substituted in lieu thereof (*Effective*
750 *October 1, 2010*):

751 (c) If the court determines that a nonfinancial condition of release
752 should be imposed pursuant to subparagraph (B) of subdivision (1) of
753 subsection (a) or (b) of this section, the court shall order the pretrial
754 release of the person subject to the least restrictive condition or
755 combination of conditions that the court determines will reasonably
756 assure the appearance of the arrested person in court and, with respect
757 to the release of the person pursuant to subsection (b) of this section,
758 that the safety of any other person will not be endangered, which
759 conditions may include an order that the arrested person do one or
760 more of the following: (1) Remain under the supervision of a
761 designated person or organization; (2) comply with specified
762 restrictions on such person's travel, association or place of abode; (3)
763 not engage in specified activities, including the use or possession of a
764 dangerous weapon, an intoxicant or a controlled substance; (4)
765 [participate in the zero-tolerance drug supervision program
766 established under section 53a-39d; (5)] provide sureties of the peace
767 pursuant to section 54-56f under supervision of a designated bail
768 commissioner; [(6)] (5) avoid all contact with an alleged victim of the
769 crime and with a potential witness who may testify concerning the
770 offense; [(7)] (6) maintain employment or, if unemployed, actively seek

771 employment; [(8)] (7) maintain or commence an educational program;
772 [(9)] (8) be subject to electronic monitoring; or [(10)] (9) satisfy any
773 other condition that is reasonably necessary to assure the appearance
774 of the person in court and that the safety of any other person will not
775 be endangered. The court shall state on the record its reasons for
776 imposing any such nonfinancial condition.

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

780 (b) If execution of the sentence is suspended under subdivision (6)
781 of subsection (a) of this section, the defendant may be placed on
782 probation or conditional discharge for a period not to exceed three
783 years, provided, at any time during the period of probation, after
784 hearing and for good cause shown, the court may extend the period as
785 deemed appropriate by the court. If the court places the person
786 adjudicated to be a youthful offender on probation, the court may
787 order that, as a condition of such probation, the person be referred for
788 services to a youth service bureau established pursuant to section 10-
789 19m, provided the court finds, through an assessment by a youth
790 service bureau or its designee, that the person is in need of and likely
791 to benefit from such services. [If the court places a person adjudicated
792 as a youthful offender on probation, the court may order that, as a
793 condition of such probation, the person participate in the zero-
794 tolerance drug supervision program established pursuant to section
795 53a-39d.] If the court places a youthful offender on probation, school
796 and class attendance on a regular basis and satisfactory compliance
797 with school policies on student conduct and discipline may be a
798 condition of such probation and, in such a case, failure to so attend or
799 comply shall be a violation of probation. If the court has reason to
800 believe that the person adjudicated to be a youthful offender is or has
801 been an unlawful user of narcotic drugs, as defined in section 21a-240,
802 and the court places such youthful offender on probation, the
803 conditions of probation, among other things, shall include a
804 requirement that such person shall submit to periodic tests to

805 determine, by the use of "synthetic opiate antinarcotic in action",
806 nalline test or other detection tests, at a hospital or other facility,
807 equipped to make such tests, whether such person is using narcotic
808 drugs. A failure to report for such tests or a determination that such
809 person is unlawfully using narcotic drugs shall constitute a violation of
810 probation. If the court places a person adjudicated as a youthful
811 offender for a violation of section 53-247 on probation, the court may
812 order that, as a condition of such probation, the person undergo
813 psychiatric or psychological counseling or participate in an animal
814 cruelty prevention and education program, provided such a program
815 exists and is available to the person.

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

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

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

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

835 [(a)] (1) Screen and have the right to reject for employment, based
836 on good cause, all personnel to be authorized to have direct access to

837 criminal history record information;

838 [(b)] (2) Initiate or cause to be initiated administrative action that
839 could result in the transfer or removal of personnel authorized to have
840 direct access to such information when such personnel violate the
841 provisions of these regulations or other security requirements
842 established for the collection, storage or dissemination of criminal
843 history record information;

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

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

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

867 [(f)] (6) Where computerized data processing is employed, institute
868 effective and technologically advanced software and hardware designs

869 to prevent unauthorized access to such information and restrict to
870 authorized organizations and personnel only, access to criminal
871 history record information system facilities, systems operating
872 environments, systems documentation, and data file contents while in
873 use or when stored in a media library; and

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

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

903 statutes, as amended by this act.

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

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

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

919 (a) All matters which are juvenile matters, as provided in section
920 46b-121, shall be kept separate and apart from all other business of the
921 Superior Court as far as is practicable, except matters transferred
922 under the provisions of section 46b-127, which matters shall be
923 transferred to the regular criminal docket of the Superior Court. Except
924 as provided in subsection (b) of this section, any judge hearing a
925 juvenile matter may, during such hearing, exclude from the room in
926 which such hearing is held any person whose presence is, in the court's
927 opinion, not necessary, except that in delinquency proceedings, any
928 victim shall not be excluded unless, after hearing from the parties and
929 the victim and for good cause shown, which shall be clearly and
930 specifically stated on the record, the judge orders otherwise. For the
931 purposes of this section, "victim" means a person who is the victim of a
932 delinquent act, a parent or guardian of such person, the legal
933 representative of such person or [an] a victim advocate [appointed for
934 such person pursuant to section 54-221] for such person under section
935 54-220.

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

939 (d) Records of cases of juvenile matters involving delinquency
940 proceedings shall be available to (1) judicial branch employees who, in
941 the performance of their duties, require access to such records, and (2)
942 employees and authorized agents of state or federal agencies involved
943 in (A) the delinquency proceedings, (B) the provision of services
944 directly to the child, or (C) the design and delivery of treatment
945 programs pursuant to section 46b-121j. Such employees and
946 authorized agents include, but are not limited to, law enforcement
947 officials, state and federal prosecutorial officials, school officials in
948 accordance with section 10-233h, court officials including officials of
949 both the regular criminal docket and the docket for juvenile matters []
950 and officials of the Division of Criminal Justice, the Division of Public
951 Defender Services, the Department of Children and Families, the Court
952 Support Services Division [] and agencies under contract with the
953 judicial branch. [, and an advocate appointed pursuant to section 54-
954 221 for a victim of a crime committed by the child.] Such records shall
955 also be available to (i) the attorney representing the child, including
956 the Division of Public Defender Services, in any proceeding in which
957 such records are relevant, (ii) the parents or guardian of the child, until
958 such time as the subject of the record reaches the age of majority, (iii)
959 the subject of the record, upon submission of satisfactory proof of the
960 subject's identity, pursuant to guidelines prescribed by the Office of
961 the Chief Court Administrator, provided the subject has reached the
962 age of majority, (iv) law enforcement officials and prosecutorial
963 officials conducting legitimate criminal investigations, (v) a state or
964 federal agency providing services related to the collection of moneys
965 due or funding to support the service needs of eligible juveniles,
966 provided such disclosure shall be limited to that information necessary
967 for the collection of and application for such moneys, and (vi)
968 members and employees of the Board of Pardons and Paroles and
969 employees of the Department of Correction who, in the performance of
970 their duties, require access to such records, provided the subject of the

971 record has been convicted of a crime in the regular criminal docket of
972 the Superior Court and such records are relevant to the performance of
973 a risk and needs assessment of such person while such person is
974 incarcerated, the determination of such person's suitability for release
975 from incarceration or for a pardon, or the determination of the
976 supervision and treatment needs of such person while on parole or
977 other supervised release. Records disclosed pursuant to this subsection
978 shall not be further disclosed, except that information contained in
979 such records may be disclosed in connection with bail or sentencing
980 reports in open court during criminal proceedings involving the
981 subject of such information.

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

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

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

993 (b) In a proceeding under sections 54-76b to 54-76n, inclusive, the
994 court shall not exclude any victim from such proceeding or any
995 portion thereof unless, after hearing from the parties and the victim
996 and for good cause shown, which shall be clearly and specifically
997 stated on the record, the court orders otherwise. For the purposes of
998 this subsection, "victim" means a person who is the victim of a crime
999 for which a youth is charged, a parent or guardian of such person, the
1000 legal representative of such person or [an] a victim advocate
1001 [appointed] for such person [pursuant to section 54-221] under section
1002 54-220.

1003 Sec. 34. Subsection (b) of section 54-76l of the general statutes is
1004 repealed and the following is substituted in lieu thereof (*Effective*
1005 *October 1, 2010*):

1006 (b) The records of any such youth, or any part thereof, may be
1007 disclosed to and between individuals and agencies, and employees of
1008 such agencies, providing services directly to the youth, including law
1009 enforcement officials, state and federal prosecutorial officials, school
1010 officials in accordance with section 10-233h, court officials, the Division
1011 of Criminal Justice, the Court Support Services Division and [an] a
1012 victim advocate [appointed pursuant to section 54-221] under section
1013 54-220 for a victim of a crime committed by the youth. Such records
1014 shall also be available to the attorney representing the youth, in any
1015 proceedings in which such records are relevant, to the parents or
1016 guardian of such youth, until such time as the youth reaches the age of
1017 majority or is emancipated, and to the youth upon his or her
1018 emancipation or attainment of the age of majority, provided proof of
1019 the identity of such youth is submitted in accordance with guidelines
1020 prescribed by the Chief Court Administrator. Such records shall also
1021 be available to members and employees of the Board of Pardons and
1022 Paroles and employees of the Department of Correction who, in the
1023 performance of their duties, require access to such records, provided
1024 the subject of the record has been adjudged a youthful offender and
1025 sentenced to a term of imprisonment or been convicted of a crime in
1026 the regular criminal docket of the Superior Court, and such records are
1027 relevant to the performance of a risk and needs assessment of such
1028 person while such person is incarcerated, the determination of such
1029 person's suitability for release from incarceration or for a pardon, or
1030 the determination of the supervision and treatment needs of such
1031 person while on parole or other supervised release. Such records
1032 disclosed pursuant to this subsection shall not be further disclosed.

1033 Sec. 35. Subsection (a) of section 54-215 of the general statutes is
1034 repealed and the following is substituted in lieu thereof (*Effective*
1035 *October 1, 2010*):

1036 (a) The Office of Victim Services shall establish a Criminal Injuries
1037 Compensation Fund for the purpose of funding the compensation and
1038 restitution services provided for by sections 54-201 to 54-233, inclusive.
1039 The fund may contain any moneys required by law to be deposited in
1040 the fund and shall be held by the Treasurer separate and apart from all
1041 other moneys, funds and accounts. The interest derived from the
1042 investment of the fund shall be credited to the fund. Amounts in the
1043 fund may be expended only pursuant to appropriation by the General
1044 Assembly, except that any recovery from the person or persons
1045 responsible for the injury or death or any reimbursement from the
1046 applicant received by the Office of Victim Services pursuant to section
1047 54-212 and deposited in the fund may be expended in the subsequent
1048 fiscal year. Any balance remaining in the fund at the end of any fiscal
1049 year shall be carried forward in the fund for the fiscal year next
1050 succeeding.

1051 Sec. 36. Subsection (a) of section 54-210 of the general statutes is
1052 repealed and the following is substituted in lieu thereof (*Effective*
1053 *October 1, 2010*):

1054 (a) The Office of Victim Services or a victim compensation
1055 commissioner may order the payment of compensation under sections
1056 54-201 to 54-233, inclusive, for: (1) Expenses actually and reasonably
1057 incurred as a result of the personal injury or death of the victim,
1058 provided coverage for the cost of medical care and treatment of a
1059 crime victim who does not have medical insurance or who has
1060 exhausted coverage under applicable health insurance policies or
1061 Medicaid shall be ordered; (2) loss of earning power as a result of total
1062 or partial incapacity of such victim; (3) pecuniary loss to the spouse or
1063 dependents of the deceased victim, [including zero to one per cent
1064 loans of up to one hundred thousand dollars, with repayment
1065 beginning five years from the date the loan was awarded,] provided
1066 the family qualifies for compensation as a result of murder or
1067 manslaughter of the victim; (4) pecuniary loss to the relatives or
1068 dependents of a deceased victim for attendance at court proceedings
1069 with respect to the criminal case of the person or persons charged with

1070 committing the crime that resulted in the death of the victim; and (5)
1071 any other loss, except as set forth in section 54-211, resulting from the
1072 personal injury or death of the victim which the Office of Victim
1073 Services or a victim compensation commissioner, as the case may be,
1074 determines to be reasonable. At the discretion of said office or victim
1075 compensation commissioner, there shall be one hundred dollars
1076 deductible from the total amount determined by said office or victim
1077 compensation commissioner. [Loan funds awarded under subdivision
1078 (3) of this subsection shall be used to pay for essential living expenses,
1079 directly resulting from the loss of income provided by the deceased
1080 victim, or preexisting financial obligations that are not otherwise
1081 forgiven or excused. The Office of the Chief Court Administrator shall
1082 establish procedures and forms for the application and repayment of
1083 such loans.]

1084 Sec. 37. Section 54-217 of the general statutes is repealed and the
1085 following is substituted in lieu thereof (*Effective October 1, 2010*):

1086 Notwithstanding the provisions of sections 54-204 and 54-205, if it
1087 appears to the Office of Victim Services, prior to taking action upon a
1088 claim and based upon a review of all information then available to the
1089 Office of Victim Services, that such claim is one with respect to which
1090 an award probably will be made and undue hardship will result to the
1091 claimant if [immediate payment is not made] payment is not
1092 expedited, the Office of Victim Services may make an emergency
1093 award to the claimant pending a final determination on the claimant's
1094 application, provided (1) the amount of such emergency award shall
1095 not exceed two thousand dollars, (2) the amount of such emergency
1096 award shall be deducted from any final award made to the claimant,
1097 and (3) the excess of the amount of such emergency award over the
1098 final award, or the full amount of the emergency award if no final
1099 award is made, shall be repaid by the claimant to the Office of Victim
1100 Services.

1101 Sec. 38. Subsection (c) of section 46b-129 of the 2010 supplement to
1102 the general statutes is repealed and the following is substituted in lieu

1103 thereof (*Effective October 1, 2010*):

1104 (c) The preliminary hearing on the order of temporary custody or
1105 order to appear or the first hearing on a petition filed pursuant to
1106 subsection (a) of this section shall be held in order for the court to: (1)
1107 Advise the parent or guardian of the allegations contained in all
1108 petitions and applications that are the subject of the hearing and the
1109 parent's or guardian's right to counsel pursuant to subsection (b) of
1110 section 46b-135; (2) assure that an attorney, and where appropriate, a
1111 separate guardian ad litem has been appointed to represent the child
1112 or youth in accordance with subsection (b) of section 46b-123e and
1113 sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to
1114 represent the respondent when the respondent is unable to afford
1115 representation, in accordance with subsection (b) of section 46b-123e;
1116 (4) advise the parent or guardian of the right to a hearing on the
1117 petitions and applications, to be held not later than ten days after the
1118 date of the preliminary hearing if the hearing is pursuant to an order of
1119 temporary custody or an order to show cause; (5) accept a plea
1120 regarding the truth of such allegations; (6) make any interim orders,
1121 including visitation, that the court determines are in the best interests
1122 of the child or youth. The court, after a hearing pursuant to this
1123 subsection, shall order specific steps the commissioner and the parent
1124 or guardian shall take for the parent or guardian to regain or to retain
1125 custody of the child or youth; (7) take steps to determine the identity of
1126 the father of the child or youth, including, if necessary, inquiring of the
1127 mother of the child or youth, under oath, as to the identity and address
1128 of any person who might be the father of the child or youth and
1129 ordering genetic testing, [if necessary,] and order service of the petition
1130 and notice of the hearing date, if any, to be made upon him; (8) if the
1131 person named as the father appears, and admits that he is the father,
1132 provide him and the mother with the notices that comply with section
1133 17b-27 and provide them with the opportunity to sign a paternity
1134 acknowledgment and affirmation on forms that comply with section
1135 17b-27. Such documents shall be executed and filed in accordance with
1136 chapter 815y and a copy delivered to the clerk of the superior court for
1137 juvenile matters; (9) in the event that the person named as a father

1138 appears and denies that he is the father of the child or youth, advise
1139 him that he may have no further standing in any proceeding
1140 concerning the child, and either order genetic testing to determine
1141 paternity or direct him to execute a written denial of paternity on a
1142 form promulgated by the Office of the Chief Court Administrator.
1143 Upon execution of such a form by the putative father, the court may
1144 remove him from the case and afford him no further standing in the
1145 case or in any subsequent proceeding regarding the child or youth
1146 until such time as paternity is established by formal acknowledgment
1147 or adjudication in a court of competent jurisdiction; (10) identify any
1148 person or persons related to the child or youth by blood or marriage
1149 residing in this state who might serve as licensed foster parents or
1150 temporary custodians and order the Commissioner of Children and
1151 Families to investigate and determine, not later than thirty days after
1152 the preliminary hearing, the appropriateness of placement of the child
1153 or youth with such relative or relatives; and (11) in accordance with
1154 the provisions of the Interstate Compact on the Placement of Children
1155 pursuant to section 17a-175, identify any person or persons related to
1156 the child or youth by blood or marriage residing out of state who
1157 might serve as licensed foster parents or temporary custodians, and
1158 order the Commissioner of Children and Families to investigate and
1159 determine, within a reasonable time, the appropriateness of placement
1160 of the child or youth with such relative or relatives.

1161 Sec. 39. Subsection (d) of section 46b-137 of the 2010 supplement to
1162 the general statutes is repealed and the following is substituted in lieu
1163 thereof (*Effective October 1, 2010*):

1164 (d) Any confession, admission or statement, written or oral, made
1165 by the parent or parents or guardian of the child or youth after the
1166 filing of a petition alleging such child or youth to be neglected,
1167 uncared-for or dependent, shall be inadmissible in any proceeding
1168 held upon such petition against the person making such admission or
1169 statement unless such person shall have been advised of the person's
1170 right to retain counsel, and that if the person is unable to afford
1171 counsel, counsel will be appointed to represent the person, that the

1172 person has a right to refuse to make any statement and that any
1173 statements the person makes may be introduced in evidence against
1174 the person, except that any statement made by the mother of any child
1175 or youth, upon inquiry by the court and under oath if necessary, as to
1176 the identity of any person who might be the father of the child or
1177 youth shall not be inadmissible if the mother was not so advised.

1178 Sec. 40. Subsection (d) of section 46b-137 of the 2010 supplement to
1179 the general statutes, as amended by section 87 of public act 09-7 of the
1180 September special session, is repealed and the following is substituted
1181 in lieu thereof (*Effective July 1, 2012*):

1182 (d) Any confession, admission or statement, written or oral, made
1183 by the parent or parents or guardian of the child or youth after the
1184 filing of a petition alleging such child or youth to be neglected,
1185 uncared-for or dependent, shall be inadmissible in any proceeding
1186 held upon such petition against the person making such admission or
1187 statement unless such person shall have been advised of the person's
1188 right to retain counsel, and that if the person is unable to afford
1189 counsel, counsel will be appointed to represent the person, that the
1190 person has a right to refuse to make any statement and that any
1191 statements the person makes may be introduced in evidence against
1192 the person, except that any statement made by the mother of any child
1193 or youth, upon inquiry by the court and under oath if necessary, as to
1194 the identity of any person who might be the father of the child or
1195 youth shall not be inadmissible if the mother was not so advised.

1196 Sec. 41. Subsections (a) and (b) of section 54-102a of the general
1197 statutes are repealed and the following is substituted in lieu thereof
1198 (*Effective October 1, 2010*):

1199 (a) The court before which is pending any case involving a violation
1200 of any provision of sections 53a-65 to 53a-89, inclusive, may, before
1201 final disposition of such case, order the examination of the accused
1202 person or, in a delinquency proceeding, the accused child to determine
1203 whether or not [he] the accused person or child is suffering from any
1204 venereal disease, unless the court from which such case has been

1205 transferred has ordered the examination of the accused person or child
1206 for such purpose, in which event the court to which such transfer is
1207 taken may determine that a further examination is unnecessary.

1208 (b) Notwithstanding the provisions of section 19a-582, the court
1209 before which is pending any case involving a violation of section 53-21
1210 or any provision of sections 53a-65 to 53a-89, inclusive, that involved a
1211 sexual act, as defined in section 54-102b, may, before final disposition
1212 of such case, order the testing of the accused person or, in a
1213 delinquency proceeding, the accused child for the presence of the
1214 etiologic agent for Acquired Immune Deficiency Syndrome or Human
1215 Immunodeficiency Virus, unless the court from which such case has
1216 been transferred has ordered the testing of the accused person or child
1217 for such purpose, in which event the court to which such transfer is
1218 taken may determine that a further test is unnecessary. If the victim of
1219 the offense requests that the accused person or child be tested, the
1220 court may order the testing of the accused person or child in
1221 accordance with this subsection and the results of such test may be
1222 disclosed to the victim. The provisions of sections 19a-581 to 19a-585,
1223 inclusive, and section 19a-590, except any provision requiring the
1224 subject of an HIV-related test to provide informed consent prior to the
1225 performance of such test and any provision that would prohibit or
1226 limit the disclosure of the results of such test to the victim under this
1227 subsection, shall apply to a test ordered under this subsection and the
1228 disclosure of the results of such test.

1229 Sec. 42. Subsection (a) of section 54-102b of the general statutes is
1230 repealed and the following is substituted in lieu thereof (*Effective*
1231 *October 1, 2010*):

1232 (a) Notwithstanding any provision of the general statutes, except as
1233 provided in subsection (b) of this section, a court entering a judgment
1234 of conviction or [an adjudication of delinquency] conviction of a child
1235 as delinquent for a violation of section 53a-70, 53a-70a, 53a-70b or 53a-
1236 71 or a violation of section 53-21, 53a-72a, 53a-72b or 53a-73a involving
1237 a sexual act, shall, at the request of the victim of such crime, order that

1238 the offender be tested for the presence of the etiologic agent for
 1239 acquired immune deficiency syndrome or human immunodeficiency
 1240 virus and that the results be disclosed to the victim and the offender.
 1241 The test shall be performed by or at the direction of the Department of
 1242 Correction or, in the case of a child convicted as delinquent, at the
 1243 direction of the Court Support Services Division of the Judicial
 1244 Department or the Department of Children and Families, in
 1245 consultation with the Department of Public Health.

1246 Sec. 43. Sections 51-183e, 51-204, 51-206, 53a-39d and 54-221 of the
 1247 general statutes are repealed. (*Effective October 1, 2010*)

| | | |
|---|------------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2010</i> | 51-200 |
| Sec. 2 | <i>October 1, 2010</i> | 51-203 |
| Sec. 3 | <i>October 1, 2010</i> | 51-207 |
| Sec. 4 | <i>October 1, 2010</i> | 51-209 |
| Sec. 5 | <i>October 1, 2010</i> | 9-323 |
| Sec. 6 | <i>October 1, 2010</i> | 9-329a(a) |
| Sec. 7 | <i>October 1, 2010</i> | 51-50j |
| Sec. 8 | <i>October 1, 2010</i> | 51-1b |
| Sec. 9 | <i>October 1, 2010</i> | 51-5a |
| Sec. 10 | <i>from passage</i> | 17a-22h(a) |
| Sec. 11 | <i>from passage</i> | 17a-22j(b) |
| Sec. 12 | <i>October 1, 2010</i> | 17a-101 |
| Sec. 13 | <i>October 1, 2010</i> | 46b-38c(c) |
| Sec. 14 | <i>October 1, 2010</i> | 47a-69 |
| Sec. 15 | <i>October 1, 2010</i> | 51-217(a) |
| Sec. 16 | <i>October 1, 2010</i> | 52-186 |
| Sec. 17 | <i>October 1, 2010</i> | 52-259(f) |
| Sec. 18 | <i>October 1, 2010</i> | 52-259a(b) |
| Sec. 19 | <i>October 1, 2010</i> | 53a-29(g) |
| Sec. 20 | <i>October 1, 2010</i> | 53a-32(a) |
| Sec. 21 | <i>October 1, 2010</i> | 54-2a(e) |
| Sec. 22 | <i>October 1, 2010</i> | 54-56e(d) |
| Sec. 23 | <i>from passage</i> | 54-56j |
| Sec. 24 | <i>October 1, 2010</i> | 54-63d(c) |
| Sec. 25 | <i>October 1, 2010</i> | 54-64a(c) |

| | | |
|---------|------------------------|--------------------|
| Sec. 26 | <i>October 1, 2010</i> | 54-76j(b) |
| Sec. 27 | <i>July 1, 2010</i> | 54-108c |
| Sec. 28 | <i>October 1, 2010</i> | 54-142i |
| Sec. 29 | <i>October 1, 2010</i> | New section |
| Sec. 30 | <i>October 1, 2010</i> | 46b-122(a) |
| Sec. 31 | <i>October 1, 2010</i> | 46b-124(d) |
| Sec. 32 | <i>October 1, 2010</i> | 46b-138b |
| Sec. 33 | <i>October 1, 2010</i> | 54-76h(b) |
| Sec. 34 | <i>October 1, 2010</i> | 54-76l(b) |
| Sec. 35 | <i>October 1, 2010</i> | 54-215(a) |
| Sec. 36 | <i>October 1, 2010</i> | 54-210(a) |
| Sec. 37 | <i>October 1, 2010</i> | 54-217 |
| Sec. 38 | <i>October 1, 2010</i> | 46b-129(c) |
| Sec. 39 | <i>October 1, 2010</i> | 46b-137(d) |
| Sec. 40 | <i>July 1, 2012</i> | 46b-137(d) |
| Sec. 41 | <i>October 1, 2010</i> | 54-102a(a) and (b) |
| Sec. 42 | <i>October 1, 2010</i> | 54-102b(a) |
| Sec. 43 | <i>October 1, 2010</i> | Repealer section |

Statement of Legislative Commissioners:

Section 25 was added to make a conforming change.

JUD *Joint Favorable Subst.-LCO*

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

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 11 \$ | FY 12 \$ |
|---------------------|-------------------|-----------------|-----------------|
| Judicial Department | CICF - None | See Below | See Below |
| Judicial Department | GF - Revenue Loss | Less than 1,000 | Less than 1,000 |

Note: CICF=Criminal Injuries Compensation Fund; GF=General Fund

Municipal Impact: None

Explanation

Section 18 results in a revenue loss estimated to be less than \$1,000 annually by waiving the fee for certified copies of criminal records for employees of the U.S. Probation Office acting in the performance of their duties.

Section 34 allows the Office of Victim Services, within the Judicial Department, to spend funds recovered from perpetrators (approximately \$90,000 annually) during one fiscal year in subsequent fiscal years regardless of the level of appropriations made from the Criminal Injuries Compensation Fund (CICF). This change could alter the timing of payments to certain victims but would have no net impact on the CICF.

The bill's various other provisions have no fiscal impact.

The Out Years

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

OLR Bill Analysis**sHB 5539*****AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES.*****SUMMARY:**

This bill makes numerous changes in court operations and powers. It:

1. changes Supreme and Appellate Court procedure including scheduling and rehearing cases;
2. requires a certification be attached to certain election complaints showing that a copy of the complaint was given to the State Elections Enforcement Commission;
3. authorizes the chief justice and chief court administrator to take action when there is a disaster or emergency;
4. allows the (a) Social Services (DSS) and Children and Families (DCF) departments to include children, adolescents, and families served by the Judicial Branch's Court Support Services Division (CSSD) in the Behavioral Health Partnership and (b) chief court administrator to appoint someone to represent CSSD as a non-voting, ex-officio member of the Behavioral Health Partnership Oversight Council;
5. makes family relations counselors, family counselor trainees, and family services supervisors employed by the Judicial Branch mandated reporters of child abuse and neglect;
6. changes the name of "housing specialists" in landlord tenant matters to "housing mediators" (§ 14);

7. allows any licensed health care provider, instead of just licensed physicians, to send the jury administrator a letter stating that someone summoned for jury duty has a disability that prevents him or her from satisfactorily performing jury service;
8. makes a change to bond postings in civil actions;
9. requires a \$10 fee payable to the Superior Court clerk to issue a certificate that an attorney is in good standing (§ 17);
10. waives the fee for certified copies of criminal records for employees of the U.S. Probation Office acting in the performance of their duties (§ 18);
11. specifies when a probation progress report must be filed for someone serving more than one probation sentence;
12. allows probation officers to detain people with outstanding warrants, seize contraband, and act as ad hoc fugitive task force members;
13. broadens notification provisions when a probation officer believes a probationer has violated probation;
14. eliminates the pilot zero-tolerance drug supervision program which is for people who are sentenced to probation, released on bail, or probation violators (§§ 20, 22, 24-26, and 43);
15. directs the chief court administrator to develop policies and procedures for entering arrest warrants into the central computer system, expands the system to include other criminal process, and allows the Judicial Branch to make disclosable information available electronically to the public through the Internet according to the chief court administrator's guidelines;
16. allows CSSD to exclude certain information on outstanding warrants for probation violations from Internet posting;
17. conforms the law to practice by deleting references to victim

- advocates as appointed by the court, since they are Judicial Branch employees (§§ 30-34, 43);
18. allows the Criminal Injuries Compensation Fund to receive and spend money (a) recovered from responsible parties or (b) reimbursed by applicants;
 19. eliminates a specific option for the Office of Victim Services or a victim compensation commissioner to provide low-interest loans to certain victims;
 20. makes minor changes to the process for making emergency awards to victims;
 21. authorizes the court in certain hearings on temporary custody or a neglected, uncared for, or dependent child or youth to ask the mother under oath about the identity and address of anyone who might be the father and makes the mother's statement admissible in the proceeding;
 22. extends to certain children accused in a delinquency proceeding, the court's authority to order testing for venereal disease, AIDS, and HIV;
 23. eliminates a provision that someone presiding in an arbitration or civil proceeding has a casting vote (§ 43); and
 24. makes other minor and technical changes (§§ 7, 23).

EFFECTIVE DATE: October 1, 2010, except (1) the Behavioral Health Partnership provisions and a technical change (§ 23) are effective upon passage, (2) the provision allowing CSSD to exclude certain information on outstanding warrants from Internet posting is effective July 1, 2010, and (3) a change regarding admissibility of statements made by a mother under oath is effective July 1, 2012 (an identical provision in the bill takes effect October 1, 2010 and the July 1, 2012 change is a conforming change).

§§ 1-4 AND 43 — SUPREME AND APPELLATE COURT PROCEDURES**§§ 1 and 43 — Supreme Court Terms**

The bill eliminates requirements that the Connecticut Supreme Court's terms be held on the first Tuesday of each month except July, August, and September and a term continues until the court disposes of the business that was ready when the term began. The bill instead requires the Judicial Branch to post the specific dates of the court's terms on its website.

The bill eliminates provisions that (1) judicial marshals can adjourn a Supreme Court term or session any time no judge is present on written order of the chief justice or the senior associate justice in the chief justice's absence or inability to act and (2) a judge or judges who are present can order adjournment.

§ 2 — Assigning Supreme and Appellate Court Cases for Hearing

The law requires the Supreme Court chief clerk to assign cases for hearing under the direction of the chief justice or an associate justice she designates. The bill no longer requires this to (1) take place at the Supreme Court room in Hartford and (2) occur by the Thursday before a term begins with the day and hour set by court rule. Similarly, the bill no longer requires the assignment of Appellate Court cases at a day and hour set by court rule.

Under current law, counsel can make a personal appearance at the time set for assigning cases or communicate earlier with the clerk to present a stipulation or any reason why cases should not be assigned in the order they are on the docket ready to be heard. The bill instead allows counsel to request a change in the order in writing as provided by Supreme or Appellate Court rules.

Under court rules, assignment of cases for oral argument is ordinarily made in the order they become ready for argument. A request for a variation must be made by letter to the appellate clerk (the chief clerk for the Supreme and Appellate Courts), who must

receive it at least two working days before assignments are made (P.B. Rule 69-3).

§ 3 — Supreme Court Panels

Under current law, parties before the Supreme Court have a right to be heard by a full court consisting of (1) five associate justices or the chief justice and four associate justices or (2) on order of the chief justice, six associate justices or the chief justice and five or six associate justices. The bill renames this a “panel” rather than a “full court” and eliminates the second option. It eliminates a provision specifying that the chief justice, or the most senior associate justice acting in her place, can summon the chief court administrator, if she is also a Supreme Court associate judge, to constitute a full court subject to the administrator’s discharge of her duties.

Under court rules, (1) before a case is assigned for oral argument, the chief justice or chief judge can order a case be heard en banc on the motion of a party or on the court’s own motion; (2) after argument but before decision, the entire court can order a case be considered en banc with or without further oral argument and justices or judges who did not hear argument must have tapes or transcripts of it available before participating; and (3) after a decision, the entire court can order that reargument be heard en banc on a party’s or the court’s motion (P.B. Rule 70-7).

§§ 4 and 43 — Cases Where the Opinion is Evenly Split

Under current law, when a case is argued before an even number of judges and the court is evenly divided, the case must be reargued before a full panel. The bill instead provides that if the Supreme Court is evenly divided on a result, it must reconsider the case with an odd number of judges or, at its option, require oral argument. If the court does not require oral argument again, the bill requires a judge who did not hear the earlier oral argument or a member of a panel who was not present for it to have an electronic recording or transcript of it before he or she participates in the decision.

The bill eliminates a provision giving the chief justice or presiding judge of a court, when opinion is divided equally among the court's judges, including the chief justice or presiding judge, a casting vote unless otherwise provided by law.

Under court rules, an evenly divided court must reconsider the case with or without oral argument with an odd number of justices or judges (P.B. Rule 70-6).

§ 43 — Quorum

The bill eliminates provisions that (1) three Supreme Court judges are a quorum; (2) if more than two are disqualified, disabled, or decline to act in a matter before the court, the remaining judges may call enough Superior Court judges for a quorum to hear and decide the matter; (3) if all Supreme Court judges are disqualified, disabled, or decline to hear a pending action, it can be heard by three Superior Court judges designated by the Supreme Court chief justice or presiding judge.

§§ 5 AND 6 — ELECTIONS AND PRIMARY COMPLAINTS

By law, an elector or candidate alleging certain violations can file a complaint with a (1) Supreme Court judge regarding an election for U.S. president, Senate, or Congress or (2) Superior Court judge regarding any type of primary. The law requires the person to send a copy of the complaint by first-class mail or deliver a copy by hand to the State Elections Enforcement Commission. The bill requires a certification that a copy was sent or delivered to the commission to be attached to the complaint sent to the judge.

§§ 8 & 9 — HANDLING DISASTERS

The bill authorizes the Supreme Court chief justice and chief court administrator to take necessary action in the event of a major disaster; emergency; or civil preparedness, disaster, or public health emergency. They must ensure the continued and efficient operation of the state courts, the prompt disposition of cases, and the proper administration of judicial business. Permissible actions include:

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

§§ 10-11 — BEHAVIORAL HEALTH PARTNERSHIP

The law requires DSS and DCF to implement a Behavioral Health Partnership, which is an integrated behavioral health service system for HUSKY Part A and B members and children enrolled in DCF's voluntary services program. Current law allows DSS and DCF to include other children, adolescents, and families served by DCF. The bill allows DSS and DCF to include children, adolescents, and families served by CSSD.

It also allows the chief court administrator to appoint someone to represent CSSD as a non-voting, ex-officio member of the Behavioral Health Partnership Oversight Council, which advises DCF and DSS on the partnership.

By law, the partnership's charge is to increase access to quality behavioral health services by (1) expanding individualized, family-centered, community-based services and reducing unnecessary institutional and residential service use; (2) maximizing federal revenue and capturing and reinvesting any derived from reducing residential, and increasing community-based, services; (3) improving administrative oversight and efficiency; and (4) monitoring individual outcomes and overall and provider performance.

§§ 12 & 13 — FAMILY RELATIONS COUNSELORS AS MANDATED REPORTERS

The bill makes Judicial Branch family relations counselors and trainees and family services supervisors mandated reporters of child abuse and neglect. By law, mandated reporters must notify DCF when they reasonably believe a child has been the victim of abuse or neglect.

Other mandated reporters include licensed counselors, psychologists, and teachers.

The bill requires family relations counselors and trainees and family services supervisors to disclose information which would otherwise be confidential to fulfill their duties as mandated reporters.

§ 15 – DISABILITY EXEMPTION FROM JURY DUTY

The bill allows any licensed health care provider, instead of just licensed physicians, to send the jury administrator a letter stating that someone summoned cannot satisfactorily perform jury service due to a disability.

The bill does not define the term “licensed health care provider” but the law requires the following health care providers to be licensed: physicians and surgeons, osteopaths, chiropractors, natureopaths, podiatrists, athletic trainers, physical therapists, occupational therapists, alcohol and drug counselors, radiographers, radiologic technologists, midwives, nurses, dentists, dental hygienists, optometrists, opticians, respiratory care practitioners, perfusionists, pharmacists, psychologists, marital and family therapists, clinical social workers, professional counselors, veterinarians, massage therapists, acupuncturists, paramedics, and emergency medical technicians.

§ 16 — BOND FOR CIVIL ACTIONS

The bill authorizes the court to order a bond for prosecution of a civil action before trial on its own or on the motion of the defendant, instead of when it finds a bond is insufficient or the plaintiff has not given a bond and is unable to pay. As under current law, a sufficient bond is determined by considering taxable costs the plaintiff may be responsible for, other than expert witness fees or charges. The bill eliminates these provisions on appeal.

§ 19 — PROBATION PROGRESS REPORTS

For sentences imposed starting October 1, 2008, the law requires a probation officer to submit a progress report to the sentencing court at

least 60 days before the (1) two-year mark in the probation term of someone sentenced to more than two years of probation for a class C or D felony or an unclassified felony or (2) one-year mark in the probation term of someone sentenced to more than one year of probation for a class A or B misdemeanor. After receiving the report, the court must continue or terminate the person's probation.

The bill provides that if a person is serving more than one period of probation at the same time, the requirement to submit the report is tied to the longer probation period and all the person's probation cases are presented to the court at the same time.

§§ 20 & 29 — PROBATION OFFICER POWERS

The bill expands the authority of probation officers to:

1. detain for a reasonable time, until a police officer arrives, someone who (a) has one or more unexecuted state or federal arrest warrants against him or her or (b) is subject to the probation officer's arrest powers, when the officer reasonably believes the probationer has violated a condition of probation;
2. seize contraband discovered in the course of official duties, so long as the officer promptly processes the contraband following CSSD policies and procedures; and
3. act as a member of an ad hoc fugitive task force seeking out and arresting people who have unexecuted state or federal warrants against them.

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

The bill also gives officers authority to notify police that someone has violated a condition of probation and the police can arrest the probationer. Currently, this authority only extends to sex offenders who have failed to notify probation of an address change.

§§ 21 & 28 — DATA BASE FOR WARRANTS AND CRIMINAL PROCESS

The law (1) allows courts to enter arrest warrants into a central computer system, (2) considers entry in the system evidence of the warrant's issuance, and (3) authorizes any person named on the warrant to be arrested and given a copy of the warrant.

The bill directs the chief court administrator to develop policies and procedures for entering warrants into the system and expands the system to include other criminal process. It allows the Judicial Branch to make disclosable information from this system available to the public electronically through the Internet according to the chief court administrator's guidelines.

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

§ 27 — ARREST WARRANTS FOR PROBATION VIOLATORS

The law requires CSSD to post information on outstanding arrest warrants for probation violations on the Internet, including the person's name, address, and photo. The bill excludes information from Internet posting if (1) there is a reason to believe it would endanger the safety of the probationer or someone else or (2) the probationer is a youthful offender.

The law also requires CSSD to post quarterly reports by court of arrest warrants issued for violations of probation, including information on the probationer's name and address and the date of issuance. The bill requires a report on all, rather than just outstanding, warrants but allows the report to exclude the same information listed above.

§§ 35-37 — VICTIMS**§ 35 — *Criminal Injuries Compensation Fund***

By law, the Criminal Injuries Compensation Fund provides compensation and restitution to crime victims. Under current law, the

fund can spend only what is appropriated to it. The bill also allows the fund to receive and spend any (1) money recovered from responsible parties or (2) reimbursements received by the Office of Victim Services (OVS) from applicants (victims who receive compensation must reimburse the office for part of the award if they later recover damages from the responsible party).

§ 36 — *Low-Interest Loans Eliminated*

By law, the OVS or a victim compensation commissioner can pay compensation to the spouse or dependent of a deceased victim if the family qualifies for compensation due to murder or manslaughter of the victim. The bill eliminates a specific compensation option of providing loans of up to \$100,000 at up to 1% interest with repayment starting five years after awarding the loan for (1) essential living expenses directly resulting from the loss of income provided by the victim or (2) preexisting financial obligations that are not otherwise forgiven or excused.

§ 37 — *Emergency Awards to Victims*

The law allows the OVS to make an emergency award to a claimant before taking action on the claim and pending a final determination. The bill specifies that the decision to make an emergency award is based on reviewing all the information available to the office. It also specifies that payment is expedited rather than immediate.

By law, an emergency award can be up to \$2,000. The amount is deducted from the final award, and any amount that is above the amount of the final award must be repaid.

§§ 38-40 — IDENTIFYING FATHERS

By law, a court must do a number of things at a preliminary hearing on a temporary custody order or order to appear or the first hearing on a petition regarding a neglected, uncared for, or dependent child or youth. The court can take steps to determine the father's identity, including ordering genetic testing.

The bill authorizes the court to ask the mother under oath about the

identity and address of anyone who might be the father.

Generally, the law makes a parent’s statements after the filing of a petition inadmissible in any proceeding on the petition against the person unless he or she was advised (1) about the right to counsel and to refuse to make statements and (2) that statements may be used as evidence. The bill makes statements by a mother, when asked by the court under oath about the identity of a person who might be the father, admissible in the proceeding regardless of whether she was advised.

§§ 41-42 — VENEREAL DISEASE, AIDS, AND HIV TESTING

The law allows the court, before final disposition of a criminal case, to order the accused to submit to testing for (1) venereal disease if the case involves a sexual assault or prostitution crime and (2) AIDS or HIV if the case involves risk of injury to a minor or a sexual assault crime that involved a sexual act. The bill extends this authority to a child accused in a delinquency proceeding involving one of these crimes.

The law also requires the court to order AIDS or HIV testing at the victim’s request when a person is convicted or a child is convicted as a delinquent of certain sexual assault crimes or risk of injury to a minor involving a sexual act. Under current law, the test is performed by or at the direction of the Department of Correction in consultation with the Department of Public Health (DPH). The bill requires testing also at the direction of CSSD or DCF, in consultation with DPH, for a child convicted as a delinquent.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 44 Nay 0 (03/29/2010)