



General Assembly

Substitute Bill No. 6646

January Session, 2011

* _____HB06646JUD___041311_____*

**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2 general statutes is repealed and the following is substituted in lieu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 Section 10-145i of the general statutes is repealed and the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 45a-719 of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective July 1, 2011*):

126 The court may grant a motion to open or set aside a judgment
127 terminating parental rights pursuant to section 52-212 or 52-212a, as
128 amended by this act, or pursuant to common law or may grant a
129 petition for a new trial on the issue of the termination of parental
130 rights, provided the court shall consider the best interest of the child,
131 except that no such motion or petition may be granted if a final decree
132 of adoption has been issued prior to the filing of any such motion or
133 petition. Any person who has legal custody of the child or who has
134 physical custody of the child pursuant to an agreement, including an
135 agreement with the Department of Children and Families or a licensed
136 child-placing agency, may provide evidence to the court concerning
137 the best interest of the child at any hearing held on the motion to
138 [reopen] open or set aside a judgment terminating parental rights. For
139 the purpose of this section, "best interest of the child" shall include, but
140 not be limited to, a consideration of the age of the child, the nature of
141 the relationship of the child with the caretaker of the child, the length
142 of time the child has been in the custody of the caretaker, the nature of
143 the relationship of the child with the birth parent, the length of time
144 the child has been in the custody of the birth parent, any relationship
145 that may exist between the child and siblings or other children in the
146 caretaker's household, and the psychological and medical needs of the
147 child. The determination of the best interest of the child shall not be
148 based on a consideration of the socio-economic status of the birth
149 parent or the caretaker.

150 Sec. 6. Subsection (g) of section 46b-160 of the general statutes is
151 repealed and the following is substituted in lieu thereof (*Effective July*
152 *1, 2011*):

153 (g) The court or family support magistrate shall enter a default
154 judgment against a nonresident putative father if such putative father
155 (1) fails to answer or otherwise respond to the petition, or (2) fails to
156 appear for a scheduled genetic test without good cause, provided a
157 default judgment shall not be entered against a nonresident putative
158 father unless (A) there is evidence that the nonresident putative father
159 has received actual notice of the petition pursuant to subsection (c) of
160 this section, and (B) there is verification that the process served upon
161 the putative father included the answer form, notice to the defendant
162 and an application for appointment of counsel required by subsection
163 (e) of this section. Upon entry of a default judgment, a copy of the
164 judgment and a form for a motion to [reopen] open shall be served
165 upon the father in the same manner as provided in subsection (c) of
166 this section.

167 Sec. 7. Subsection (b) of section 46b-171 of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective July*
169 *1, 2011*):

170 (b) Whenever the Superior Court or family support magistrate
171 [reopens] opens a judgment of paternity entered pursuant to this
172 section in which a person was found to be the father of a child who is
173 or has been supported by the state and the court or family support
174 magistrate finds that the person adjudicated the father is not the father
175 of the child, the Department of Social Services shall refund to such
176 person any money paid to the state by such person during the period
177 such child was supported by the state.

178 Sec. 8. Section 52-212a of the general statutes is repealed and the
179 following is substituted in lieu thereof (*Effective July 1, 2011*):

180 Unless otherwise provided by law and except in such cases in which
181 the court has continuing jurisdiction, a civil judgment or decree
182 rendered in the Superior Court may not be opened or set aside unless a
183 motion to open or set aside is filed within four months following the
184 date on which it was rendered or passed. The continuing jurisdiction

185 conferred on the court in preadoptive proceedings pursuant to
186 subsection (o) of section 17a-112 does not confer continuing
187 jurisdiction on the court for purposes of [reopening] opening a
188 judgment terminating parental rights. The parties may waive the
189 provisions of this section or otherwise submit to the jurisdiction of the
190 court, provided the filing of an amended petition for termination of
191 parental rights does not constitute a waiver of the provisions of this
192 section or a submission to the jurisdiction of the court to [reopen] open
193 a judgment terminating parental rights.

194 Sec. 9. Section 54-95b of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective July 1, 2011*):

196 Any judgment rendered in the Superior Court in any case involving
197 prosecution for a motor vehicle violation or criminal offense adjudging
198 the defendant to pay a fine only, may be [reopened] opened, provided
199 a motion to [reopen] open is filed within four months succeeding the
200 date on which it was rendered.

201 Sec. 10. Section 53-39a of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective July 1, 2011*):

203 Whenever, in any prosecution of an officer of the Division of State
204 Police within the Department of Public Safety, or a member of the
205 Office of State Capitol Police or any person appointed under section
206 29-18 as a special policeman for the State Capitol building and
207 grounds, the Legislative Office Building and parking garage and
208 related structures and facilities, and other areas under the supervision
209 and control of the Joint Committee on Legislative Management, or a
210 local police department for a crime allegedly committed by such officer
211 in the course of his duty as such, the charge is dismissed or the officer
212 found not guilty, such officer shall be indemnified by his employing
213 governmental unit for economic loss sustained by him as a result of
214 such prosecution, including the payment of reasonable attorney's fees
215 and costs incurred. [during the prosecution and the enforcement of
216 this section.] Such officer may bring an action in the Superior Court

217 against such employing governmental unit to enforce the provisions of
218 this section and, if such officer prevails, such officer shall be
219 indemnified by his employing governmental unit for reasonable
220 attorney's fees and costs incurred in bringing such action.

221 Sec. 11. Section 53a-137 of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective July 1, 2011*):

223 The following definitions are applicable to this part:

224 (1) "Written instrument" means any instrument or article containing
225 written or printed matter or the equivalent thereof, used for the
226 purpose of reciting, embodying, conveying or recording information
227 or constituting a symbol or evidence of value, right, privilege or
228 identification, which is capable of being used to the advantage or
229 disadvantage of some person.

230 (2) "Complete written instrument" means a written instrument
231 which purports to be a genuine written instrument fully drawn with
232 respect to every essential feature thereof. An endorsement, attestation,
233 acknowledgment or other similar signature or statement is deemed
234 both a complete written instrument in itself and a part of the main
235 instrument in which it is contained or to which it attaches.

236 (3) "Incomplete written instrument" means a written instrument
237 which contains some matter by way of content or authentication but
238 which requires additional matter in order to render it a complete
239 written instrument.

240 (4) A person "falsely makes" a written instrument when [(A)] such
241 person makes or draws a complete written instrument in its entirety,
242 or an incomplete written instrument, which purports to be an
243 authentic creation of its ostensible maker or drawer, but which is not
244 such either because the ostensible maker or drawer is fictitious or
245 because, if real, the ostensible maker or drawer did not authorize the
246 making or drawing thereof, [, or (B) such person signs his or her own
247 name to a written instrument, thereby falsely and fraudulently

248 representing that he or she has authority to sign in such capacity.]

249 (5) A person "falsely completes" a written instrument when (A) such
250 person, by adding, inserting or changing matter, transforms an
251 incomplete written instrument into a complete written instrument,
252 without the authority of any person entitled to grant it, so that such
253 complete written instrument appears or purports to be in all respects
254 an authentic creation of or fully authorized by its ostensible maker or
255 drawer, or (B) such person signs his or her [own] name to a written
256 instrument [, thereby falsely and fraudulently representing that he or
257 she has authority] that states the capacity in which such person signs,
258 but such person is without authority of any person entitled to grant it
259 to sign in such capacity.

260 (6) A person "falsely alters" a written instrument when [(A)] such
261 person, without the authority of any person entitled to grant it,
262 changes a written instrument, whether it be in complete or incomplete
263 form, by means of erasure, obliteration, deletion, insertion of new
264 matter or transposition of matter or in any other manner, so that such
265 instrument in its thus altered form appears or purports to be in all
266 respects an authentic creation of or fully authorized by its ostensible
267 maker or drawer. [, or (B) such person signs his or her own name to a
268 written instrument, thereby falsely and fraudulently representing that
269 he or she has authority to sign in such capacity.]

270 (7) "Forged instrument" means a written instrument which has been
271 falsely made, completed or altered.

272 Sec. 12. Section 54-102l of the general statutes is repealed and the
273 following is substituted in lieu thereof (*Effective July 1, 2011*):

274 A person whose DNA profile has been included in the data bank
275 pursuant to sections 54-102g to 54-102k, inclusive, may request
276 expungement on the grounds that the criminal conviction or the
277 finding of not guilty by reason of mental disease or defect on which the
278 authority for including the person's DNA profile was based has been

279 reversed and the case dismissed. The State Police Forensic Science
280 Laboratory shall purge all records and identifiable information in the
281 data bank pertaining to the person and destroy all samples from the
282 person upon receipt of (1) a written request for expungement pursuant
283 to this section, and (2) a certified copy of the court order reversing [and
284 dismissing] the conviction or the finding of not guilty by reason of
285 mental disease or defect and dismissing the case.

286 Sec. 13. Subsection (d) of section 54-300 of the general statutes is
287 repealed and the following is substituted in lieu thereof (*Effective July*
288 *1, 2011*):

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

291 (1) Eight persons appointed one each by: (A) The Governor, (B) the
292 Chief Justice of the Supreme Court, (C) the president pro tempore of
293 the Senate, (D) the speaker of the House of Representatives, (E) the
294 majority leader of the Senate, (F) the majority leader of the House of
295 Representatives, (G) the minority leader of the Senate, and (H) the
296 minority leader of the House of Representatives, all of whom shall
297 serve for a term of four years;

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

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

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

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

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

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

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

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

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

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

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

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

326 (14) The undersecretary of the Criminal Justice Policy and Planning
327 Division within the Office of Policy and Management, who shall serve
328 for a term coterminous with his or her term of office; and

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	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>	45a-719
Sec. 6	<i>July 1, 2011</i>	46b-160(g)
Sec. 7	<i>July 1, 2011</i>	46b-171(b)
Sec. 8	<i>July 1, 2011</i>	52-212a
Sec. 9	<i>July 1, 2011</i>	54-95b
Sec. 10	<i>July 1, 2011</i>	53-39a
Sec. 11	<i>July 1, 2011</i>	53a-137
Sec. 12	<i>July 1, 2011</i>	54-102l
Sec. 13	<i>July 1, 2011</i>	54-300(d)

JUD *Joint Favorable Subst.*