



General Assembly

January Session, 2011

Raised Bill No. 6646

LCO No. 5142

05142_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT MAKING MINOR, TECHNICAL AND CONFORMING CHANGES
TO CERTAIN STATUTES CONCERNING CRIMINAL AND CIVIL LAW
AND PROCEDURE.**

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

1 Section 1. Subdivision (2) of subsection (j) of section 10-145b of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2011*):

4 (2) When the Commissioner of Education is notified, pursuant to
5 section 10-149a or 17a-101i, that a person holding a certificate,
6 authorization or permit issued by the State Board of Education under
7 the provisions of sections 10-144o to 10-149, inclusive, has been
8 convicted of (A) a capital felony, pursuant to section 53a-54b, (B) arson
9 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B
10 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a
11 crime involving an act of child abuse or neglect as described in section
12 46b-120, or (F) a violation of section 53-21, 53-37a, [53a-49,] 53a-60b,
13 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-
14 103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278
15 or subsection (a) of section 21a-277, any certificate, permit or

16 authorization issued by the State Board of Education and held by such
17 person shall be deemed revoked and the commissioner shall notify
18 such person of such revocation, provided such person may request
19 reconsideration pursuant to regulations adopted by the State Board of
20 Education, in accordance with the provisions of chapter 54. As part of
21 such reconsideration process, the board shall make the initial
22 determination as to whether to uphold or overturn the revocation. The
23 commissioner shall make the final determination as to whether to
24 uphold or overturn the revocation.

25 Sec. 2. Section 10-145i of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective July 1, 2011*):

27 Notwithstanding the provisions of sections 10-144o to 10-146b,
28 inclusive, and 10-149, the State Board of Education shall not issue or
29 reissue any certificate, authorization or permit pursuant to said
30 sections if (1) the applicant for such certificate, authorization or permit
31 has been convicted of any of the following: (A) A capital felony, as
32 defined in section 53a-54b; (B) arson murder, as defined in section 53a-
33 54d; (C) any class A felony; (D) any class B felony except a violation of
34 section 53a-122, 53a-252 or 53a-291; (E) a crime involving an act of
35 child abuse or neglect as described in section 46b-120; or (F) a violation
36 of section 53-21, 53-37a, [53a-49,] 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-
37 72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-
38 196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of subsection
39 (a) of section 21a-277, and (2) the applicant completed serving the
40 sentence for such conviction within the five years immediately
41 preceding the date of the application.

42 Sec. 3. Subsection (a) of section 31-51rr of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective July*
44 *1, 2011*):

45 (a) Each political subdivision of the state shall grant any employee
46 of such political subdivision who is a party to a [civil union, as defined
47 in section 46b-38aa] marriage in which the other party is of the same

48 sex as such employee, and who has been employed for at least twelve
49 months by such employer and for at least one thousand two hundred
50 fifty hours of service with such employer during the previous twelve-
51 month period the same family and medical leave benefits under the
52 federal Family and Medical Leave Act, Public Law 103-3, and 29 CFR
53 825.112, as are provided to an employee who is a party to a marriage in
54 which the other party is of the opposite sex of such employee.

55 Sec. 4. Subsection (b) of section 51-164n of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective July*
57 *1, 2011*):

58 (b) Notwithstanding any provision of the general statutes, any
59 person who is alleged to have committed (1) a violation under the
60 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
61 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
62 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
63 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
64 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
65 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
66 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
67 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
68 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
69 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
70 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
71 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
72 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
73 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
74 14-153 or 14-163b, a first violation as specified in subsection (f) of
75 section 14-164i, section 14-219 as specified in subsection (e) of said
76 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
77 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
78 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
79 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
80 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section

81 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
82 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
83 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
84 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
85 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
86 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
87 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
88 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
89 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,
90 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-
91 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or
92 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-
93 159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,
94 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90,
95 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,
96 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,
97 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a)
98 of section 22a-250, subsection (e) of section 22a-256h, section 22a-381d,
99 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of
100 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-
101 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,
102 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,
103 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),
104 (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-
105 210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-
106 318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,
107 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,
108 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)
109 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b
110 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-
111 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-
112 54, section 46a-59, 46b-22, 46b-24, 46b-34, [46b-38dd, 46b-38gg, 46b-
113 38kk,] 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a,
114 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331,

115 53-344 or 53-450, or (2) a violation under the provisions of chapter 268,
116 or (3) a violation of any regulation adopted in accordance with the
117 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
118 ordinance, regulation or bylaw of any town, city or borough, except
119 violations of building codes and the health code, for which the penalty
120 exceeds ninety dollars but does not exceed two hundred fifty dollars,
121 unless such town, city or borough has established a payment and
122 hearing procedure for such violation pursuant to section 7-152c, shall
123 follow the procedures set forth in this section.

124 Sec. 5. Section 52-212a of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective July 1, 2011*):

126 Unless otherwise provided by law and except in such cases in which
127 the court has continuing jurisdiction, a civil judgment or decree
128 rendered in the Superior Court may not be opened or set aside unless a
129 motion to open or set aside is filed within four months following the
130 date on which it was rendered or passed. The continuing jurisdiction
131 conferred on the court in preadoptive proceedings pursuant to
132 subsection (o) of section 17a-112 does not confer continuing
133 jurisdiction on the court for purposes of [reopening] opening a
134 judgment terminating parental rights. The parties may waive the
135 provisions of this section or otherwise submit to the jurisdiction of the
136 court, provided the filing of an amended petition for termination of
137 parental rights does not constitute a waiver of the provisions of this
138 section or a submission to the jurisdiction of the court to [reopen] open
139 a judgment terminating parental rights.

140 Sec. 6. Section 53-39a of the general statutes is repealed and the
141 following is substituted in lieu thereof (*Effective July 1, 2011*):

142 Whenever, in any prosecution of an officer of the Division of State
143 Police within the Department of Public Safety, or a member of the
144 Office of State Capitol Police or any person appointed under section
145 29-18 as a special policeman for the State Capitol building and
146 grounds, the Legislative Office Building and parking garage and

147 related structures and facilities, and other areas under the supervision
148 and control of the Joint Committee on Legislative Management, or a
149 local police department for a crime allegedly committed by such officer
150 in the course of his duty as such, the charge is dismissed or the officer
151 found not guilty, such officer shall be indemnified by his employing
152 governmental unit for economic loss sustained by him as a result of
153 such prosecution, including the payment of reasonable attorney's fees
154 and costs incurred. [during the prosecution and the enforcement of
155 this section.] Such officer may bring an action in the Superior Court
156 against such employing governmental unit to enforce the provisions of
157 this section and, if such officer prevails, such officer shall be
158 indemnified by his employing governmental unit for reasonable
159 attorney's fees and costs incurred in bringing such action.

160 Sec. 7. Section 53a-137 of the general statutes is repealed and the
161 following is substituted in lieu thereof (*Effective July 1, 2011*):

162 The following definitions are applicable to this part:

163 (1) "Written instrument" means any instrument or article containing
164 written or printed matter or the equivalent thereof, used for the
165 purpose of reciting, embodying, conveying or recording information
166 or constituting a symbol or evidence of value, right, privilege or
167 identification, which is capable of being used to the advantage or
168 disadvantage of some person.

169 (2) "Complete written instrument" means a written instrument
170 which purports to be a genuine written instrument fully drawn with
171 respect to every essential feature thereof. An endorsement, attestation,
172 acknowledgment or other similar signature or statement is deemed
173 both a complete written instrument in itself and a part of the main
174 instrument in which it is contained or to which it attaches.

175 (3) "Incomplete written instrument" means a written instrument
176 which contains some matter by way of content or authentication but
177 which requires additional matter in order to render it a complete

178 written instrument.

179 (4) A person "falsely makes" a written instrument when [(A)] such
180 person makes or draws a complete written instrument in its entirety,
181 or an incomplete written instrument, which purports to be an
182 authentic creation of its ostensible maker or drawer, but which is not
183 such either because the ostensible maker or drawer is fictitious or
184 because, if real, the ostensible maker or drawer did not authorize the
185 making or drawing thereof. [, or (B) such person signs his or her own
186 name to a written instrument, thereby falsely and fraudulently
187 representing that he or she has authority to sign in such capacity.]

188 (5) A person "falsely completes" a written instrument when (A) such
189 person, by adding, inserting or changing matter, transforms an
190 incomplete written instrument into a complete written instrument,
191 without the authority of any person entitled to grant it, so that such
192 complete written instrument appears or purports to be in all respects
193 an authentic creation of or fully authorized by its ostensible maker or
194 drawer, or (B) such person signs his or her [own] name to a written
195 instrument [, thereby falsely and fraudulently representing that he or
196 she has authority] that states the capacity in which such person signs,
197 but such person is without authority of any person entitled to grant it
198 to sign in such capacity.

199 (6) A person "falsely alters" a written instrument when [(A)] such
200 person, without the authority of any person entitled to grant it,
201 changes a written instrument, whether it be in complete or incomplete
202 form, by means of erasure, obliteration, deletion, insertion of new
203 matter or transposition of matter or in any other manner, so that such
204 instrument in its thus altered form appears or purports to be in all
205 respects an authentic creation of or fully authorized by its ostensible
206 maker or drawer. [, or (B) such person signs his or her own name to a
207 written instrument, thereby falsely and fraudulently representing that
208 he or she has authority to sign in such capacity.]

209 (7) "Forged instrument" means a written instrument which has been

210 falsely made, completed or altered.

211 Sec. 8. Section 54-102l of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective July 1, 2011*):

213 A person whose DNA profile has been included in the data bank
214 pursuant to sections 54-102g to 54-102k, inclusive, may request
215 expungement on the grounds that the criminal conviction or the
216 finding of not guilty by reason of mental disease or defect on which the
217 authority for including the person's DNA profile was based has been
218 reversed and the case dismissed. The State Police Forensic Science
219 Laboratory shall purge all records and identifiable information in the
220 data bank pertaining to the person and destroy all samples from the
221 person upon receipt of (1) a written request for expungement pursuant
222 to this section, and (2) a certified copy of the court order reversing [and
223 dismissing] the conviction or the finding of not guilty by reason of
224 mental disease or defect and dismissing the case.

225 Sec. 9. Subsection (d) of section 54-300 of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective July*
227 *1, 2011*):

228 (d) The commission shall be composed of the following members or
229 their designees:

230 (1) Eight persons appointed one each by: (A) The Governor, (B) the
231 Chief Justice of the Supreme Court, (C) the president pro tempore of
232 the Senate, (D) the speaker of the House of Representatives, (E) the
233 majority leader of the Senate, (F) the majority leader of the House of
234 Representatives, (G) the minority leader of the Senate, and (H) the
235 minority leader of the House of Representatives, all of whom shall
236 serve for a term of four years;

237 (2) Two judges appointed by the Chief Justice of the Supreme Court,
238 one of whom shall serve for a term of one year and one of whom shall
239 serve for a term of three years;

240 (3) One representative of the Court Support Services Division of the
241 Judicial Branch appointed by the Chief Justice of the Supreme Court,
242 who shall serve for a term of two years;

243 (4) The Commissioner of Correction, who shall serve for a term
244 coterminous with his or her term of office;

245 (5) The Chief State's Attorney, who shall serve for a term
246 coterminous with his or her term of office;

247 (6) The Chief Public Defender, who shall serve for a term
248 coterminous with his or her term of office;

249 (7) One state's attorney appointed by the Chief State's Attorney,
250 who shall serve for a term of three years;

251 (8) One member of the criminal defense bar appointed by the
252 president of the Connecticut Criminal Defense Lawyers Association,
253 who shall serve for a term of three years;

254 (9) The Victim Advocate, who shall serve for a term coterminous
255 with his or her term of office;

256 (10) The chairperson of the Board of Pardons and Paroles, who shall
257 serve for a term coterminous with his or her term of office;

258 (11) The Commissioner of Public Safety, who shall serve for a term
259 coterminous with his or her term of office;

260 (12) A municipal police chief appointed by the president of the
261 Connecticut Police Chiefs Association, who shall serve for a term of
262 two years;

263 (13) The Commissioner of Mental Health and Addiction Services,
264 who shall serve for a term coterminous with his or her term of office;

265 (14) The undersecretary of the Criminal Justice Policy and Planning
266 Division within the Office of Policy and Management, who shall serve

267 for a term coterminous with his or her term of office; and

268 (15) An active or retired judge appointed by the Chief Justice of the
269 Supreme Court, who shall serve as chairperson of the commission and
270 serve for a term of four years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	10-145b(j)(2)
Sec. 2	<i>July 1, 2011</i>	10-145i
Sec. 3	<i>July 1, 2011</i>	31-51rr(a)
Sec. 4	<i>July 1, 2011</i>	51-164n(b)
Sec. 5	<i>July 1, 2011</i>	52-212a
Sec. 6	<i>July 1, 2011</i>	53-39a
Sec. 7	<i>July 1, 2011</i>	53a-137
Sec. 8	<i>July 1, 2011</i>	54-102l
Sec. 9	<i>July 1, 2011</i>	54-300(d)

Statement of Purpose:

To make minor, technical or conforming changes to certain statutes and recent public acts concerning criminal and civil law and procedure.

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